STATE OF NEW YORK
ADIRONDACK PARK AGENCY

In the Matter of the Application of

UNCONVENTIONAL CONCEPTS, INC.
AND MICHAEL HOPMEIER

APA Project No. 2021-0276

APA HEARING STAFF SUMMARY OF THE RECORD

On October 8, 2026, Administrative Law Judge David Greenwood (ALJ Greenwood) provided APA hearing staff, the Applicant, and the intervening parties[1] a digital copy of the certified record for the above captioned proceeding. The certified record is organized into 12 folders and indexed accordingly below. The original document title is provided in red and briefly described in black. A chronological summary of the record follows the index.

APA hearing staff have also identified additional items which should be included in the record pursuant to Agency Regulation §580.14(g)(2). These items are listed in section 14 of the index and attached to this document.

1. Adjournments, Hearing Notice, and Scheduling Orders

1.1 APA Project Order 2021-0276_2025.11.14

Agency Hearing Order dated November 14, 2025

1.2 2025.11.14_Notice of Intent Hearing_P2021-0276

Notice of Intent to Proceed to Hearing dated November 14, 2025

1.3 2025-12-03_NoticeOfPublic Hearing

Notice of Public Hearing dated December 3, 2025

1.4 2025-12.12_RequestForAdjournment-signedALJGreenwood

Adjournment Order dated December 15, 2025 adjourning hearing to February 4, 2026

1.5 2026.1.21_RequestForAdjournmentSignedALJGreenwood

Adjournment Order dated January 21, 2026 adjourning hearing to February 25, 2026

[1] Adirondack Council, Adirondack Wild: Friends of the Forest Preserve, Sierra Club, Atlantic Chapter, and Protect the Adirondacks, collectively, the “intervening parties” or the “intervenors”

1.6 APA2021-0276SchedulingOrder1-23-2026

Scheduling Order dated January 23, 2026

1.7 Re_APA Project 2021-0276 Issues List – Letter Order

E-mail chain between parties and ALJ Greenwood:

1.7.1 E-mail from APA hearing staff to parties requesting sign on to the stipulation for a revised issues list following the February 4, 2026 pre-hearing conference

1.7.2 E-mail from ADK Wild indicating they need additional time to review the revised issues list

1.7.3 E-mail from APA hearing staff to ALJ Greenwood indicating intent to leave ALJ off the e-mail chain until parties can come to a consensus on the proposed stipulation

1.7.4 E-mail from the Applicant to ALJ Greenwood indicating that prompt finalization of the issues list is necessary for hearing preparation

1.7.5 E-mail from APA hearing staff to ALJ Greenwood stating that the parties have not been able to come to a consensus on the proposed stipulation to revise the hearing issues

1.7.6 E-mail from ALJ Greenwood indicating that the issues to be considered at the hearing remain as set forth in the Agency's November 14th Hearing Order; the e-mail also addressed the ALJ's delay in issuing pending orders due to Applicant's commencement of an Article 78 proceeding naming ALJ Greenwood as respondent

1.7.7 E-mail from Applicant requesting an adjournment to April 15, a 30-day extension of any deadlines in the January 23 scheduling order and a suspension of all pre-hearing conferences until March 25, 2026

1.7.8 E-mail from ALJ Greenwood acknowledging receipt of the request and waiting for input from other parties

1.7.9 E-mail from APA hearing staff indicating that the headquarters would not be available to host the public hearing on April 15 and proposed that the adjournment date be switched to April 22, 2026

1.7.10 E-mail from Applicant indicating that they have no objection to adjourning to April 22, 2026

1.8 Letter to ALJ Greenwood 2.10.26, 4896-5667-0862

Letter from Adirondack Council dated February 10, 2026 objecting to proposed adjournment

1.9 2026.2.11_AdjournmentOrder

Unsigned adjournment request submitted by APA hearing staff dated February 11, 2026

1.10 2026.2.11_AdjournmentOrderSignedALJGreenwood

Adjournment Order dated February 11, 2026 adjourning hearing to April 22, 2026

1.11 APA2021-0276FirstRevisedSchedulingOrder2-11-2026

First Revised Scheduling Order dated February 11, 2026

1.12 APA2021-0276SecondRevisedSchedulingOrder3-13-2026

Second Revised Scheduling Order dated March 13, 2026

1.13 APA2021-0276ThirdRevisedSchedulingOrder6-24-2026

Third Revised Scheduling Order dated June 24, 2026

1.14 2026.9.25_RequestForRecord

APA hearing staff request for a certified record and adjournment dated September 25, 2026

1.15 2026.9.25_RequestForRecordandAdjournto12-2-26EXECUTED

Adjournment Order dated September 28, 2026 adjourning hearing to December 2, 2026, unless otherwise ordered by the Agency Board

2. Petitions for Party Status

2.1 2025.12.19 Sierra Club, Atlantic Chapter Petition for Party Status

Sierra Club, Atlantic Chapter petition for party status dated December 19, 2025

2.2 Adirondack Council - Petition for Intervention Final 12 19 25

Adirondack Council petition for party status dated December 19, 2025

2.3 Protect Petition to Intervene 12.17.2025

Protect the Adirondacks! (Protect) petition for party status dated December 17, 2025

2.4 Petition to the APA^LJ Dec. 2025

Adirondack Wild: Friends of the Forest (ADK Wild) petition for party status dated December 17, 2025

2.5 By-Laws adopted on Sept. 30, 2025 – Word doc

ADK Wild By Laws

2.6 APA2021-0276ALJLetterRuling12-22-25 ALJ

ALJ Greenwood request for comments on the petitions for party status dated December 22, 2026

2.7 Letter to ALJ Greenwood 12.22.2025

Letter from Protect requesting opportunity to respond to any comments on the petitions **2.8 2025.12.23_ResponseLetter_PetitionsForIntervention**

APA hearing staff response to petitions for party status

2.9 Opposition_AdkWild_Petition

Applicant's opposition to ADK Wild petition for party status dated January 6, 2026.

3. <u>Notices of Appearance</u>

3.1 2025.12.16_APANoticeOfAppearanceForm

Notice of Appearance Form

3.2 2025.12.16_NOA_RequestLetter

APA hearing staff request for all parties submit Notice of Appearance Form and consent to electronic service dated December 16, 2025

3.3 2025.12.16_NOA_RequestLetter-SignedALJGreenwood

Order requiring parties to submit Notice of Appearance Form dated December 16, 2025

3.4 2025.12.17_NoticeOfAppearance_SignedGS – signed by Grace Sullivan on behalf of APA hearing staff

3.5 Adirondack Council – Notice of Appearance – signed by Paul Van Cott, Phil Gitlen, and Anna Seitelman on behalf of Adirondack Council

3.6 Amato Notice of Appearance – signed by Christopher Amato on behalf of Protect

3.7 Braymer Notice of Appearance – signed by Claudia Braymer on behalf of Protect

3.8 Ommen Notice of Appearance – signed by Todd Ommen on behalf of Sierra Club, Atlantic Chapter

3.9 David Ramirez Notice of Appearance – signed by David Ramirez on behalf of Sierra Club, Atlantic Chapter (withdrawn)

3.10 Notice of Appearance – Norfolk – singed by Matthew Norfolk on behalf Applicant

3.11 Notice of Appearance -- Kelly – signed by Shane Kelly on behalf Applicant (withdrawn)

3.12 Notice of Appearance, Dec. 19 2025 – unsigned form submitted by ADK Wild

3.13 Signed Gibson Notice of Appearance – signed by David Gibson on behalf of ADK Wild

4. Hearing Officer Qualification

4.1 ALJ Disqualification Challenge

ALJ Disqualification Challenge submitted by Applicant dated January 20, 2026

4.2 ALJ Disqualification Challenge (1)

Duplicate of 4.1

4.3 2026.1.21_HearingOfficerChallenge_ExecDirectorResponse

Letter from the Executive Director acknowledging receipt of challenge dated January 21, 2026

4.4 Letter to ED Rice 01.22.2026 Affidavit re Disqualification

Protect affidavit responding to ALJ Disqualification Challenge dated January 22, 2026

4.5 ORDER_580.8_2026.01.27

Order by the Executive Director denying the disqualification challenge dated January 27, 2026

5. Motions and Letter Requests

5.1 Ltr-Greenwood-ProceedingMgmt

Letter from Applicant alleging APA hearing staff mismanagement of proceedings and requesting establishment of central record dated January 14, 2026

5.2 Cover Letter and Scheduling Order 01.16.2026

Proposed scheduling order submitted by Protect on behalf of the intervening parties dated January 16, 2026

5.3 Letter to ALJ Greenwood 1.20.2026

Letter request for establishment of administrative docket submitted by Protect on behalf of intervening parties dated January 20, 2026

5.4 Letter to ALJ Greenwood, 4934-0931-2137

Letter from Adirondack Council on behalf of the intervening parties proposing a modified issues list dated January 20, 2026

5.5 Letter to ED Rice 01.20.2026

Letter from Protect to the Executive Director in response to Applicant's ALJ Disqualification Challenge dated January 20, 2026

5.6 Motion for disqualification

Motion to disqualify the law firm Norfolk Beier PLLC from representation of Applicant submitted by Adirondack Council dated January 20, 2026

5.7 Letter to Executive Director Rice, 4897-2962-4970

Letter from Adirondack Council to the Executive Director describing an alleged conflict arising from Norfolk Beier's employment of a former APA staff attorney dated January 21, 2026

5.8 Letter to ED Rice 01.22.2026 Affidavit re Disqualification

Protect affidavit responding to ALJ Disqualification Challenge submitted by Applicant dated January 22, 2026

5.9 2026.1.26_ProposedIssues_APAComments

APA hearing staff comments and revisions to Adirondack Council's proposed issues list dated January 1, 2026

5.10 Letter to Executive Director Rice 01.27.26, 4932-606634762

Letter from Adirondack Council to the Executive Director further describing the alleged conflict of interest arising from Norfolk Beier's employment of a former APA staff attorney dated January 24, 2026

5.11 Atty_Norfolk_Opp_Affirmation

Applicant's Affirmation in opposition to Motion to Disqualify dated February 3, 2026

5.12 Letter to ALJ Greenwood 02.03.2026

Offer of Proof from Protect in support of including the following issue in the proposed issues list: “whether the applicant has contractual or other legal arrangements with persons or other legal entities for testing howitzers on the proposed range and substantiation of national security concerns, if any, with respect to such proposed testing”

5.13 Letter to ALJ Greenwood 2.24.26, 4927-1140-6737

Motion by Adirondack Council to adopt revised issues list dated February 24, 2026

5.14 2026.03.02_ResponseLetter_MotionforOrderRevisingExistingHearingIssues

– APA hearing staff response in support of Adirondack Council’s motion for revised issues list dated March 2, 2026

5.15 Re: APA Project 2021-0276 – Motion

E-mail from Sierra Club, Atlantic Chapter in support of Adirondack Council’s motion for revised issues list dated March 2, 2026

5.16 Re: APA Project 2021-0276 – Motion ADKWildResponse

E-mail from ADK Wild in support of Adirondack Council’s motion for revised issues list dated March 5, 2026

5.17 Notice of Cross-Motion and Attorney Affirmation w exhibit

Applicant response in opposition to Adirondack Council’s motion for revised issues list and cross-motion to stay the public hearing dated March 4, 2026

5.18 Letter to ALJ Greenwood re Offer of Proof 03.06.2026Protect

Letter submitted by Protect in further support of February 3, 2026 Offer of Proof including e-mail from DEVCOM-AC stating that it has “re-evaluated it’s need for an artillery test firing range in upstate NY and determined that there is sufficient artillery test firing range capacity within DEVCOM-AC and OGAs to safely meet all current and future DEVCOM-AC artillery test firing requirements.”

5.19 Letter to ALJ Greenwood re Request for Modification 03.06.2026Protect

Letter from Protect on behalf of intervening parties requesting a modification of the First Revised Scheduling Order

5.20 Letter to ALJ Greenwood re Motion for Stay 03.10.2026PROTECT

Protect letter in opposition to Applicants’ request for an indefinite stay of the administrative proceedings dated March 10, 2026

5.21 2026.03.10 Stay LetterSierra

Sierra Club, Atlantic Chapter letter in opposition to Applicant's request for an indefinite stay of the administrative proceedings dated March 10, 2026

5.22 2026.03.11_APA_LetterToALJGreenwood

APA hearing staff letter in opposition to Applicant's request for an indefinite stay of the administrative proceedings dated March 11, 2026

5.23 Applicants' Reply – Stay and Scheduling Order motions 2026-03-11

Letter from Applicant in further support of Applicants' motion to stay the administrative proceedings and in opposition to the revised scheduling order dated March 11, 2026

5.24 Letter to ALJ Greenwood 3.11.26, 4936-9336-022AdkCouncil

Letter from Adirondack Council in opposition to Applicants' motion for an indefinite stay of the administrative proceedings and in further support of Adirondack Council's motion to revise to the hearing issues dated March 11, 2026

5.25 Applicants' Reply – Issues Motion 2026-03-12

Letter from Applicant in opposition to motion for a revised issues list dated March 12, 2026

5.26 Letter to ED Rice re Suspension of Permit Review and Hearing 07.21.2026

Letter from ADK Wild, Protect, and Sierra Club, Atlantic Chapter to the Executive Director requesting a suspension of the hearing proceedings until any enforcement actions at 87 Hale Hill Lane, Lewis, NY have been resolved dated July 21, 2026

5.27 2026.08.10 Letter from Sierra Club to ALJ Greenwood

Letter from Sierra Club, Atlantic Chapter submitted on behalf of the intervening parties in response to exclusion from July site visit dated August 10, 2026

5.28 Request_Ext._Evidence_Submission

Applicant's request for 21-day extension for submission of pre-filed testimony dated August 11, 2026

5.29 Re_P2021-0276 – UCI Ballistic Range Application

E-mail from ALJ Greenwood denying Applicant's request for a 21-day extension dated August 12, 2026

5.30 Re_Reply in Further Support of Intervenor's Joint Motion

E-mail chain:

5.30.1 E-mail from Protect on behalf of Intervenors providing Intervenors' reply affirmation in further support of the Intervenors' joint motion and in opposition to the Applicants' cross-motion dated September 3, 2026

5.30.2 E-mail from ALJ Greenwood acknowledging receipt of papers dated September 6, 2026

5.30.3 E-mail from the Applicant requesting oral argument on the Intervenors' motion to dismiss and Applicant's cross motion dated September 9, 2026

5.30.4 E-mail from ALJ Greenwood denying Applicant's request for oral argument dated September 10, 2026

5.31 Motion to Dismiss (subfolder)

5.31.1 Notice of Motion to Dismiss with Affirmation and all exhibits combined

Intervenors' motion to dismiss dated August 17, 2026

5.31.2 Applicants_Opp-and-X-Motion

Applicant's opposition and cross motion dated August 28, 2026

5.31.3 2026.08.28_APAHearingStaff_Response_To_MotionToDismiss

APA hearing staff response to motion to dismiss

5.31.4 Intervenors Reply FINAL

Intervenors' reply dated September 03, 2026

5.31.5 2026.09.04_APAHearingStaff_Response_To_Norfolk_CrossMotion

APA hearing staff response to cross motion

5.31.6 Ltr_J_Greenwood_Response_Sullivan

Letter from Applicant to ALJ Greenwood in response to replies from APA hearing staff and intervening parties dated September 11, 2026

6. Record Issues

6.1 2025.12.23_LetterToALJ_Re_Record

Letter from APA hearing staff to ALJ Greenwood in response to request for publicly available record made by Adirondack Council

7. Rulings and Orders

7.1 APA2021-0276RULINGONPARTYSTATUS1-12-2026

ALJ Ruling on party status issued January 12, 2026 in which all four petitions for intervention were granted and each of the following entities obtained party status: Adirondack Council, ADK Wild, Protect, and the Sierra Club, Atlantic Chapter

7.2 Appeal of Party Status Ruling (subfolder)

7.2.1 Appeal_AdkWild_Petition

Applicant's partial appeal of the ruling granting ADK Wild party status dated January 20, 2026

7.2.2 2026.1.23_LetterToALJ_Appeal_RulingOnPetitionForPartyStatus

Letter from APA hearing staff dated January 23, 2026 requesting any briefs in response to the appeal be submitted to the ALJ on or before January 29, 2026

7.2.3 APA2021-0276PartyStatusAppealProcOrder1-23-2026

Signed order requiring any responding briefs to be filed with the ALJ by January 29, 2026

7.3 2026.1.23_APAWebsiteStipulation-signedALJGreenwood

Agreement between APA hearing staff and parties for web posting procedures dated February 18, 2026

7.4 APA2021-0276RULINGONMOTIONDISQUALIFY2-20-2026

Ruling denying Adirondack Council's motion to disqualify the firm Norfolk Beier as attorney for the Applicant dated February 20, 2026

7.5 APA2021-0276RULINGSMOTIONSCHED3-13-26

Ruling on scheduling motions dated March 13, 2026 in which request for modification of the scheduling order was granted and request for indefinite stay was denied

7.6 APA2021-0276ISSUESRULING3-24-26

Ruling on issues list dated March 24, 2026 in which ALJ granted request for modification of the issues list

7.7 APA2021-0276RULINGONMTD9-14-2026

Ruling on motion to dismiss dated September 14, 2026 in which ALJ Greenwood referred P2021-0276 back to the Agency Board recommending dismissal of the proceedings and denial of project application

8. Appeal of Party Status Ruling

8.1 Appeal_AdkWild_Petition

Sponsor's appeal of the ruling granting ADK Wild party status (duplicate of 7.2.1)

8.2 Response to Unconventional Concepts^JInc. Opposition to Adk Wild party status

ADK Wild response to appeal

9. Discovery Demands and Responses

9.1 APA Hearing Staff (subfolder)

9.1.1 2026.04.08_APAHearingStaff_DiscoveryRequests

APA hearing staff discovery requests to Applicant dated April 8, 2026

9.1.2 2026.04.29_ApplicantsResponsetoAPADiscoveryRequests

Applicant's response to APA hearing staff's discovery requests dated April 29, 2026

9.1.3 P2021-0276_DiscoveryResponses_20260626

APA hearing Staff document disclosure provided to Applicant and Intervenors June 26, 2026

9.2 Applicants (subfolder)

9.2.1 Applicants Interrogatories

Applicant's interrogatories to intervening parties and APA hearing staff dated April 8, 2026

9.2.2 2026.04.29_APAHearingStaff_ResponseToApplicantInterogatories

APA hearing staff response to Applicant's interrogatories dated April 29, 2026

9.2.3 2026.04.29_ADKCouncilResponseToApplicantInterrogatories

Adirondack Council response to Applicant's interrogatories dated April 29, 2026

9.2.4 2026.04.29_ProtectResponseToApplicantInterrogatories

Protect response to Applicant's interrogatories dated April 29, 2026

9.2.5 2026.04.29_SierraClubResponseToApplicantInterrogatories

Sierra Club, Atlantic Chapter response to Applicant's interrogatories dated April 29, 2026

9.2.6 Response to Applicant Interrogatory, April 29, 2026

ADK Wild response to Applicant's interrogatories dated April 29, 2026

9.2.7 Applicants Document Demands

Applicant's discovery demands dated April 8, 2026

9.2.8 2026.04.29_APAHearingStaffResponseToApplicantDiscoveryDemands

APA hearing staff written response to Applicant's discovery demands dated April 29, 2026

9.2.9 Draft Response to Applicant Demand for Documents

ADK Wild draft response to Applicant's discovery demands dated April 29, 2026

9.2.10 2026.04.29_ADKWildResponseToApplicantDiscoveryDemands

ADK Wild response to Applicant's discovery demands dated April 29, 2026

9.2.11 2026.04.29_ADKCouncilResponseToApplicantDiscoveryDemands

Adirondack Council response to Applicant's discovery demands dated April 29, 2026

9.2.12 2026.04.29_ProtectResponseToApplicantDocumentDemands

Protect response to Applicant's discovery demands dated April 29, 2026

9.2.13 2026.04.29_SierraClubResponseToApplicantDiscoveryDemands

Sierra Club, Atlantic Chapter response to Applicant's discovery demands dated April 29, 2026

9.2.14 ADK Wild Comment Letter Request to Proceed to Public Hearing, Oct. 30 2025

ADK Wild comment letter provided in response to Applicant's discovery demands

9.2.15 Petition to the APA^LJ Dec. 2025

ADK Wild petition for party status provided in response to Applicant's discovery demands

9.3 Intervenors (subfolder)

9.3.1 Combined APA Hearing Staff Demands 4925-3331-2670 v.112026.04.29_

Intervenors' discovery demands to APA hearing staff

9.3.2 APAHearingStaff_ResponseToIntervenorsDiscoveryDemands APA hearing staff response to intervenors' discovery demands

9.3.3 Combined Applicants Demands 4903-3136-9374 v.7

Intervenors' discovery demands to Applicant

9.3.4 2026.04.29_ApplicantsResponsetoIntervenorsDiscoveryDemands

Applicant response to intervenors' discovery demands

10. Witness lists APA Staff Summary

10.1 2026.04.02_APA_HearingStaffStatement

High level summary of evidence APA hearing staff intended to present at hearing dated April 02, 2026

10.2 2026.04.02_WitnessListAPA

APA hearing staff witness list

10.3 Applicants Witness List

Applicant Witness List

10.4 Combined Witness List 4897-0826-2815 v.5

Intervenors' combined witness list

10.5 Supp_Witness_Disc

Applicant's supplemental witness list

11. Other Correspondence in Record

11.1 ALJRequestLetter_2021-0276_2025.11.18

Letter request from Executive Director to DEC Office of Hearings and Mediation Services requesting an Administrative Law Judge be assigned to oversee the proceedings dated November 18, 2025

11.2 P2021-0276_ALJAppointmentLetterDraft

Letter from Executive Director appointing ALJ Greenwood as hearing officer dated November 20, 2025

11.3 Recusal Request

Letter from Applicant to ALJ Greenwood requesting ALJ Greenwood voluntarily recuse himself from serving as hearing officer based on prior employment with Adirondack Council dated November 24, 2025

11.4 Request_Investigation_TobinSturgess

Letter from Applicant to Executive Director requesting Agency conduct investigation into public comments left on Adirondack Explorer Articles in connection with the proposed project; applicant alleged commenter was Agency staff member or proxy

11.5 Hearing Officer Recusal Response

Letter from Executive Director to Applicant acknowledging receipt of Applicant's letter requesting the voluntary recusal of ALJ Greenwood and considering the letter a challenge under section 580.8(b); the letter requested any additional materials in connection with the challenge be submitted by November 26, 2025

11.6 Ltr-Rice-Objection-Ltr 11-26-2025

Letter from Applicant to Executive Director stating that the November 24, 2025 recusal request to ALJ should be answered by ALJ Greenwood, not the Executive Director **11.7 LetterToExecDirRice12-1-2025**

Letter from ALJ Greenwood disclosing information relevant to the issue of bias or disqualification

11.8 HearingOfficerRecusalResponseLetter12.1

Letter from Executive Director to the Applicant and ALJ Greenwood upholding the designation of ALJ Greenwood as hearing officer

11.9 Ltr_Rice_Reserv_Challenge

Letter from Applicant to Executive Director arguing that ALJ Greenwood should voluntarily recuse himself and indicating that a formal challenge to the appointment may follow at a later date

11.10 2025-12-11 LTR to Norfolk

Letter from Executive Director responding to Applicant explaining that any challenge to the designation of the hearing officer should be brought in accordance with §580.8(b) of Agency regulations

11.11 Ltr-Rice-Objection-Challenge

Letter from Applicant responding to Executive Director's letter re-iterating intent to reserve formal challenge to designation of hearing officer under §580.8(b)

11.12 2025-12-11 LTR to Norfolk Investigation Request

Letter from former Agency Counsel in response to Applicant's November 25, 2025 complaint regarding comments on the Adirondack Explorer's Website

11.13 LTR-Rice-Request for Procedure

Letter from Applicant to Executive Director requesting a summary of hearing procedures pursuant to 9 NYCRR §580.2(e) dated December 11, 2025

11.14 Judicial Assignment Notice

Notice to ALJ Greenwood that the Article 78 proceeding brought by Applicant in which ALJ Greenwood is named a respondent has been assigned to Honorable Allison M. McGahay dated February 2, 2026

11.15 Re: Cannon Project in Lewis, NY

Public comment submitted to ALJ Greenwood

11.16 Ltr to Judge Greenwood_Ref-APA Project 2021-0276_Sciaretta_2026 Public comment letter submitted to ALJ Greenwood

11.17 2026.5.26_APAHearingStaff_SummaryOfOngoingIsuses

Letter from APA Hearing Staff summarizing intervenors allegations that APA hearing staff are not meeting their obligations under Agency Regulations §580.6(a) and APA hearing staff response

11.18 Letter to ALJ re APA Hearing Issues 20260611

Letter from Protect responding to APA's summary of ongoing issues outlining objections to the summary and to APA hearing staff's proposed scheduling order

11.19 Letter to ALJ Greenwood 6.12.26, 4936-8938-8723

Letter from Adirondack Council responding to APA hearing staff's summary of ongoing issues and request for discussion of the ongoing issues

11.20 Ltr_Visitation_Terms

Letter by Applicant to ALJ Greenwood outlining terms and conditions for a site visit dated July 7, 2026

11.21 Ltr_J_Greenwood_Response_Sullivan

Letter from Applicant to ALJ Greenwood in response to replies from APA hearing staff and intervening parties dated September 11, 2026 (duplicate of 5.31.6)

12. Summaries and Recordings of Video Conferences

12.1 APA P2021-0276 Pre-hearing Video Conference – 20260121 1800-1

Video Recording of January 21, 2026 Pre-Hearing Conference (open with media player)

12.2 APA P2021-0276 Pre-Hearing Video Conference – 20260121 18000-1 WebEx transcript of January 21, 2026 Pre-Hearing Conference (open with adobe) **12.3 APA 2021-0276SummaryJan212026ConferenceCall**

ALJ Summary of January 21, 2026 conference call in which parties discussed (1) conduct of hearing proceedings; (2) notice of appearance forms; (3) Applicant's ALJ Disqualification Challenge; (4) Applicant's request for adjournment and clarification of record availability; (5) Intervenors letter with proposed scheduling order; (6) ADK Council's motion to disqualify Norfolk Beier PLLC from representing Applicant; **13.** Applicant's request for a briefing schedule and to stay the proceedings; **14.** Applicant's partial appeal of ruling on party status petition; (9) Intervenors' joint letter requesting the Applicant be required to submit an updated comprehensive application and an administrative docket; (10) Intervenors proposed revision and additions to the issues list; (11) Need for site visit; (12) potential hearing dates; and (13) hearing venue

12.4 2021-0276ASumaryFeb42026IssuesConference

ALJ Summary of February 4, 2026 issues conference in which the parties discussed revising the issues list; APA hearing staff agreed to compile application materials into a single PDF to be posted on the hearing webpage and available for each party's reference

12.5 P2021-0276-Pre-hearing Issues Videoconference 20260204-1

Video Recording of February 4, 2026 Pre-Hearing conference (open with media player) **12.6 P2021-0276 - Third Revised Scheduling Order-20260615 1815-1.vtt**

WebEx transcript of June 15, 2026 pre-hearing video conference in which parties discussed scheduling a site visit and the third revised scheduling order

12.7 P2021-0276 - Third Revised Scheduling Order-20260615 1815-1.mp4

Recording of June 15, 2026 video conference

13. Certified Record (principal folder)

13.1 2026.5.7_Service List

13.2 APA2021-0276 Certification of Record 10-08-202612

14. Additions Pursuant to 580.14(g)(2)

14.1 Compiled Application Materials

The compiled application materials have been provided as a separate PDF with its own index

14.2 Major Project Public Notice – November 24, 2021

Public Notice of Receipt of Major Project Application

14.3 Major Project Public Notice – October 1, 2025

Public Notice of Completion

14.4 Affidavits of Notice

14.4.1 P2021-0276-AdjHearingNoticeMailingAffidavit

Affidavit for notice of mailing to individuals who received notice under §580.4(b)(3)

14.4.2 ADE-LONGAffidavit

Affidavit of newspaper posting in the Adirondack Daily Enterprise

14.4.3 PressRepublicanAffdavit-LONG

Affidavit of Newspaper posting in the Press Republican

14.4.4 SunCommunityNewsAffadavit

Affidavit of Newspaper posting in the Sun Community News

14.5 2026.04.29_RequestForAdjournment

Adjournment Order dated April 29, 2026 adjourning hearing to October 28, 2026 **14.6 2026.02.19-BoardResolutionPartyStatusAppeal**

Board Resolution Affirming ADK Wild's Party Status dated February 19, 2026

14.7 Public Comments

All public comments have been provided in a separate pdf.

14.8 APA 2021-0276 Project

Email from Applicant to Executive Director Rice dated January 20, 2026 with ALJ Disqualification motion attached and request to stay all proceedings, including January 21, 2026 pre-hearing conference, until the challenge is resolved

14.9 Re_ APA Project 2021-0276 Motion - Service by email only

Email from Applicant to ALJ Greenwood and the Executive Director dated January 20, 2026 requesting a stay of the administrative proceeding until Applicant's ALJ Disqualification Challenge and Adirondack Council's motion to disqualify Norfolk Beier have been resolved

14.10 Re: P2021-0276 - UCI Ballistic Range Application-20260819 1429-1

Recording of August 19, 2026 pre-hearing video conference in which parties discussed a briefing schedule for the intervenors' joint motion to dismiss

14.11 AugustWebExTranscript

Transcript of the August 19, 2026 pre-hearing video conference

Chronological Summary

November 2021

On November 19, 2021, the Agency received an application from Michael Hopmeier and Unconventional Concepts Inc. for a proposed howitzer testing range in the Town of Lewis, Essex County, NY. *See* item 14.2.

September 2025

On September 26, 2025, the Agency marked the application as complete. *See* item 14.3. A copy of the compiled application materials including all Notices of Incomplete Permit Application and responses have been provided as a separate PDF. *See* item 14.1.

November 2025

On November 14, 2025, the Agency Board ordered the project to proceed to a hearing under §580 of the Agency's regulations. *See* item 1.1.

On November 14, 2025, a notice of intent to proceed to hearing was sent to the Applicant. *See* item 1.2. The notice of intent provided the Applicant with the opportunity to submit a new or modified application within 15 days. Receipt of a new or modified application would have required the Agency Board to reconsider the decision to send the project to a public hearing. The Agency did not receive any new information from the Applicant during this 15 day period.

On November 18, 2025, the Agency's Executive Director sent a letter request to the DEC Office of Hearings and Mediation Services to request an administrative law judge be assigned to oversee the hearing proceedings. *See* item 11.1.

On November 20, 2025, the Agency's Executive Director appointed Administrative Law Judge David Greenwood (ALJ Greenwood) as the hearing officer. *See* item 11.2.

On November 24, 2025, the Applicant, by and through his attorney, sent a letter to ALJ Greenwood requesting his voluntary recusal. *See* item 11.3.

On November 25, 2025, the Applicant, by and through his attorney, sent a letter to the Agency's Executive Director asking the Agency to conduct an investigation as to whether a staff member or his/her proxy was engaged in posting comments on the Adirondack Explorer's coverage of the proposed project. *See* item 11.4.

On November 26, 2025, the Agency's Executive Director responded to the Applicant's letter request asking ALJ Greenwood to voluntarily recuse himself. *See* item 11.5. The Executive Director addressed both the Applicant and ALJ Greenwood in response and explained that the recusal request would be reviewed as a challenge under §580.8(b).

The Executive Director asked both recipients to submit any additional materials for her for consideration.

The Applicant sent a response letter the same day stating that any response to the Applicant's request for ALJ Greenwood's voluntary recusal should come from ALJ Greenwood, not the Executive Director. *See* item 11.6.

December 2025

On December 1, 2025, ALJ Greenwood sent a letter to the Executive Director addressing potential conflicts and issues of bias. The letter demonstrates ALJ Greenwood does not believe there is any basis for recusal. *See* item 11.7.

The same day, Executive Director sent a letter to the Attorney for the Applicant and ALJ Greenwood upholding the designation of ALJ Greenwood as hearing officer. *See* item 11.8.

On December 3, 2025, the Agency issued a Notice of Public Hearing to those entitled to notice under §580.4(b)(3) of Agency Regulations. *See* item 14.4.1. The Notice was also posted in the Adirondack Daily Enterprise (*see* item 14.4.2), the Press Republican (*see* item 14.4.3), and the Sun Community news (*see* item 14.4.4). The Notice provided that the hearing was scheduled for December 22, 2025 at 6:00 P.M.

On December 5, 2025, the Applicant sent the Executive Director a letter stating that ALJ Greenwood should voluntarily recuse himself. Attorney for Applicant also indicated that a formal challenge to the appointment of ALJ Greenwood may follow at a later date. *See* item 11.9.

On December 11, 2025, the Executive Director sent a response to the Applicant's December 5th letter stating that any challenge to the designation of the hearing officer should be brought in accordance with §580.8(b) of the Agency's regulations. *See* item 11.10.

The same day, Applicant responded to the Executive Director re-iterating their intent to reserve a formal challenge to the designation of the hearing officer under §580.8(b). This letter also asked the Agency to follow up on the November 25 request for an investigation into the public comments on the Adirondack Explorer website. *See* item 11.11.

Former Agency Counsel provided a letter response to the request for investigation the same day. The letter states the Agency was unable to identify any additional facts to substantiate the allegations and considered the request meritless. *See* item 11.12.

Also on December 11, 2025, the Applicant sent the Executive Director a request for a summary of the hearing procedures pursuant to Agency regulations §580.2(e). *See* item 11.13.

On December 12, 2025 APA hearing staff and the Applicant submitted a joint request for adjournment. ALJ Greenwood ordered the proceedings adjourned until February 4, 2026. *See* item 1.4.

On December 16, 2025, APA hearing staff submitted a request to ALJ Greenwood asking that all parties submit a Notice of Appearance form and consent to electronic service. *See* items 3.1 and 3.2. ALJ Greenwood agreed to the request and signed the order the same day. *See* item 3.3. All authorized representatives eventually submitted a signed notice of appearance form. *See* items 3.4-3.12.

On December 17, 2025, ADK Wild submitted their petition for intervention. *See* item 2.4. ADK Wild submitted their by-laws on December 19, 2025. *See* item 2.5.

Also on December 17, 2025, Protect submitted their petition for intervention. *See* item 2.3

On December 19, the Sierra Club, Atlantic Chapter submitted their petition for intervention. *See* item 2.1.

Also on December 19, 2025, the Adirondack Council submitted their petition for intervention. *See* item 2.2.

On December 22, 2025, ALJ Greenwood requested any comments on the petitions for intervention be submitted by January 6, 2026. *See* item 2.6.

Protect responded the same day and asked that the intervening parties have an opportunity to respond to any comments received on the petitions. *See* item 2.7

On December 23, 2025, APA hearing staff responded to the petitions for intervention and indicated that they would not take a position as to whether the petitioners should be granted party status. *See* item 2.8.

January 2026

On January 6, 2026, Attorney for the Applicant responded in opposition to ADK Wild's petition for party status. *See* item 2.9.

On January 12, 2026, ALJ Greenwood granted all four petitioners party status. *See* item 7.1.

On January 14, 2026, Attorney for the Applicant sent a letter to ALJ Greenwood alleging APA hearing staff mismanagement of the proceedings and requesting establishment of a centralized record. *See* item 5.1.

On January 16, 2026, Protect submitted a proposed scheduling order on behalf of the intervening parties. *See* item 5.2.

On January 20, 2026, Protect submitted a letter on behalf of intervening parties to ALJ Greenwood in support of Applicant's request for a centralized administrative docket. The letter also included a request for Applicant to resubmit a single, updated project application incorporating any modifications or revisions to the application since its receipt. *See* item 5.3.

Also on January 20, 2026, Adirondack Council submitted a letter on behalf of the intervening parties proposing a modified issues list. *See* item 5.4.

The same day, Applicant submitted a challenge to the Executive Director's designation of ALJ Greenwood as hearing officer. The Applicant also requested a stay of the proceedings, including the January 21, 2026 pre-hearing conference, until resolution of the challenge. *See* item 4.1 and 14.8-14.9.

In response, also on January 20, 2026, Protect submitted a letter to the Executive Director arguing both requests should be denied. *See* item 5.5.

The same day, Adirondack Council submitted a motion to disqualify Norfolk Beier PLLC from representation of Applicant based on an alleged conflict of interest arising from Norfolk Beier's employment of a former APA staff attorney. *See* item 5.6

Also, on January 20, 2026, Applicant submitted an appeal of ALJ Greenwood's ruling on party status for ADK Wild. *See* item 7.2.1 or 8.1 (duplicate).

On January 21, 2026, Adirondack Council submitted a letter to the Executive Director describing the alleged conflict arising from Norfolk Beier's employment of a former APA staff attorney. *See* item 5.7.

The same day, the Agency's Executive Director acknowledged receipt of the challenge to the designation of ALJ Greenwood as hearing officer. The Executive Director asked parties to attempt to resolve any issues concerning the disqualification of ALJ Greenwood at the pre-hearing video conference scheduled to occur at 1:00P.M. that afternoon. *See* item 4.3.

In the afternoon of January 21, 2026, the ALJ, Applicant, APA hearing staff, and intervening parties convened for a pre-hearing conference via WebEx. *See* items 12.1-12.3. The parties were unable to resolve the issue of the Applicant's disqualification challenge. The parties were able to come to an agreement on an adjournment and the proposed scheduling order.

Following the video conference, APA hearing staff, the Applicant, and intervening parties submitted a joint request for adjournment to February 25, 2026. ALJ Greenwood granted this request. *See* item 1.5.

On January 22, 2026, Protect submitted an affidavit in opposition to the Applicant's ALJ Disqualification Challenge. *See* item 4.4 or 5.8 (duplicate).

On January 23, 2026, ALJ Greenwood issued the original Scheduling Order as agreed upon by the parties at the January 21, 2026 pre-hearing conference. *See* item 1.6.

Also, on January 23, 2026 APA hearing staff advised ALJ Greenwood that the appeal of the ruling granting ADK Wild party status would be reviewed by the Agency Board at the February monthly meeting. APA hearing staff requested, and ALJ ordered, the parties to provide any responses to the Appeal before January 29, 2026. *See* item 7.2.2 or 7.2.3 (signed). ADK Wild provided a response without a date following this request. *See* item 8.2.

On January 26, 2026, APA hearing staff provided the parties and the ALJ with comments and revisions to Adirondack Council's proposed issues list. *See* item 5.9.

On January 27, 2026, the Executive Director issued an order denying the ALJ Disqualification Challenge. *See* item 4.5.

Also on January 27, 2026, Adirondack Council wrote a letter to the Executive Director further articulating concerns regarding the alleged conflict arising from Norfolk Beier's employment of a former APA staff attorney. Adirondack Council requested the Agency obtain documentation that Norfolk Beier complied with Rule 1.11 of the NYS Rules of Professional Conduct and consider whether it is appropriate to waive this conflict. *See* item 5.10.

On January 30, 2026, attorney for the Applicant brought an Article 78 action seeking to vacate the Board's hearing order and to disqualify ALJ Greenwood. *See* item 1.7.6 and item 11.14.

February 2026

On February 3, 2026, Attorney for the Applicant responded in opposition to Adirondack Council's motion to disqualify. *See* item 5.11.

Also on February 3, 2026, Protect submitted an Offer of Proof in support of including proposed Issue #2 in the revised issues list which asked "whether the applicant has contractual or other legal arrangements with persons or other legal entities for testing howitzers on the proposed range and substantiation of national security concerns, if any, with respect to such proposed testing." *See* item 5.12.

On February 4, 2026, the ALJ, Applicant, APA hearing staff, and intervening parties convened for a pre-hearing conference via WebEx to discuss proposed modifications to the issues list. At the conclusion of the conference, APA hearing staff believed that the parties were in agreement as to the modifications to the issues list. *See* items 12.4-12.5.

Following the conference, the parties were unable to come to a consensus on the proposed revisions to the issues list as is reflected in subsequent e-mails amongst the parties. *See* item 1.7.

On February 9, 2026, the Applicant requested via e-mail that the hearing be adjourned until April 15, 2026 and that all deadlines in the scheduling order be extended 30 days. *See* item 1.7.7. APA hearing staff consented to this adjournment request but advised that the Agency would not be able to host a hearing on April 15, 2026 and modified the adjournment request to April 22, 2026. *See* item 1.7.9-1.7.10.

On February 10, 2026, Adirondack Council submitted a letter objecting to the adjournment request. *See* item 1.8.

On February 11, 2026, at the request of the applicant, consent of the APA hearing staff, and over objection of the intervening parties, ALJ Greenwood ordered the hearing to be adjourned until April 22, 2026. *See* item 1.9-1.10.

The same day, ALJ Greenwood issued the First Revised Scheduling Order. *See* item 1.11.

On February 18, 2026, ALJ Greenwood signed the Website hearing stipulation which outlines procedures for posting hearing materials to the Agency's webpage. *See* item 7.3.

On February 19, 2026, the Agency Board upheld ALJ Greenwood's ruling granting party status to ADK Wild. *See* item 14.6.

On February 20, 2026, ALJ Greenwood issued a ruling denying Adirondack Council's motion to disqualify the firm Norfolk Beier from representation of the Applicant. *See* item 7.4

On February 24, 2026, Adirondack Council submitted a motion to revise the issues list provided in the Board Order. *See* item 5.13.

March 2026

On March 2, 2026, APA hearing staff provided a response in support of the motion. *See* item 5.14. Sierra Club, Atlantic Chapter indicated their support for the motion via e-mail the same day. *See* item 5.15. ADK Wild indicated their support of the motion via e-mail on March 5, 2026. *See* item 5.16.

On March 4, 2026, attorney for the Applicant responded in opposition to Adirondack Council's motion and cross moved for an indefinite stay of the hearing pending the resolution of the Article 78 proceeding described above. Agency regulations require the hearing be adjourned to a time and date certain, so Applicant requested an adjournment to June 24, 2026, with opportunity for extension. *See* item 5.17.

On March 6, 2026 Protect submitted a letter in further support of their February 3, 2026 Offer of Proof including a letter from DEVCOM-AC stating that it "has re-evaluated it's need for an artillery test firing range in upstate NY and determined that there is sufficient artillery test firing range capacity within DEVCOM-AC and OGAs to safely meet all current and future DEVCOM-AC artillery test firing requirements." *See* item 5.18.

On March 6, 2026, Protect sent a letter on behalf of intervening parties requesting a modification of the revised scheduling order. *See* item 5.19.

On March 10, 2026, Protect sent a letter in opposition to Applicant's request for a stay of the administrative proceedings. *See* item 5.20.

Also on March 10, 2026, the Sierra Club, Atlantic Chapter sent a letter joining in the letter filed by Protect in opposition to Applicant's request for a stay of administrative proceedings. *See* item 5.21.

On March 11, 2026, APA hearing staff sent a letter consenting to the proposed modifications to the scheduling order submitted by protect, opposing Applicant's request for a stay, and responding to the ongoing discussion of the motion for a revised issues list submitted by Adirondack Council. *See* item 5.22.

Also on March 11, 2026, Applicant submitted a letter in further support of the motion to stay the proceedings and in opposition to the proposed modifications to the scheduling order submitted by Protect. *See* item 5.23.

Also, on March 11, 2026, Adirondack Council submitted a letter in opposition to Applicant's motion for an indefinite stay of the administrative proceedings and in response to Applicant's opposition to the motion for proposed revisions to the hearing issues. *See* item 5.24

On March 12, 2026, Applicant sent a reply in opposition to Adirondack Council's motion for a revised issues list. *See* item 5.25.

On March 13, 2026, ALJ Greenwood granted the request for modification of the scheduling order and adjournment to June 24, 2026, but denied the request for an indefinite stay. *See* item 7.5 and item 1.12.

On March 24, 2026, ALJ Greenwood granted Adirondack Council's request for modification of the issues list. *See* item 7.6.

April 2026

On April 8, 2026, APA hearing staff, the Applicant, and the intervening parties all exchanged discovery demands, interrogatories, and witness lists. *See* items 9.1-9.3 and items 10.2-10.5. APA hearing staff also provided its preliminary statement. *See* item 10.5. Parties exchanged responses to interrogatories and discovery demands on April 29,

2026. *See* items 9.1-9.3. APA hearing staff completed their discovery responses through disclosure of documents on June 26, 2026. *See* item 9.1.3.

On April 29, 2026, APA hearing staff submitted a request for adjournment to October 28, 2026. ALJ Greenwood ordered the hearing the following day. *See* item 14.5.

May 2026

On May 26, 2026, APA hearing staff submitted a letter to ALJ Greenwood summarizing intervenors allegations that APA hearing staff are not meeting their obligations under Agency Regulations 580.6(a) and APA hearing staff response. *See* item 11.17.

June 2026

On June 11, 2026, Protect submitted a responding letter outlining objections to the summary of the issues and in opposition to APA hearing staff's proposed scheduling order. *See* item 11.18.

On June 12, 2026, Adirondack Council submitted response letter further outlining their position and the issues raised to the APA hearing staff. *See* item 11.19.

On June 15, 2026, parties convened for a pre-hearing video conference via WebEx in which the parties discussed scheduling a site visit and the third revised scheduling order. *See* item 12.6-12.7.

On June 24, 2026, ALJ Greenwood issued the Third Revised Scheduling Order. *See* item 1.13.

July 2026

On July 7, 2026, Applicant submitted letter to ALJ Greenwood outlining the Applicant's terms for the site visit. *See* item 11.20.

APA hearing staff and intervening parties objected to certain proposed terms and requested accommodation from the Applicant. Applicant declined to modify the terms and subsequently refused the intervening parties the opportunity for a site visit. *See* item 5.27 (exhibits).

On July 15, 2026, APA hearing staff and a retained expert witness attended a site visit at 195 Hale Hill Lane. Applicant's representative and members of the Applicant's staff were also present for the site visit.

On July 21, 2026, ADK Wild, Protect, and the Sierra Club, Atlantic Chapter submitted a joint letter to the Executive Director requesting the proceedings be suspended until any and all enforcement actions at 87 Hale Hill Lane are resolved. *See* item 5.26.

August 2026

On August 10, 2026, the Sierra Club, Atlantic Chapter submitted a letter on behalf of all intervening parties summarizing their exclusion from the July site visit. *See* item 5.27.

On August 11, 2026 the Applicant submitted a letter request to ALJ Greenwood for a 21 day extension of the deadline for submission of pre-filed testimony. *See* item 5.28. Applicant's pre-filed testimony was due the following day as provided for in the Third Revised Scheduling Order. *See* item 1.13.

On August 12, 2026, ALJ Greenwood denied this request via e-mail and proposed pre-hearing conference to discuss a Fourth Revised Scheduling Order. *See* item 5.29.

On August 17, 2026, intervening parties submitted a combined motion to dismiss the proceedings. *See* item 5.31.1.

On Wednesday, August 19, 2026 the parties convened for a short video conference to discuss a briefing schedule for the motion to dismiss. *See* items 14.10 and 14.11.

On August 28, 2026, the Applicant opposed the motion and cross moved to have the intervenors excluded from participation in the pre-hearing process. *See* Item 5.31.2.

On August 28, 2026, APA hearing staff provided a response to the motion to dismiss advocating for some form of admonishment for Applicant's failure to comply with scheduling order. *See* Item 5.31.3.

September 2026

On September 3, 2026, Intervenors provided a reply to Applicant's response and cross motion in further support of their motion to dismiss. *See* item 5.31.4.

On September 4, 2026, APA hearing staff provided a response to the Applicant's cross motion. *See* item 5.31.5.

On September 9, 2026, Applicant submitted e-mail request for oral arguments on the pending motion to dismiss. He also noted this request was included in his cross motion. *See* item 5.30.3.

On September 10, 2026, ALJ Greenwood denied Applicant's request for oral argument. *See* item 5.30.4.

On September 11, 2026, the Applicant provided a letter responding to APA and intervenors' latest submissions. *See* item 5.31.6 and 11.21 (duplicate).

On September 14, 2026, ALJ Greenwood ruled on the motion to dismiss and referred the project back to the Agency Board for action. *See* item 7.7.

On September 25, 2026, Agency staff requested that the ALJ compile a certified record to share with the Board. Agency staff also requested that the hearing proceedings be adjourned until after Board review and action. *See* item 1.15.

October 2026

On October 8, 2026, ALJ Greenwood simultaneously provided APA hearing staff, the Applicant, and the intervening parties access to the certified record.

1. Adjournments, Hearing Notice and Scheduling Orders

NEW YORK STATE | Adirondack Park Agency P.O. Box 99, 1133 NYS Route 86 Ray Brook, New York 12977 Tel: (518) 891-4050 www.apa.ny.gov	**APA Project Order 2021-0276** Date Issued: 11/14/2025
In the matter of the application of **Unconventional Concepts, Inc.,** and **Michael Hopmeier** subject to section 809 of the Adirondack Park Agency Act and 9 NYCRR Parts 573 and 574	

INTRODUCTION

On November 19, 2021, the Adirondack Park Agency (Agency) received an application to undertake a Class B Regional Project, in the Town of Lewis, Essex County. The applicant 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").

The howitzer testing range utilizes two parcels both located on land classified as Rural Use in the official Adirondack Park Land Use and Development Plan Map: (1) Tax Map Number 38.1-1-29.00 (8± acres), located at 87 Hale Hill Lane, is owned by Diversified Upstate Enterprises, LLC (Lot 29), and will be used to store equipment associated with testing; and (2) Tax Map Number 38.1-1-31.000 (197± acres), located at 195 Hale Hill Lane, is owned by Pulsifer Logging LLC (Lot 31). The applicant will be granted access to Lot 31 to perform the testing. The applicant intends to use a logged area on Lot 31 that backs up to Big Church Mountain as the howitzer testing range. The proposed testing site is located approximately 300 feet from the closest point of Taylor Pond Wild Forest, 2.1 miles from the closest point of Jay Mountain Wilderness, 4.7 miles from the closest point of Hurricane Mountain Wilderness. There are 44 residences located within two miles of the howitzer testing range. The howitzer testing range is 3.2 miles from the hamlet of Lewis and within 1.5 miles of the surrounding Moderate Intensity Use residential area. The project site is also located 10.8 miles from Lake Champlain.

A portable 155mm howitzer barrel assembly is proposed to be placed on a 100-foot by 100-foot crushed gravel pad and test-fired on Lot 31. Each test would fire a steel projectile into a target area. No explosive warheads are proposed to be used. The howitzer assembly is proposed to be fired up to 30 times per year on weekdays,

between the hours of 10am and 4pm. The applicant proposes to place a kinetic energy-absorbing system (soft catch system) at the eastern side of the range to catch projectiles fired. The soft catch system would consist of an 8-foot by 8-foot by 40-foot long metal shipping container or similar filled container with sand and other material to stop the projectiles.

Additional proposed equipment includes a mobile power supply such as a generator on a trailer, portable instrumentation carriers, a trailer, a port-a-potty, and other mobile support equipment. In between test series, all trailers and equipment would be removed from Lot 31 and stored on Lot 29.

Between November 2021 and July 2025, Agency staff issued six Notices of Incomplete Permit Application. The applicant responded to the last notice on September 11, 2025 and Agency staff deemed the application complete on September 26, 2025, at which point Agency staff commenced their formal review. The matter comes to the Agency for a determination pursuant to 9 NYCRR 580.2 with respect to a project hearing. The Agency herein directs the matter to a formal project hearing pursuant to Adirondack Park Agency Act (APA Act) § 809.

FINDINGS

I. In addressing the applicable criteria in 9 NYCRR 580.2, the record before the Agency supports the following conclusions:

(1) "The size and/or complexity of the project, whether measured by cost, area, effect upon municipalities, or uniqueness of resources likely to be affected."

The proposed activity is unique – the Agency has not permitted a howitzer testing range facility, nor is it aware of any existing facility of this type in the Adirondack Park. The howitzer testing range has the potential to affect the natural, scenic, ecological, wildlife, recreational, and open space resources of the park, including but not limited to: potential discharges, residues, or other pollutants that may affect water, air and land resources; noise impacts produced by the howitzer testing range; unknown disruption to native and migrating wildlife and their habitats at or near the proposed project site considering species' sensitivities; and the impacts to adjoining and nearby land uses, including but not limited to effects on the residents of the Town of Lewis, impact to property values in the area, the community character and quality of life of the residents of the Town of Lewis, and health and safety impacts relating to the howitzer testing range, and the operation, storage and transport of military equipment outside of a designated military-controlled area.

(2) "The degree of public interest in the project, as evidenced by communication from the general public, governmental officials or private organizations."

a. The level of public interest in this project is evidenced by the receipt of over 1,400 comments, the level of media coverage, and the scope of issues raised. Of the over 1,400 comments received, 19 comments expressed support for the project; the remaining raised concerns. Approximately 15 of the 44 residences within two miles of the howitzer testing range submitted comments.

b. The comments were received from concerned individuals, including adjoining and nearby landowners, residents outside the Park, a regional media editorial board, and regional and local environmental advocacy organizations.

c. The topics addressed in the comments include the following:

i. The permit application contains inaccurate, misleading, or internally inconsistent information with the applicant's public statements and actions.

ii. Issues raised about the applicability, accuracy, reliability, and scientific value of the sound study provided by the applicant.

iii. Concerns about the potential impact of noise on human health and safety, wildlife, and compatibility with the commercial, recreational, and residential uses.

iv. Concerns about potential pollutants related to the proposed activity.

d. The project received significant media coverage following the Agency's public notice period from October 1, 2025 to October 30, 2025. Approximately 97% of all comments were received during this period.

e. The applicant held a public information meeting in the Town of Lewis on October 16, 2025. According to a North Country Public Radio article, approximately 75 members of the public attended the meeting, and raised concerns and objections to the project similar to the written comments received by the Agency.

(3) "The presence of significant issues relating to the criteria for approval of the project."

The proposed howitzer testing range requires more information to determine whether it can meet Agency approval criteria set forth in APA Act § 809(10)(a) and (b) concerning the land use and development plan and the compatibility of the project with the character and purposes of land classified as Rural Use and APA Act § 809(10)(e) concerning the development considerations in APA Act § 805(4) and 9 NYCRR 574.5; for example:

a. Is a howitzer testing range compatible with the Adirondack Park Land Use and Development Plan? [APA Act § 809(10)(a)]

b. Is the howitzer testing range compatible with the character description and purposes, policies and objectives of the Rural Use land area classification? [APA Act § 809(10)(b)] The APA Act describes the character in Rural Use Areas as being those areas where natural resource limitations and public considerations necessitate fairly stringent development constraints. The basic purpose and objective of Rural Use areas is to provide for and encourage those rural land uses that are consistent and compatible with the relatively low tolerance of the areas' natural resources and the preservation of the open spaces that are essential and basic to the unique character of the park. [APA Act § 805(3)(f)]

c. Will a howitzer testing range have an undue adverse impact upon the natural, scenic, ecological, wildlife, recreational or open space resources of the park,

considering the following development considerations described in APA Act § 805(4) and 9 NYCRR 574.5:

i. Whether there are impacts to water, land, and air resources [APA Act § 805(4)(a)(1) – (3)];

ii. Whether there are noise impacts [APA Act § 805(4)(a)(4)];

iii. Whether there are impacts to Critical Resource Areas and Wildlife. [APA Act § 805(4)(a)(5) – (6)]; and

iv. Whether there are impacts to adjoining and nearby land uses. [APA Act § 805(4)(c)(2)(a)]

Information currently available is insufficient to make a determination as to any of these approval criteria. A public hearing would help to develop these issues and may reveal additional issues relating to other approval criteria.

(4) "The possibility that the project can only be approved if major modifications are made or substantial conditions are imposed."

Based on the current information available, the Agency is unaware of any modifications or substantial conditions the Agency could impose that would address the potential impacts outlined above. However, more information could develop during a hearing that could support the approvability or deniability of the project, and/or reveal conditions that could be imposed.

(5) "The possibility that information presented at a public hearing would be of assistance to the agency in its review."

The howitzer testing range raises unique issues and has the potential to affect the natural, scenic, ecological, wildlife, recreational, and open space resources of the park, including but not limited to: potential discharges, residues, or other pollutants that may affect water, air and land resources; noise impacts produced by the howitzer testing range; unknown disruption to native and migrating wildlife and their habitats at or near the proposed project site considering species' sensitivities; and the impacts to adjoining and nearby land uses, including but not limited to effects on the residents of the Town of Lewis, impact to property values in the area, the community character and quality of life of the residents of the Town of Lewis, and health and safety impacts relating to the howitzer testing range, and the operation, storage and transport of military equipment outside of a designated military-controlled area.

A hearing would also help address and resolve concerns about inconsistent,

incorrect, or misleading information, including but not limited to concern about the applicability, accuracy, reliability, and scientific value of the sound study conducted by the applicant as it applies to a howitzer testing range.

A public hearing would facilitate the receipt of testimony to address these issues. This information would help the Agency make the findings and determinations it is required to make under the APA Act.

(6) "The extent of public involvement achieved by other means."

The Agency is not aware of other government approvals or public hearings required to review the howitzer testing range by which the public may participate in the consideration of the proposed activity. Accordingly, the hearing contemplated in this Order may be the only hearing at which the unique issues identified above may be publicly considered. A hearing will therefore provide a unique opportunity for interested individuals or organizations to be involved and express support or concerns related to the project.

The degree of public interest has also demonstrated the public's desire to be informed about the proposed project. Therefore, holding a hearing on this application will provide additional transparency that will be beneficial to the public.

II. 9 NYCRR 580.3 provides that "the Agency may determine to limit the issues to be considered at the hearing, in which case it will advise the project sponsor of its determination, and the notice of hearing will specify the issues to be considered."

III. Notwithstanding the above, 9 NYCRR 580.9 provides "the hearing officer may direct the parties to appear for a conference to simplify, define, limit or resolve issues. The hearing officer shall summarize for the record the action taken at the conference and any admissions, stipulations or agreements which were made by the parties."

IV. Pursuant to 9 NYCRR 580.14(b)(3), the hearing officer may also order a brief, informal presentation at the outset of the hearing to answer questions from members of the public who are not parties to the hearing.

V. The Agency is not requesting that the hearing officer make findings of fact or conclusions of law pursuant to 9 NYCRR 580.14(a)(5); the Agency reserves to itself the exclusive right to make its own findings of fact and conclusions of law as part of its final Agency determination and order pursuant to 9 NYCRR 580.18.

ORDER

THE AGENCY HEREBY ORDERS this matter to public hearing and, pursuant to 9 NYCRR 580.3, directs the following issues be considered at hearing:

Issue #1: Whether the proposed howitzer testing range is compatible with the Adirondack Park land use and development plan, including, but not limited to, whether the howitzer testing range is compatible with the purpose of insuring overall conservation, protection, preservation, development and use of the unique scenic, wildlife, recreational, open space, ecological, and natural resources of the Adirondack Park. [APA Act § 809(10)(a)]

Issue #2: Whether the proposed howitzer testing range is a compatible use within the Rural Use land area classification, and whether it is compatible with the character description and purposes, policies and objectives of the Rural Use land area classification, including but not limited to whether the proposed use should be considered a "commercial use;" and if not, whether the proposed howitzer testing range is a compatible use. [APA Act § 809(10)(b)]

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 park [APA Act § 809(10)(e)], considering the development considerations contained in APA Act § 805(4) and 9 NYCRR 574.5, including, but not limited to the following:

i. Whether the howitzer testing range involves any potential discharges, residues, or other pollutants that may affect water resources, land resources, or air resources. [APA Act § 805(4)(a)(1) – (3)]

ii. Whether the howitzer testing range would have an undue adverse impact to land resources within the park, such as soils, forest and open space resources, including the quality and availability of nearby lands for outdoor recreational purposes. [APA Act § 805(4)(a)(1) and (2)]

iii. Whether there is a reliable, comprehensive and accurate projection of the noise that will be produced by the howitzer testing range and whether such noise will have an undue adverse impact upon the Park's resources. [APA Act § 805(4)(a)(1)]

iv. Whether noise mitigation exists or whether they are practical to implement that would avoid undue impact to the Park's resources. [APA Act § 805(4)(a)(1)]

v. Whether the howitzer testing range will create undue ecological impacts or disruption to native or migrating wildlife and their habitats at or near the howitzer testing range, considering species' sensitivities. [APA Act § 805(4)(a)(5) and (6)]

vi. Whether the howitzer testing range could have health and safety impacts relating to the operation, storage, and transport of military equipment. [APA Act § 805(4)(c)(2)(a)]

vii. Whether the howitzer testing range could impact nearby Wilderness and Wild Forest areas. [APA Act § 805(4)(c)(2)(a)]

viii. Whether the howitzer testing range would have economic impact on adjoining and nearby land uses, such as property values. [APA Act § 805(4)(c)(2)(a)]

FURTHER ORDERED, the following are issues for which no testimony or evidence is necessary:

1. Conformance with the overall intensity guidelines.

   The project does not propose development that would exceed the overall intensity guidelines for a Rural Use land use area that allows a maximum of 75 principal buildings per square mile, pursuant to APA Act § 809(10)(c) and APA Act § 805(3)(f)(3).

2. Shoreline Restrictions.

   No shorelines have been identified on the proposed project site, pursuant to APA Act §§ 810(10)(d) and 806 and 9 NYCRR 575.

FURTHER ORDERED, the hearing officer shall have all the authority provided in 9 NYCRR 580.9, and the hearing notice shall direct potential parties to address the issues stated above in any petition for party status. The hearing officer may in their sole discretion simplify, define, limit, or resolve the scope of issues, or add an issue if not expressly excluded and for which a party makes an offer of proof to ensure that the record covers substantive and significant issues relating to the findings or determinations required of the Agency under APA Act § 805(4) and § 809(10). The determinations of the hearing officer on party status, issues and the conduct of the hearing shall be reported for the record prior to beginning the hearing as provided in 9 NYCRR 580.9.

FURTHER ORDERED, that the applicant be notified of the Agency's intent to hold a public hearing on the project before the Agency renders its decision to approve or disapprove the project, or to approve it subject to conditions.

FURTHER ORDERED, that the applicant be given, upon fifteen days' written notice by certified mail, an opportunity to submit a new application.

NOW, THEREFORE, upon all of the foregoing and under authority of the Agency's action, due deliberation having been had upon all of the foregoing, and upon a majority vote of Agency members on November 14, 2025, duly had and recorded**,**

ORDER issued this 14th day
of November 2025.

E N T E R

ADIRONDACK PARK AGENCY

BY: _____
Barbara Rice
Executive Director

NEW YORK STATE | Adirondack Park Agency

KATHY HOCHUL
Governor

BARBARA RICE
Executive Director

NOTICE OF AGENCY INTENT TO PROCEED TO PUBLIC HEARING

Project: P2021-0276

THIS DECISION IS MADE BY THE ADIRONDACK PARK AGENCY PURSUANT TO SECTION 809 0F THE ADIRONDACK PARK AGENCY ACT AND PART 573 and 574 OF AGENCY REGULATIONS. THIS DECISION DOES NOT CONSTITUTE AN APPROVAL OR A DISAPPROVAL OF THE PROJECT.

APPLICANT	AUTHORIZED REPRESENTATIVE
(by Certified Mail and E-Mail) Michael Hopmeier Unconventional Concepts, Inc. 620 Herndon Parkway, Suite 120A Herndon, VA 20170 hopmeier@unconventional-inc.com	(by Certified Mail and E-Mail) Matthew D. Norfolk, Esq. Norfolk Beier, PLLC 1936 Saranac Ave, Suite 106 Lake Placid, NY 12946 mnorfolk@norfolkbeier.com

The Adirondack Park Agency reviewed Project P2021-0276 at its regular monthly meeting on November 13, 2025 and November 14, 2025 and determined that the applicant be informed of its intention to hold a public hearing on the proposed project before the Agency renders its decision to approve or disapprove the project, or to approve it subject to conditions. A copy of the Order directing the proposed project to proceed to a public hearing is attached. The scope of the hearing is identified to the issues outlined in the attached Order.

Accordingly, pursuant to section 809(3)(e) of the Adirondack Park Agency Act and Part 580.2(d) of Agency regulations, the applicant is afforded fifteen calendar days from the date of this notification to submit a new application to the Agency, submit a modified application, or waive this right, if the applicant so desires. If by the fifteenth day, the applicant does not make any additional submissions, the Agency will notify the applicant by certified mail that a public hearing will be held, and this notice will specify the time and place of such hearing. In addition to such notice of hearing being mailed to the applicant, the Agency will publish notice of hearing and give individual notice to those persons listed in Section 580.4(b) of Agency regulations.

The applicant may submit a request for an extension of the fifteen-day period pursuant to section 809(6)(b) of the Adirondack Park Agency Act, and Part 580.20 of Agency regulations. This time period shall not be extended without written consent of the Agency.

Please be advised, pursuant to section 809(3)(e) of the Adirondack Park Agency Act, no portion of the project may be undertaken, including but not limited to commencement of any activities preparatory or incidental to the proposed land use or development, without the required Agency approval.

11/14/2025
Date

B Rice
Barbara Rice
Executive Director

NOTICE OF PUBLIC HEARING
Project No. 2021-0276

Notice is hereby given that, on December 22, 2025 at 6:00 P.M., the Adirondack Park Agency ("APA" or "Agency") will commence the public hearing on the application of Unconventional Concepts, Inc. and Michael Hopmeier ("Project Sponsors"), and Pulsifer Logging LLC and Diversified Upstate Enterprises, LLC ("Landowners") for an Agency permit for a weapons range for testing the internal ballistics of 155 mm howitzer cannon barrels over a 5-year period in the Town of Lewis, Essex County.

The public hearing will be held before Administrative Law Judge ("ALJ") David Greenwood. The location of the first hearing session on December 22, 2025 will be held in the APA Boardroom at its headquarters, located at 1133 NY-86 in Ray Brook, NY. The public may attend in person or attend virtually. A virtual livestream option will be available to the public at the following link: https://tinyurl.com/P2021-0276-Public-Hearing.

Please visit the Agency's website (https://apa.ny.gov/), or contact the Agency at (518) 891-4050, for the most up to date information on the hearing schedule as dates or times may change.

The ALJ will have all the authority provided for under applicable law, including the ability to schedule a pre-hearing conference to simplify, define, limit, or resolve the scope of issues, or add an issue if not expressly excluded and for which a party makes an offer of proof to ensure that the record covers substantive and significant issues relating to the findings or determinations required of the Agency under APA Act § 805(4) and § 809(10); to address petitions from persons seeking to become a party; to address discovery; and to schedule informational presentations, if any, for members of the public who are not parties. Determinations of the hearing officer on party status, issues and the conduct of the hearing shall be reported for the record.

Project Description

The proposed project will utilize two parcels both located on land classified as Rural Use in the official Adirondack Park Land Use and Development Plan Map: (1) Tax Map Number 38.1-1-29.00 (8± acres), located at 87 Hale Hill Lane, is owned by Diversified Upstate Enterprises, LLC (Lot 29), and will be used to store equipment associated with testing; and (2) Tax Map Number 38.1-1-31.000 (197± acres), located at 195 Hale Hill Lane, is owned by Pulsifer Logging LLC (Lot 31). Project Sponsors will be granted access to Lot 31 to perform the testing.

A portable 155mm howitzer barrel assembly is proposed to be placed on a 100-foot by 100-foot crushed gravel pad and test-fired on Lot 31. Each test would fire a steel projectile into a target area. No explosive warheads are proposed to be used. The howitzer assembly is proposed to be fired up to 30 times per year on weekdays, between the hours

of 10am and 4pm. Project Sponsors propose to place a kinetic energy-absorbing system (soft catch system) at the eastern side of the range to catch projectiles fired. The soft catch system would consist of an 8-foot by 8-foot by 40-foot long metal shipping container or similar filled container with sand and other material to stop the projectiles.

Additional proposed equipment includes a mobile power supply such as a generator on a trailer, portable instrumentation carriers, a trailer, a port-a-potty, and other mobile support equipment. In between test series, all trailers and equipment would be removed from Lot 31 and stored on Lot 29.

Agency Jurisdiction

The Agency has jurisdiction of the Project as a Class A or Class B regional project pursuant to § 809 of the Adirondack Park Agency Act because it involves either a proposed new "commercial use," or is a land use or development not included on either the primary or secondary use for the Rural Use land area classification.

Issues for Adjudication

The Agency in the November 14, 2025 Project Order identified the following issues for the adjudicatory public hearing:

Issue #1: Whether the proposed howitzer testing range is compatible with the Adirondack Park Land Use and Development Plan, including, but not limited to, whether the howitzer testing range is compatible with the purpose of insuring overall conservation, protection, preservation, development and use of the unique scenic, wildlife, recreational, open space, ecological, and natural resources of the Adirondack Park. [APA Act § 809(10)(a)]

Issue #2: Whether the proposed howitzer testing range is a compatible use within the Rural Use land area classification, and whether it is compatible with the character description and purposes, policies and objectives of the Rural Use land area classification, including but not limited to whether the proposed use should be considered a "commercial use;" and if not, whether the proposed howitzer testing range is a compatible use. [APA Act § 809(10)(b)]

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 park [APA Act § 809(10)(e)], considering the development considerations contained in APA Act § 805(4) and 9 NYCRR 574.5, including, but not limited to the following:

i. Whether the howitzer testing range involves any potential discharges, residues, or other pollutants that may affect water resources, land resources, or air resources. [APA Act § 805(4)(a)(1) – (3)]

ii. Whether the howitzer testing range would have an undue adverse impact to land resources within the park, such as soils, forest and open space resources, including the quality and availability of nearby lands for outdoor recreational purposes. [APA Act § 805(4)(a)(1) and (2)]

iii. Whether there is a reliable, comprehensive and accurate projection of the noise that will be produced by the howitzer testing range and whether such noise will have an undue adverse impact upon the Park's resources. [APA Act § 805(4)(a)(1)]

iv. Whether noise mitigation exists or whether they are practical to implement that would avoid undue impact to the Park's resources. [APA Act § 805(4)(a)(1)]

v. Whether the howitzer testing range will create undue ecological impacts or disruption to native or migrating wildlife and their habitats at or near the howitzer testing range, considering species' sensitivities. [APA Act § 805(4)(a)(5) and (6)]

vi. Whether the howitzer testing range could have health and safety impacts relating to the operation, storage, and transport of military equipment. [APA Act § 805(4)(c)(2)(a)]

vii. Whether the howitzer testing range could impact nearby Wilderness and Wild Forest areas. [APA Act § 805(4)(c)(2)(a)]

viii. Whether the howitzer testing range would have economic impact on adjoining and nearby land uses, such as property values. [APA Act § 805(4)(c)(2)(a)]

Issues to be Excluded

1. Conformance with the overall intensity guidelines.

The Project does not propose development that would exceed the overall intensity guidelines for a Rural Use land use area that allows a maximum of 75 principal buildings per square mile, pursuant to APA Act § 809(10)(c) and APA Act § 805(3)(f)(3).

2. Shoreline Restrictions.

No shorelines have been identified on the proposed project site, pursuant to APA Act §§ 810(10)(d) and 806 and 9 NYCRR 575.

Party Status

Parties of right to the hearing include: (1) landowners within 500 feet of any border of the property; (2) the Adirondack Park Local Government Review Board; (3) the County Planning Board Chair; (4) the County Clerk; (5) the chair of the appropriate regional planning board; (6) the Town Supervisor; (6) the clerk of any local government within 500 feet of the project site; and (7) any State agency. Although these parties need not formally petition to become a party, they should appear at any scheduled pre-hearing conference, and/or submit a statement in writing prior to the commencement of the hearing, that they formally wish to be named as a party. This statement should include a summary of the issues that concern them, what evidence such party proposes to submit, and information that demonstrates the authority of any individual to act and bind such party.

Any other person or organization seeking to become a party to the hearing in order to present evidence, cross-examine witnesses or otherwise participate in the issues conference and adjudicatory hearing must file a petition pursuant to § 580.7 of the Agency's regulations, and is requested to ensure it is received by Friday, December 19, 2025 at 12:00 P.M. Petitions seeking party status should include the information identified in § 580.7 of the Agency's regulations and must be sent to the following:

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
david.greenwood@dec.ny.gov

Grace Sullivan
Senior Attorney
Adirondack Park Agency
P.O. Box 99
1133 NYS Route 86
Ray Brook, NY 12977
grace.sullivan@apa.ny.gov

Matthew M. Norfolk
Norfolk Beier PLLC
The Outpost
55 Barn Road, Suite 201
Lake Placid, New York 12946
mnorfolk@norfolkbeier.com

Translation Services and Reasonable Accommodations

Requests for translation services, interpreter services and other requests for reasonable accommodations will be made available, at no charge, upon written request. All requests must be made to Keith McKeever at 518-891-4050 or by email to Keith.McKeever@apa.ny.gov, no later than 4:00 P.M. at least ten days prior to the hearing date.

Project File Availability

The project file is available on the Agency's website at the following link: https://apa.ny.gov/permitting/topic/permit-hearing.html. A copy of the project file may be requested by submitting a Freedom of Information Request by contacting the Agency at P.O. Box 99, Ray Brook, New York 12977, or by e-mail at FOIL@apa.ny.gov.

The file is also available for in-person public inspection and copying, by appointment, pursuant to Agency regulations implementing the Freedom of Information Law (9 NYCRR Part 587) during normal business hours, weekdays, except on State holidays or during weather or other emergencies (8:30 A.M. to 4:30 P.M.) at the Agency's offices. Also available are copies of Agency Regulation Part 580 (9 NYCRR Part 580) on "Hearing Procedures" and the plain language pamphlet: Adjudicatory Hearings Pursuant to Section 809 of the Adirondack Park Agency Act."

This notice is given pursuant to section 809(3)(e) of the Adirondack Park Agency Act, and 9 NYCRR 580.4 of Agency regulations.

ALJ Contact Information:

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
w: (518) 402-9003
david.greenwood@dec.ny.gov

Agency Contact Information:

Grace Sullivan
Senior Attorney
Adirondack Park Agency
P.O. Box 99
Ray Brook, NY 12977
518-891-4050
grace.sullivan@apa.ny.gov

Dated: December 3, 2025

NEW YORK STATE | Adirondack Park Agency

KATHY HOCHUL
Governor

BARBARA RICE
Executive Director

December 12, 2025

(By E-Mail: david.greenwood@dec.ny.gov)

Honorable David Greenwood
Administrative Law Judge
NYS Department of Environmental Conservation
Office of Hearing and Mediation Services
625 Broadway, First Floor
Albany, NY 12233-1550

Re: In the matter of the application of Unconventional Concepts, Inc. and Michael Hopmeier – P2021-0276

Dear Judge Greenwood,

The undersigned jointly request that the public hearing for the above-mentioned proceeding scheduled for December 22, 2025, be adjourned until February 4, 2026, at 10:00 A.M, in the APA Boardroom at its headquarters, located at 1133 NY-86 in Ray Brook, NY.

The undersigned counsel agree that an adjournment is necessary for the parties to meet and confer about procedural issues and to address discovery, which includes scheduling, in general, and exchanging witness and expert lists, providing opportunity for a public information session, and considering any other procedural matters that may be relevant to the hearing.

The parties do not propose to alter the deadline for petitions for party status. As stated in the Notice of Public Hearing published on the Agency's website on December 3, 2025, petitions for intervention are requested to be submitted, on notice to other parties, to Administrative Law Judge David Greenwood by December 19, 2025, at 12:00 P.M.

Respectfully Submitted,

Grace Sullivan
Attorney for the APA

Matthew D. Norfolk
Attorney for Project Sponsor

SO ORDERED:

ALJ Greenwood

DATED: 12/15/2025

NEW YORK STATE | Adirondack Park Agency

KATHY HOCHUL
Governor

BARBARA RICE
Executive Director

January 21, 2026

(By E-Mail: david.greenwood@dec.ny.gov)

Honorable David Greenwood
Administrative Law Judge
NYS Department of Environmental Conservation
Office of Hearing and Mediation Services
625 Broadway, First Floor
Albany, NY 12233-1550

Re: In the matter of the application of Unconventional Concepts, Inc. and Michael Hopmeier – P2021-0276

Dear Judge Greenwood,

The undersigned jointly request that the public hearing for the above-mentioned proceeding scheduled for February 4, 2026, be adjourned until February 25, 2026, at 10:00 A.M, in the APA Boardroom at its headquarters, located at 1133 NY-86 in Ray Brook, NY.

The undersigned counsel agree that it is necessary to adjourn the above mentioned proceeding until preliminary issues relating to alleged conflicts of interest are resolved.

Respectfully Submitted,

Grace Sullivan
APA Hearing Staff – Attorney

Matthew D. Norfolk
Attorney for Project Sponsor

Paul Van Cott
Attorney for Adirondack Council

David Gibson
Attorney for Adirondack Wild

Todd Ommen
Attorney for Sierra Club Atlantic Chapter

Christopher A. Amato
Attorney for Protect the Adirondacks!

SO ORDERED:

_____
ALJ Greenwood

DATED: 01/22/2026

In the Matter of the Application of

UNCONVENTIONAL CONCEPTS, Inc., and MICHAEL HOPMEIER

SCHEDULING ORDER

APA Project No. 2021-0276

The adjudicatory hearing in the above-captioned matter shall commence on **February 25, 2026**, at 10:00 A.M. at Adirondack Park Agency headquarters located at 1133 NYS Route 86, Ray Brook, New York 12977 and such additional dates as determined to be necessary.

I. Witness List and APA Staff Statement

All parties shall file and serve a list of the witnesses they intend to present on or before **March 18, 2026**. The list should be served on the hearing officer and the parties by email by 5:00 p.m. on that date. In addition, APA staff shall file and serve on or before 5:00 p.m. on **March 18, 2026**, a statement concerning the development considerations and other required findings it considers pertinent to the project and outline the evidence it intends to present, as required by 9 NYCRR 580.6(b).

II. Preliminary Discovery

Any preliminary interrogatories and requests for productions of documents shall be served on or before **March 18, 2026**. Copies of discovery requests shall be served on all parties and the hearing officer by 5:00 p.m. on that date.

Responses to discovery requests shall be served on all parties by 5:00 p.m. on **April 8, 2026**, unless otherwise mutually agreed between the parties or upon an Order of the hearing officer following a motion for extension of time to respond.

III. Pre-filed Direct Testimony

Pursuant to 9 NYCRR 580.14(f), the hearing officer may require the submission of pre-filed written testimony for witnesses. Unless otherwise ordered, all testimony shall be written and pre-filed in accordance with the schedule established in this Order, and service on the hearing officer and the parties shall be by email. Each witness offered as an expert must provide either a resume or curriculum vitae as an exhibit to the pre-filed direct testimony and must provide all information and data supporting the statements offered in the pre-filed direct testimony, as well as a bibliography of reports or other documents relied upon in the preparation

of the pre-filed direct testimony.

The pre-filed submissions will be limited to direct testimony with the associated exhibits. The pre-filed direct testimony will be prepared in question and answer format. Each line on every page will be numbered, and each page of the pre-filed testimony must be numbered. Errata will not be accepted after the filing date. During the hearing, the witnesses will have the opportunity to correct any typographical errors of their written pre-filed direct testimony before cross-examination. In the alternative, the witness may file an affidavit in advance of the hearing session describing any changes or corrections to the pre-filed direct testimony and associated exhibits.

Subsequent to the submission and service of pre-filed written testimony, but no later than ten (10) business days after service of such testimony, any party may serve upon the party making the submission interrogatories and requests for production of documents concerning the facts or data supporting any conclusion offered in the pre-filed testimony. Responses to interrogatories and document requests shall be provided no later than twenty (20) days after service of such interrogatories and document requests, unless otherwise mutually agreed between the parties or upon an Order of the hearing officer following a motion for extension of time to respond.

The applicant will file and serve pre-filed testimony of witnesses and related exhibits on or before 5:00 p.m. on **April 29, 2026**.

APA staff and the intervenors shall file and serve pre-filed direct testimony and related exhibits on or before 5:00 p.m. on **May 20, 2026**.

At the hearing, the sponsoring party will ask the witness to attest to the pre-filed testimony. The parties will have the opportunity to cross-examine each witness unless the parties stipulate otherwise. If a party intends to introduce any exhibits during cross-examination, copies of the exhibits must be provided to each party and the hearing officer at that time. The sponsoring party may ask its witness questions on re-direct, followed by recross-examination.

The hearing will continue, as needed, until each party has presented their direct case, and the other parties have exercised their right to cross-examine the witnesses.

Any requests to modify or amend this Scheduling Order must be filed in writing at least 10 calendar days before the established due date. Prior to filing the request, the parties must confer and attempt to resolve the conflict before filing the request with the hearing officer.

SO ORDERED

David N. Greenwood
APA Hearing Officer

Dated: January 23, 2026
Albany, New York
To: Attached Service List

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

Project Sponsor / Applicant Representatives

Matthew D. Norfolk
Norfolk Beier PLLC
1936 Saranac Ave, Suite 106
Lake Placid, NY 12946

Shane Kelly
Norfolk Beier PLLC
1936 Saranac Ave, Suite 106
Lake Placid, NY 12946

APA Hearing Staff

Grace Sullivan
Senior Attorney
Adirondack Park Agency
PO Box 99
1133 NYS Route 86
Ray Brook, NY 12977

Jennifer Hubbard
Adirondack Park Agency
PO Box 99
1133 NYS Route 86
Ray Brook, NY 12977

Intervenors

Roger Downs
Conservation Director
Sierra Club Atlantic Chapter
Care of Todd D. Ommen
Managing Attorney
Pace Environmental Litigation Clinic
78 North Broadway
White Plains, NY 10603

David Ramirez
78 North Broadway
White Plains, NY 10603

David Gibson
Managing Partner
Adirondack Wild: Friends of the Forest Preserve
P.O. Box 9247
Niskayuna, NY 12309

Philip H. Gitlen, Esq.
Paul Van Cott, Esq.
Anna V. Seitelman, Esq.
Attorneys for Adirondack Council, Inc.
Whiteman Osterman & Hanna LLP
One Commerce Plaza
Albany, NY 12260

Christopher Amato, Esq.
Conservation Director and Counsel
Claudia Braymer, Esq.
Executive Director
Protect the Adirondacks
P.O. Box 48
North Creek, NY 12853

David N. Greenwood
Administrative Law Judge
NYS DEC
Office of Hearings and Mediation Services
625 Broadway, 1st Floor
Albany, New York 12233-1550

Outlook

Re: APA Project 2021-0276 Issues List - Letter Order

From Matthew D. Norfolk <mnorfolk@norfolkbeier.com>

Date Tue 02/10/2026 11:34 AM

To Sullivan, Grace (APA) <Grace.Sullivan@apa.ny.gov>; Greenwood, David N (DEC) <david.greenwood@dec.ny.gov>; David Gibson <dgibson@adirondackwild.org>; PVanCott@woh.com <PVanCott@woh.com>; Shane Kelly <skelly@norfolkbeier.com>; Hubbard, Jennifer M (APA) <Jennifer.Hubbard@apa.ny.gov>; conservationdirector@protectadks.org <conservationdirector@protectadks.org>; pgitlen@WOH.com <pgitlen@WOH.com>; 'Seitelman, Anna V.' <ASeitelman@woh.com>; Executivedirector@protectadks.org <executivedirector@protectadks.org>; tommen@law.pace.edu <tommen@law.pace.edu>; dramirez2@law.pace.edu <dramirez2@law.pace.edu>

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Thank you, Attorney Sullivan. The Sponsor has no objection to the new date you propose.

Sincerely,
Matthew D. Norfolk, Esq.

NORFOLK BEIER PLLC

D: 518.302.7064
F: 518.302.7100
A: The Outpost Plaza
55 Barn Road, Suite 201
Lake Placid, NY 12946
E: mnorfolk@norfolkbeier.com

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From: Sullivan, Grace (APA) <Grace.Sullivan@apa.ny.gov>
Sent: Tuesday, February 10, 2026 11:25 AM
To: Greenwood, David N (DEC) <david.greenwood@dec.ny.gov>; Matthew D. Norfolk <mnorfolk@norfolkbeier.com>; David Gibson <dgibson@adirondackwild.org>; PVanCott@woh.com <PVanCott@woh.com>; Shane Kelly <skelly@norfolkbeier.com>; Hubbard, Jennifer M (APA)

<Jennifer.Hubbard@apa.ny.gov>; conservationdirector@protectadks.org <conservationdirector@protectadks.org>; pgitlen@WOH.com <pgitlen@WOH.com>; 'Seitelman, Anna V.' <ASeitelman@woh.com>; Executivedirector@protectadks.org <executivedirector@protectadks.org>; tommen@law.pace.edu <tommen@law.pace.edu>; dramirez2@law.pace.edu <dramirez2@law.pace.edu>
Subject: Re: APA Project 2021-0276 Issues List - Letter Order

Dear all,

I apologize for the follow up. The Agency headquarters is unavailable for hosting the public hearing on April 15th, so we would request the adjournment date be set for the following week on Wednesday, April 22nd instead.

I understand we are still waiting on input from the other parties but wanted to flag this change now. If any other parties have conflicts with the new date, please let Judge Greenwood know.

Thank you,
Grace Sullivan

From: Greenwood, David N (DEC) <david.greenwood@dec.ny.gov>
Sent: Monday, February 09, 2026 5:29 PM
To: Matthew D. Norfolk <mnorfolk@norfolkbeier.com>; Sullivan, Grace (APA) <Grace.Sullivan@apa.ny.gov>; David Gibson <dgibson@adirondackwild.org>; PVanCott@woh.com <PVanCott@woh.com>; Shane Kelly <skelly@norfolkbeier.com>; Hubbard, Jennifer M (APA) <Jennifer.Hubbard@apa.ny.gov>; conservationdirector@protectadks.org <conservationdirector@protectadks.org>; pgitlen@WOH.com <pgitlen@WOH.com>; 'Seitelman, Anna V.' <ASeitelman@woh.com>; Executivedirector@protectadks.org <executivedirector@protectadks.org>; tommen@law.pace.edu <tommen@law.pace.edu>; dramirez2@law.pace.edu <dramirez2@law.pace.edu>
Subject: RE: APA Project 2021-0276 Issues List - Letter Order

Dear Matthew D. Norfolk:

I have received your request for an adjournment of the February 25, 2026 hearing date and modification to the January 23, 2026 Scheduling Order. I understand that Sierra Club, Adirondack Council and Protect have been asked to provide us with their position with respect to the request. Please be advised that I am not going to be in my office on Tuesday February 10 (tomorrow) but I will try to respond when I have access to my work email and have received further input from the parties.

Thank you and sincerely,

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
w: (518) 402-9004 | david.greenwood@dec.ny.gov
dec.ny.gov

From: Matthew D. Norfolk <mnorfolk@norfolkbeier.com>
Sent: Monday, February 9, 2026 5:13 PM
To: Greenwood, David N (DEC) <david.greenwood@dec.ny.gov>; Sullivan, Grace (APA) <Grace.Sullivan@apa.ny.gov>; David Gibson <dgibson@adirondackwild.org>; PVanCott@woh.com; Shane Kelly <skelly@norfolkbeier.com>; Hubbard, Jennifer M (APA) <Jennifer.Hubbard@apa.ny.gov>; conservationdirector@protectadks.org; pgitlen@WOH.com; 'Seitelman, Anna V.' <ASeitelman@woh.com>; Executivedirector@protectadks.org; tommen@law.pace.edu; dramirez2@law.pace.edu
Subject: Re: APA Project 2021-0276 Issues List - Letter Order

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Dear Judge Greenwood:

I hereby request an adjournment of the hearing until April 15, 2026, a 30-day extension of any deadlines in the January 23rd scheduling order and suspension of all prehearing conferences until March 25, 2026. This timeline allows for the pending Article 78 proceeding the Sponsor recently commenced to be resolved without the parties possibly expending unnecessarily further resources in connection with the hearing proceedings but provides structure to keep the hearing proceedings moving forward. This proposal was designed by Attorney Sullivan. Mr. Gibson of Adirondack Wild consents to my request/proposal. I am waiting for responses from counsel for the other parties.

By copy hereof, I ask counsel for Sierra Club, Adirondack Council and Protect to provide Judge Greenwood with your position.

Sincerely,
Matthew D. Norfolk, Esq.

NORFOLK BEIER PLLC
D: 518.302.7064
F: 518.302.7100
A: The Outpost Plaza
55 Barn Road, Suite 201
Lake Placid, NY 12946
E: mnorfolk@norfolkbeier.com

The information contained in this electronic message and any attached document(s) are intended only for the personal and confidential use of the designated recipient(s) named above. This message may be attorney-client communication, and as such is privileged and confidential. If the reader of this message is not the intended recipient(s), you are hereby notified that you have received this electronic message in error, and that any review, dissemination, distribution or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone 518.302.8080 or by electronic mail at nbadmin@norfolkbeier.com. Thank you.

From: Greenwood, David N (DEC) <david.greenwood@dec.ny.gov>
Sent: Friday, February 6, 2026 2:19 PM
To: Sullivan, Grace (APA) <Grace.Sullivan@apa.ny.gov>; Matthew D. Norfolk <mnorfolk@norfolkbeier.com>; David Gibson <dgibson@adirondackwild.org>; PVanCott@woh.com <PVanCott@woh.com>; Shane Kelly

<skelly@norfolkbeier.com>; Hubbard, Jennifer M (APA) <Jennifer.Hubbard@apa.ny.gov>; conservationdirector@protectadks.org <conservationdirector@protectadks.org>; pgitlen@WOH.com <pgitlen@WOH.com>; 'Seitelman, Anna V.' <ASeitelman@woh.com>; Executivedirector@protectadks.org <executivedirector@protectadks.org>; tommen@law.pace.edu <tommen@law.pace.edu>; dramirez2@law.pace.edu <dramirez2@law.pace.edu>
Subject: RE:APA Project 2021-0276 Issues List - Letter Order

Dear Grace Sullivan:
Thank you for keeping me apprised as to the parties' as yet unsuccessful attempt to come to a consensus on the proposed stipulation to revise the hearing issues. As it stands now the issues to be considered at hearing remain as set forth in the APA Project Order 2021-0276 issued November 14, 2025.

Dear Parties:
Relatedly, I am working to produce a written summary of the February 4, 2026 pre-hearing issues conference, a ruling on the Motion for an Order disqualifying the Law firm of Norfolk Beier PLLC from continued representation of the project sponsor and a response to the letter request for a ruling submitted by PROTECT on February 3, 2026. As you may know, an Article 78 petition was filed by Michael Hopmeier challenging certain APA actions in connection with this APA hearing that named the Agency Board, a particular Agency board member, the APA executive director and myself as respondents. The need to prepare to appear in that matter and secure representation from the Attorney General's office has disrupted my intended workplan to produce the summary and rulings that are required and those things will be delayed.

Sincerely and thank you in advance for your understanding,

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
w: (518) 402-9004 | david.greenwood@dec.ny.gov
dec.ny.gov

From: Sullivan, Grace (APA) <Grace.Sullivan@apa.ny.gov>
Sent: Friday, February 6, 2026 1:40 PM
To: Matthew D. Norfolk <mnorfolk@norfolkbeier.com>; Greenwood, David N (DEC) <david.greenwood@dec.ny.gov>; David Gibson <dgibson@adirondackwild.org>; PVanCott@woh.com; Shane Kelly <skelly@norfolkbeier.com>; Hubbard, Jennifer M (APA) <Jennifer.Hubbard@apa.ny.gov>; conservationdirector@protectadks.org; pgitlen@WOH.com; 'Seitelman, Anna V.' <ASeitelman@woh.com>; Executivedirector@protectadks.org; tommen@law.pace.edu; dramirez2@law.pace.edu
Subject: RE: Issues List - Letter Order

Dear Judge Greenwood,

The parties have not been able to come to a consensus on the proposed stipulation to revise the hearing issues. The APA hearing staff object to Attorney Norfolk's request below for an order ruling that the issues in the APA Order will not be modified or altered in any fashion as there may be mutually beneficial opportunities for simplification of the issues as we continue to move through the proceedings.

There are ongoing concerns that the exclusion of the proposed additional issues would preclude the parties from making discovery requests or presenting evidence in connection with those topics as that evidence relates to other issues provided for in the order. There was a request to include a provision in the stipulation that the exclusion of these issues would not preclude discovery or presentation on these matters at the hearing. Attorney Norfolk objects to the inclusion of this language in the proposed stipulation. The APA hearing staff do not object to the inclusion of such language, but do not feel it is necessary as we believe that this concern was adequately addressed at the prehearing conference. There was a request for a clarification on this matter in your letter ruling on Protect's Offer of Proof.

Thank you,
Grace Sullivan

From: Matthew D. Norfolk <mnorfolk@norfolkbeier.com>
Sent: Thursday, February 5, 2026 5:09 PM
To: Sullivan, Grace (APA) <Grace.Sullivan@apa.ny.gov>; Greenwood, David N (DEC) <david.greenwood@dec.ny.gov>; David Gibson <dgibson@adirondackwild.org>; PVanCott@woh.com; Shane Kelly <skelly@norfolkbeier.com>; Hubbard, Jennifer M (APA) <Jennifer.Hubbard@apa.ny.gov>; conservationdirector@protectadks.org; pgitlen@WOH.com; 'Seitelman, Anna V.' <ASeitelman@woh.com>; Roger.Downs@sierraclub.org; Executivedirector@protectadks.org; tommen@law.pace.edu
Subject: Re: Issues List - Letter Order

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Dear Judge Greenwood:

Unless the date of commencement of the hearing is pushed back or the proceeding is stayed, I need to know the issues to be addressed as soon as possible to prepare for the hearing. If the other parties do not agree with the issues as proposed by Attorney Sullivan and agreed upon by me as counsel for the Sponsor by Monday, February 9, 2026, I ask that you make a ruling declaring that the issues in the APA Order stand and will not be modified or altered in any fashion.

Thank you,
Matt

Sincerely,
Matthew D. Norfolk, Esq.
NORFOLK BEIER PLLC
D: 518.302.7064
F: 518.302.7100
A: The Outpost Plaza
55 Barn Road, Suite 201
Lake Placid, NY 12946
E: mnorfolk@norfolkbeier.com

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From: Sullivan, Grace (APA) <Grace.Sullivan@apa.ny.gov>
Sent: Thursday, February 5, 2026 4:57 PM
To: Greenwood, David N (DEC) <david.greenwood@dec.ny.gov>; David Gibson <dgibson@adirondackwild.org>; PVanCott@woh.com <PVanCott@woh.com>; Shane Kelly <skelly@norfolkbeier.com>; Hubbard, Jennifer M (APA) <Jennifer.Hubbard@apa.ny.gov>; conservationdirector@protectadks.org <conservationdirector@protectadks.org>; pgitlen@WOH.com <pgitlen@WOH.com>; 'Seitelman, Anna V.' <ASeitelman@woh.com>; Roger.Downs@sierraclub.org <roger.downs@sierraclub.org>; Executivedirector@protectadks.org <executivedirector@protectadks.org>; tommen@law.pace.edu <tommen@law.pace.edu>; Matthew D. Norfolk <mnorfolk@norfolkbeier.com>
Subject: RE: Issues List - Letter Order

Dear Judge Greenwood,

I apologize for including you on the initial email – I intended to leave you off until we had a signed stipulation for your review. I have started a new chain with the parties to work through these concerns and we will follow up on this when we know whether there will be a stipulation to the revised issues.

Have a good evening.

-Grace Sullivan

From: dgibson@adirondackwild.org <dgibson@adirondackwild.org>
Sent: Thursday, February 5, 2026 4:45 PM
To: Sullivan, Grace (APA) <Grace.Sullivan@apa.ny.gov>; PVanCott@woh.com; Greenwood, David N (DEC) <david.greenwood@dec.ny.gov>; 'Shane Kelly' <skelly@norfolkbeier.com>; Hubbard, Jennifer M (APA) <Jennifer.Hubbard@apa.ny.gov>; conservationdirector@protectadks.org; pgitlen@WOH.com; 'Seitelman, Anna V.' <ASeitelman@woh.com>; Roger.Downs@sierraclub.org; Executivedirector@protectadks.org; tommen@law.pace.edu; 'Matthew D. Norfolk' <mnorfolk@norfolkbeier.com>
Subject: RE: Issues List - Letter Order

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Grace,
Adirondack Wild needs more time to consider the revised issues list, and to consider our concerns about issues not included by consensus yesterday. I won't have an opportunity to discuss with my group until next Tuesday. So I will not sign the Stipulation on Hearing Issues by your preferred deadline tomorrow, Friday, at noon.
To clarify, today I re- sent you my signed Stipulation concerning the Agency website.
Regards,
Dave Gibson

Dave Gibson, Managing Partner
Adirondack Wild: Friends of the Forest Preserve
dgibson@adirondackwild.org
518-469-4081
Adirondackwild.org

From: Sullivan, Grace (APA) <Grace.Sullivan@apa.ny.gov>
Sent: Thursday, February 5, 2026 1:53 PM
To: PVanCott@woh.com; Greenwood, David N (DEC) <david.greenwood@dec.ny.gov>; Shane Kelly <skelly@norfolkbeier.com>; Sullivan, Grace (APA) <Grace.Sullivan@apa.ny.gov>; Hubbard, Jennifer M (APA) <Jennifer.Hubbard@apa.ny.gov>; conservationdirector@protectadks.org; pgitlen@WOH.com; Seitelman, Anna V. <ASeitelman@woh.com>; roger.downs@sierraclub.org; David Gibson <dgibson@adirondackwild.org>; executivedirector@protectadks.org; tommen@law.pace.edu; Matthew D. Norfolk <mnorfolk@norfolkbeier.com>
Subject: Issues List - Letter Order

Hi all,

Attached please find the letter order for the revised issues list. Please sign and return to me as soon as you are able to (ideally before 12PM tomorrow).

Thank you,
Grace

Grace Sullivan
Senior Attorney

Adirondack Park Agency
P.O. Box 99
1133 State Route 86
Ray Brook, NY 12977

(518) 891-4050 | grace.sullivan@apa.ny.gov
www.apa.ny.gov

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WHITEMAN
OSTERMAN
& HANNA LLP

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Albany, New York 12260
518.487.7757 phone
518.487.7777 fax

Paul VanCott
Of Counsel
518.487.7733 phone
pvancott@woh.com

February 10, 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
APA Project No. 2021-0276

Dear Judge Greenwood:

On behalf of the Adirondack Council, Inc., we strenuously object to the adjournment proposed by counsel for Unconventional Concepts, Inc. and Michael Hopmeier (the "Applicant") and encourage Adirondack Park Agency ("APA") staff and Adirondack Wild to reconsider their consent to the proposal. We are diligently preparing for the hearing based upon the schedule agreed upon by the parties, including the Applicant, and ordered by you, and see no legitimate reason to delay the proceedings at this time.

The Adirondack Council seeks to have the Application fully adjudicated in a timely manner so that a complete record can be developed for the APA Board to make an informed decision as to whether the proposed project: (1) is consistent with the Adirondack Park Land Use and Development Plan; (2) is compatible in the Rural Use land use area where it is proposed to be located; and/or (3) will result in an undue adverse impact to Adirondack Park resources, including nearby uses. Unless and until the Court considering the Applicant's motion for a stay of the hearing rules otherwise, there is no reason to adjourn the APA-ordered hearing.

In a flurry of emails yesterday, it quickly became apparent that the "adjournment" sought by the Applicant was actually the same relief sought by the Applicant's request for a temporary restraining order ("TRO") and preliminary injunction in the pending Article 78 proceeding. As you know, the Court refused to grant the TRO, provided APA and Your Honor until February 19, 2026 to respond to the petition, and set a return date of February 20, 2026 before the Court.

We respectfully submit that there is no proper basis for you to essentially usurp the role and function of the Court which, at the Applicant's request, is considering whether to grant a preliminary injunction preventing the commencement of the APA hearing until the Article 78 proceeding is decided. In that regard, we note that that we do not believe that there is a proper basis for granting preliminary injunctive relief. The prong of the Applicant's Article 78 seeking your disqualification based on your employment with the Adirondack Council two decades ago has no support in law or fact. And, the prong seeking APA Commissioner Holt's recusal has no basis in law or fact because he had no role whatsoever in the staff-led Adirondack Council decision to submit public comments to APA in opposition to the Application while he was a Council board member.

As noted above, the Adirondack Council is prepared to move forward with the APA hearing and has been diligently preparing for it based upon the schedule you previously ordered.[1] If the Court does not preliminarily enjoin the APA hearing as requested by the Applicant, we believe that the hearing should proceed on this planned schedule apart from any reasonable adjustments as may be agreed to by the parties and/or ordered by you. The Applicant's decision to commence an Article 78 proceeding two weeks after agreeing to the APA hearing schedule should not dictate changes in the schedule absent a judicial ruling. Any additional complications or costs to the Applicant from having commenced the Article 78 proceeding are of its own creation and do not provide a basis for the requested adjournment.

Thank you for your consideration of our objection to the Applicant's requested adjournment of the APA hearing.

Very truly yours,



Paul Van Cott

Attachment

Cc: Attached Service List

[1] Even if there was an appropriate basis for the Applicant's proposed adjournment, the dates proposed may not be acceptable to our client and would require further discussion among the parties and with you before any decision is made to revise the agreed-upon schedule. Our preparations, schedules and discussions with potential witnesses have all been based upon the agreed-upon hearing schedule and that would all need to be revisited.

NEW YORK STATE | Adirondack Park Agency

KATHY HOCHUL
Governor

BARBARA RICE
Executive Director

February 11, 2026

(By E-Mail: david.greenwood@dec.ny.gov)

Honorable David Greenwood
Administrative Law Judge
NYS Department of Environmental Conservation
Office of Hearing and Mediation Services
625 Broadway, First Floor
Albany, NY 12233-1550

Re: In the matter of the application of Unconventional Concepts, Inc. and Michael Hopmeier – P2021-0276

Dear Judge Greenwood,

On February 11, 2026, you agreed via email to adjourn the public hearing for the above-mentioned proceeding at the request of the applicant and by consent of the Agency hearing staff until April 22, 2026.

Prior to your determination, Adirondack Council submitted the attached letter in opposition to the adjournment request. Protect the Adirondacks!, Adirondack Wild, and the Sierra Club Atlantic Chapter joined in opposition. The Agency hearing staff responded to the letter via email affirming their support for the applicant's request to adjourn.

Pursuant to your authority under 9 N.Y.C.R.R. 580.12, the Agency hearing staff request you formalize the adjournment decision by signing this Order.

Respectfully Submitted,

Grace Sullivan
APA Hearing Staff - Attorney

SO ORDERED:

_____
ALJ Greenwood

DATED:

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
pvancott@woh.com

February 10, 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
APA Project No. 2021-0276

Dear Judge Greenwood:

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The Adirondack Council seeks to have the Application fully adjudicated in a timely manner so that a complete record can be developed for the APA Board to make an informed decision as to whether the proposed project: (1) is consistent with the Adirondack Park Land Use and Development Plan; (2) is compatible in the Rural Use land use area where it is proposed to be located; and/or (3) will result in an undue adverse impact to Adirondack Park resources, including nearby uses. Unless and until the Court considering the Applicant's motion for a stay of the hearing rules otherwise, there is no reason to adjourn the APA-ordered hearing.

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We respectfully submit that there is no proper basis for you to essentially usurp the role and function of the Court which, at the Applicant's request, is considering whether to grant a preliminary injunction preventing the commencement of the APA hearing until the Article 78 proceeding is decided. In that regard, we note that that we do not believe that there is a proper basis for granting preliminary injunctive relief. The prong of the Applicant's Article 78 seeking your disqualification based on your employment with the Adirondack Council two decades ago has no support in law or fact. And, the prong seeking APA Commissioner Holt's recusal has no basis in law or fact because he had no role whatsoever in the staff-led Adirondack Council decision to submit public comments to APA in opposition to the Application while he was a Council board member.

As noted above, the Adirondack Council is prepared to move forward with the APA hearing and has been diligently preparing for it based upon the schedule you previously ordered.[1] If the Court does not preliminarily enjoin the APA hearing as requested by the Applicant, we believe that the hearing should proceed on this planned schedule apart from any reasonable adjustments as may be agreed to by the parties and/or ordered by you. The Applicant's decision to commence an Article 78 proceeding two weeks after agreeing to the APA hearing schedule should not dictate changes in the schedule absent a judicial ruling. Any additional complications or costs to the Applicant from having commenced the Article 78 proceeding are of its own creation and do not provide a basis for the requested adjournment.

Thank you for your consideration of our objection to the Applicant's requested adjournment of the APA hearing.

Very truly yours,



Paul Van Cott

Attachment

Cc: Attached Service List

[1] Even if there was an appropriate basis for the Applicant's proposed adjournment, the dates proposed may not be acceptable to our client and would require further discussion among the parties and with you before any decision is made to revise the agreed-upon schedule. Our preparations, schedules and discussions with potential witnesses have all been based upon the agreed-upon hearing schedule and that would all need to be revisited.

NEW YORK STATE | Adirondack Park Agency

KATHY HOCHUL
Governor

BARBARA RICE
Executive Director

February 11, 2026

(By E-Mail: david.greenwood@dec.ny.gov)

Honorable David Greenwood
Administrative Law Judge
NYS Department of Environmental Conservation
Office of Hearing and Mediation Services
625 Broadway, First Floor
Albany, NY 12233-1550

Re: In the matter of the application of Unconventional Concepts, Inc. and Michael Hopmeier – P2021-0276

Dear Judge Greenwood,

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Prior to your determination, Adirondack Council submitted the attached letter in opposition to the adjournment request. Protect the Adirondacks!, Adirondack Wild, and the Sierra Club Atlantic Chapter joined in opposition. The Agency hearing staff responded to the letter via email affirming their support for the applicant's request to adjourn.

Pursuant to your authority under 9 N.Y.C.R.R. 580.12, the Agency hearing staff request you formalize the adjournment decision by signing this Order.

Respectfully Submitted,

Grace Sullivan
APA Hearing Staff - Attorney

SO ORDERED:

ALJ Greenwood

DATED: 2/11/2026

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
pvancott@woh.com

February 10, 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
APA Project No. 2021-0276

Dear Judge Greenwood:

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We respectfully submit that there is no proper basis for you to essentially usurp the role and function of the Court which, at the Applicant's request, is considering whether to grant a preliminary injunction preventing the commencement of the APA hearing until the Article 78 proceeding is decided. In that regard, we note that that we do not believe that there is a proper basis for granting preliminary injunctive relief. The prong of the Applicant's Article 78 seeking your disqualification based on your employment with the Adirondack Council two decades ago has no support in law or fact. And, the prong seeking APA Commissioner Holt's recusal has no basis in law or fact because he had no role whatsoever in the staff-led Adirondack Council decision to submit public comments to APA in opposition to the Application while he was a Council board member.

As noted above, the Adirondack Council is prepared to move forward with the APA hearing and has been diligently preparing for it based upon the schedule you previously ordered.[1] If the Court does not preliminarily enjoin the APA hearing as requested by the Applicant, we believe that the hearing should proceed on this planned schedule apart from any reasonable adjustments as may be agreed to by the parties and/or ordered by you. The Applicant's decision to commence an Article 78 proceeding two weeks after agreeing to the APA hearing schedule should not dictate changes in the schedule absent a judicial ruling. Any additional complications or costs to the Applicant from having commenced the Article 78 proceeding are of its own creation and do not provide a basis for the requested adjournment.

Thank you for your consideration of our objection to the Applicant's requested adjournment of the APA hearing.

Very truly yours,



Paul Van Cott

Attachment

Cc: Attached Service List

[1] Even if there was an appropriate basis for the Applicant's proposed adjournment, the dates proposed may not be acceptable to our client and would require further discussion among the parties and with you before any decision is made to revise the agreed-upon schedule. Our preparations, schedules and discussions with potential witnesses have all been based upon the agreed-upon hearing schedule and that would all need to be revisited.

In the Matter of the Application of

UNCONVENTIONAL CONCEPTS, Inc., and MICHAEL HOPMEIER

FIRST REVISED SCHEDULING ORDER

APA Project No. 2021-0276

The adjudicatory hearing in the above-captioned matter has been **adjourned** from February 25, 2026 and shall now **commence** on **April 22, 2026**, at 10:00 A.M. at Adirondack Park Agency headquarters located at 1133 NYS Route 86, Ray Brook, New York 12977 and such additional dates as determined to be necessary.

I. Witness List and APA Staff Statement

All parties shall file and serve a list of the witnesses they intend to present on or before **March 18, 2026**. The list should be served on the hearing officer and the parties by email by 5:00 p.m. on that date. In addition, APA staff shall file and serve on or before 5:00 p.m. on **March 18, 2026**, a statement concerning the development considerations and other required findings it considers pertinent to the project and outline the evidence it intends to present, as required by 9 NYCRR 580.6(b).

II. Preliminary Discovery

Any preliminary interrogatories and requests for productions of documents shall be served on or before **March 18, 2026**. Copies of discovery requests shall be served on all parties and the hearing officer by 5:00 p.m. on that date.

Responses to discovery requests shall be served on all parties by 5:00 p.m. on **April 8, 2026**, unless otherwise mutually agreed between the parties or upon an Order of the hearing officer following a motion for extension of time to respond.

III. Pre-filed Direct Testimony

Pursuant to 9 NYCRR 580.14(f), the hearing officer may require the submission of pre-filed written testimony for witnesses. Unless otherwise ordered, all testimony shall be written and pre-filed in accordance with the schedule established in this Order, and service on the hearing officer and the parties shall be by email. Each witness offered as an expert must provide either a resume or curriculum vitae as an exhibit to the pre-filed direct testimony and must provide all information and data supporting the statements offered in the pre-filed direct testimony, as well as a bibliography of reports or other documents relied upon in the preparation of the pre-filed direct testimony.

The pre-filed submissions will be limited to direct testimony with the associated exhibits. The pre-filed direct testimony will be prepared in question and answer format. Each line on every page will be numbered, and each page of the pre-filed testimony must be numbered. Errata will not be accepted after the filing date. During the hearing, the witnesses will have the opportunity to correct any typographical errors of their written pre-filed direct testimony before cross-examination. In the alternative, the witness may file an affidavit in advance of the hearing session describing any changes or corrections to the pre-filed direct testimony and associated exhibits.

Subsequent to the submission and service of pre-filed written testimony, but no later than ten (10) business days after service of such testimony, any party may serve upon the party making the submission interrogatories and requests for production of documents concerning the facts or data supporting any conclusion offered in the pre-filed testimony. Responses to interrogatories and document requests shall be provided no later than twenty (20) days after service of such interrogatories and document requests, unless otherwise mutually agreed between the parties or upon an Order of the hearing officer following a motion for extension of time to respond.

The applicant will file and serve pre-filed testimony of witnesses and related exhibits on or before 5:00 p.m. on **April 29, 2026**.

APA staff and the intervenors shall file and serve pre-filed direct testimony and related exhibits on or before 5:00 p.m. on **May 20, 2026**.

At the hearing, the sponsoring party will ask the witness to attest to the pre-filed testimony. The parties will have the opportunity to cross-examine each witness unless the parties stipulate otherwise. If a party intends to introduce any exhibits during cross-examination, copies of the exhibits must be provided to each party and the hearing officer at that time. The sponsoring party may ask its witness questions on re-direct, followed by recross-examination.

The hearing will continue, as needed, until each party has presented their direct case, and the other parties have exercised their right to cross-examine the witnesses.

Any requests to modify or amend this Scheduling Order must be filed in writing at least 10 calendar days before the established due date. Prior to filing the request, the parties must confer and attempt to resolve the conflict before filing the request with the hearing officer.

SO ORDERED

David N. Greenwood
APA Hearing Officer

Dated: February 11, 2026
Albany, New York
To: Attached Service List

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

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Intervenors

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David N. Greenwood
Administrative Law Judge
NYS DEC
Office of Hearings and Mediation Services
625 Broadway, 1st Floor
Albany, New York 12233-1550

In the Matter of the Application of

UNCONVENTIONAL CONCEPTS, Inc., and MICHAEL HOPMEIER

SECOND REVISED SCHEDULING ORDER

APA Project No. 2021-0276

The adjudicatory hearing in the above-captioned matter has been **adjourned** from April 22, 2026 and shall now **commence** on **June 24, 2026**, at 10:00 A.M. at Adirondack Park Agency headquarters located at 1133 NYS Route 86, Ray Brook, New York 12977 and such additional dates as determined to be necessary.

I. Witness List and APA Staff Statement

All parties shall file and serve a list of the witnesses they intend to present on or before **April 8, 2026**. The list should be served on the hearing officer and the parties by email by 5:00 p.m. on that date. In addition, APA staff shall file and serve on or before 5:00 p.m. on **April 8, 2026**, a statement concerning the development considerations and other required findings it considers pertinent to the project and outline the evidence it intends to present, as required by 9 NYCRR 580.6(b).

II. Preliminary Discovery

Any preliminary interrogatories and requests for productions of documents shall be served on or before **April 8, 2026**. Copies of discovery requests shall be served on all parties and the hearing officer by 5:00 p.m. on that date.

Responses to discovery requests shall be served on all parties by 5:00 p.m. on **April 29, 2026**, unless otherwise mutually agreed between the parties or upon an Order of the hearing officer following a motion for extension of time to respond.

III. Pre-filed Direct Testimony

Pursuant to 9 NYCRR 580.14(f), the hearing officer may require the submission of pre-filed written testimony for witnesses. Unless otherwise ordered, all testimony shall be written and pre-filed in accordance with the schedule established in this Order, and service on the hearing officer and the parties shall be by email. Each witness offered as an expert must provide either a resume or curriculum vitae as an exhibit to the pre-filed direct testimony and must provide all information and data supporting the statements offered in the pre-filed direct testimony, as well as a bibliography of reports or other documents relied upon in the preparation of the pre-filed direct testimony.

The pre-filed submissions will be limited to direct testimony with the associated exhibits. The pre-filed direct testimony will be prepared in question and answer format. Each line on every page will be numbered, and each page of the pre-filed testimony must be numbered. Errata will not be accepted after the filing date. During the hearing, the witnesses will have the opportunity to correct any typographical errors of their written pre-filed direct testimony before cross-examination. In the alternative, the witness may file an affidavit in advance of the hearing session describing any changes or corrections to the pre-filed direct testimony and associated exhibits.

Subsequent to the submission and service of pre-filed written testimony, but no later than ten (10) business days after service of such testimony, any party may serve upon the party making the submission interrogatories and requests for production of documents concerning the facts or data supporting any conclusion offered in the pre-filed testimony. Responses to interrogatories and document requests shall be provided no later than twenty (20) days after service of such interrogatories and document requests, unless otherwise mutually agreed between the parties or upon an Order of the hearing officer following a motion for extension of time to respond.

The applicant will file and serve pre-filed testimony of witnesses and related exhibits on or before 5:00 p.m. on **May 20, 2026**.

APA staff and the intervenors shall file and serve pre-filed direct testimony and related exhibits on or before 5:00 p.m. on **June 10, 2026**.

At the hearing, the sponsoring party will ask the witness to attest to the pre-filed testimony. The parties will have the opportunity to cross-examine each witness unless the parties stipulate otherwise. If a party intends to introduce any exhibits during cross-examination, copies of the exhibits must be provided to each party and the hearing officer at that time. The sponsoring party may ask its witness questions on re-direct, followed by recross-examination.

The hearing will continue, as needed, until each party has presented their direct case, and the other parties have exercised their right to cross-examine the witnesses.

Any requests to modify or amend this Scheduling Order must be filed in writing at least 10 calendar days before the established due date. Prior to filing the request, the parties must confer and attempt to resolve the conflict before filing the request with the hearing officer.

SO ORDERED

David N. Greenwood
APA Hearing Officer

Dated: March 13, 2026
Albany, New York
To: Attached Service List

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

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625 Broadway, 1st Floor
Albany, New York 12233-1550

In the Matter of the Application of

UNCONVENTIONAL CONCEPTS, Inc., and MICHAEL HOPMEIER

THIRD REVISED SCHEDULING ORDER

APA Project No. 2021-0276

The adjudicatory hearing in the above-captioned matter has been **adjourned** from June 24, 2026 and shall now commence on **Wednesday October 28, 2026**, at 10:00 A.M. at Adirondack Park Agency headquarters located at 1133 NYS Route 86, Ray Brook, New York 12977 and such additional dates as determined to be necessary.

I. Discovery

Responses to preliminary interrogatories and requests for production of documents were due at 5:00 p.m. on April 29, 2026.

APA hearing staff shall supplement their April 29, 2026 responses by production of all relevant, material, and non-privileged documents, excluding expert reports, by serving such documents on all parties and the hearing officer on or before 5:00 p.m. on June 26, 2026.

Applicant and intervening parties are not required to supplement their April 29, 2026 discovery responses, unless otherwise ordered following any motion to compel.

II. Site Visit

The parties conferred and discussed a schedule for a site visit for APA hearing staff, intervening parties and any retained experts on June 15, 2026 and are proposing a site visit to occur July 15-17 or the week of July 27, 2026. An exact date has not yet been agreed to.

III. Pre-filed Direct Testimony

Pursuant to 9 NYCRR 580.14(f), the hearing officer may require the submission of pre-filed written testimony for witnesses. Unless otherwise ordered, all testimony shall be written and pre-filed in accordance with the schedule established in this Order, and service on the hearing officer and the parties shall be by email. Each witness offered as an expert must provide, or must be accompanied by a technical report that provides, a full explanation of the basis for the views set forth therein, including data, tables, protocols, computations, formulae, and any other information necessary for verification of the views set forth, as well as a bibliography of reports, studies and other documents relied upon. Upon ten (10) days notice (which time may be shortened or extended by the Hearing Officer) the party submitting pre-filed testimony may also

be required to make available all raw data, well logs, laboratory notes, and other basic materials, as well as all items on the bibliography provided. Whenever pre-filed testimony is not required, any party may demand, from any other party or the Agency propounding an expert witness, all backup information that would be required in connection with pre-filed testimony.

The pre-filed submissions will be limited to direct testimony with the associated exhibits. The pre-filed direct testimony will be prepared in question and answer format. Each line on every page will be numbered, and each page of the pre-filed testimony must be numbered. Errata will not be accepted after the filing date. During the hearing, the witnesses will have the opportunity to correct any typographical errors of their written pre-filed direct testimony before cross-examination. In the alternative, the witness may file an affidavit in advance of the hearing session describing any changes or corrections to the pre-filed direct testimony and associated exhibits.

The applicant will file and serve pre-filed testimony of witnesses and related exhibits on or before 5:00 p.m. on **August 12, 2026**.

APA staff shall file and serve pre-filed direct testimony and related exhibits on or before 5:00 p.m. on **August 26, 2026**.

Intervenors shall file and serve pre-filed direct testimony and related exhibits on or before 5:00 p.m. on **September 9, 2026**.

IV. Order of Proceedings

The parties shall meet and confer with the Hearing Officer on Wednesday October 7, 2026 to discuss (i) the order of proceedings; (ii) scheduling of witnesses; and (iii) proposed schedule and locations for hearing dates.

At the hearing, the sponsoring party will ask the witness to attest to the pre-filed testimony. The parties will have the opportunity to cross-examine each witness unless the parties stipulate otherwise. If a party intends to introduce any exhibits during cross-examination, copies of the exhibits must be provided to each party and the hearing officer at that time. The sponsoring party may ask its witness questions on re-direct, followed by recross-examination.

The hearing will continue, as needed, until each party has presented their direct case, and the other parties have exercised their right to cross-examine the witnesses.

At the conclusion of the hearing the parties shall have the opportunity to submit final briefs relating to any issue of law, ruling, or positions taken.

V. Modification of Scheduling Order

Any requests to modify or amend this Scheduling Order must be filed in writing at least 10 calendar days before the established due date. Prior to filing the request, the parties must confer and attempt to resolve the conflict before filing the request with the hearing officer.

SO ORDERED



David N. Greenwood
APA Hearing Officer

Dated: June 24, 2026
Albany, New York
To: Attached Service List

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

Project Sponsor / Applicant Representatives

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North Creek, NY 12853

David N. Greenwood
Administrative Law Judge
NYS DEC
Office of Hearings and Mediation Services
625 Broadway, 1st Floor
Albany, New York 12233-1550

NEW YORK STATE | Adirondack Park Agency

KATHY HOCHUL
Governor

BARBARA RICE
Executive Director

September 25, 2026

(By E-Mail: david.greenwood@dec.ny.gov)

Honorable David Greenwood
Administrative Law Judge
NYS Department of Environmental Conservation
Office of Hearing and Mediation Services
625 Broadway, First Floor
Albany, NY 12233-1550

Re: In the matter of the application of Unconventional Concepts, Inc. and Michael Hopmeier – P2021-0276

Dear Judge Greenwood,

Agency hearing staff are in receipt of your September 14, 2026 ruling which refers the above captioned proceeding back to the Agency Board for further action. Agency hearing staff respectfully request a certified copy of the record as described in Agency regulations §580.14(g)(2) and SAPA §302(1)(a)-(e). Pursuant to Agency regulation §580.18(a), Agency hearing staff will prepare a summary of the record to aid the Agency in its review. All parties will have an "opportunity to make written comment with respect to the completeness of the summary. Comments shall be directed to the record and shall not consist of argument or reference to matters outside the record." §580.18(a).

Agency hearing staff also request the hearing be formally adjourned until after any Agency Board action on this matter. Agency regulation §580.12 requires the hearing be adjourned to a date and time certain. As such, Agency hearing staff request an adjournment to Wednesday, December 2, 2026 at 10:00 A.M. unless otherwise ordered by the Agency Board.

Respectfully Submitted,

Grace Sullivan
APA Hearing Staff - Attorney

SO ORDERED:

_____
ALJ Greenwood
DATED:

NEW YORK STATE | Adirondack Park Agency

KATHY HOCHUL
Governor

BARBARA RICE
Executive Director

September 25, 2026

(By E-Mail: david.greenwood@dec.ny.gov)

Honorable David Greenwood
Administrative Law Judge
NYS Department of Environmental Conservation
Office of Hearing and Mediation Services
625 Broadway, First Floor
Albany, NY 12233-1550

Re: In the matter of the application of Unconventional Concepts, Inc. and Michael Hopmeier – P2021-0276

Dear Judge Greenwood,

Agency hearing staff are in receipt of your September 14, 2026 ruling which refers the above captioned proceeding back to the Agency Board for further action. Agency hearing staff respectfully request a certified copy of the record as described in Agency regulations §580.14(g)(2) and SAPA §302(1)(a)-(e). Pursuant to Agency regulation §580.18(a), Agency hearing staff will prepare a summary of the record to aid the Agency in its review. All parties will have an "opportunity to make written comment with respect to the completeness of the summary. Comments shall be directed to the record and shall not consist of argument or reference to matters outside the record." §580.18(a).

Agency hearing staff also request the hearing be formally adjourned until after any Agency Board action on this matter. Agency regulation §580.12 requires the hearing be adjourned to a date and time certain. As such, Agency hearing staff request an adjournment to Wednesday, December 2, 2026 at 10:00 A.M. unless otherwise ordered by the Agency Board.

Respectfully Submitted,

Grace Sullivan
APA Hearing Staff - Attorney

SO ORDERED:

ALJ Greenwood
DATED: 9/28/2026

2. Petitions for Party Status

SIERRA CLUB

ATLANTIC CHAPTER

Sierra Club Petition for Party Status
at the Adirondack Park Agency
Public Hearing, Project No. 2021-0276

December 19, 2025

Via: Email

Honorable David N. Greenwood
Administrative Law Judge
New York State Department of Environmental Conservation
Office of Hearing and Mediation Services
625 Broadway, First Floor, Albany, NY 1233-1550

Re: Notice of Public Hearing, Project No. 2021-0276

Dear Judge Greenwood,

I write on behalf of the Sierra Club Atlantic Chapter to request intervention in the public hearing on the application of Unconventional Concepts, Inc. and Michael Hopmeier ("Sponsors"), and Pulsifer Logging LLC and Diversified Upstate enterprises, LLC ("Landowners") for a permit related to a weapons range for testing howitzer cannon barrels in the Town of Lewis. As set forth below, Sierra Club Atlantic Chapter meets each of the factors set forth in 9 NYCRR 580.7(a) for intervention as a party.

1. Nature and Purpose of the Organization:

The Sierra Club Atlantic Chapter is a volunteer-led environmental organization of 37,000 members statewide, dedicated to protecting New York's air, water and remaining wild places. The Atlantic Chapter is part of the national Sierra Club, a not-for-profit corporation organized under the laws of the State of California. Founded in 1892 by naturalist and explorer John Muir with the mission to "explore, enjoy and protect" the wild places of the earth, it is the nation's oldest and largest environmental organization with 600,000 members nationwide. The articles of incorporation are available here: https://www.sierraclub.org/articles-incorporation

2. Demonstrate capacity to participate in administrative proceedings and to supply Information and expertise:

Sierra Club Atlantic Chapter members, and members from all over the country, paddle, fish, hunt, hike and birdwatch in the Adirondack Park, seeking to experience the natural world, as Sierra Club founder John Muir wrote, "where Nature may heal and cheer and give strength to body and soul alike." Sierra Club members treasure the Adirondack Park as a refuge for wildlife, as development continues to encroach on wild habitats, as a buffer against the effects of climate change, and as a location for vibrant small communities. Additionally, members of the Sierra Club Adirondack Committee have supported the purpose of the Adirondack Park Agency since its inception in 1971, and, throughout this time have participated in land classification input, public hearings, and public comment opportunities.
Relevant to the issues identified in the Notice of Public Hearing, members and experts speaking on behalf of Sierra Club Atlantic Chapter would provide information regarding the environmental and recreational uses of the area surrounding the proposed permitted facility, as well as the nature, purpose and history of the park more broadly.

The Atlantic Chapter has sufficient members and resources to provide useful and helpful information on these issues and will be represented by the Pace Environmental Litigation Clinic should it obtain party status. Thus, it has the capacity to participate effectively and efficiently.

3. State whether the petitioner has participated in any previous legal or administrative proceedings similar to those conducted by the agency:

Yes. Sierra Club has participated in public commentary and hearings pertaining to the creation of a super-max prison in the Village of Tupper Lake, the Adirondack Club and Resort, the land classification of lands surrounding Little Tupper Lake; the classification of lands in the Boreas Pond Tract.

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;

As it is located within the public Adirondack Park, and within the State-managed Taylor Pond Management Complex, the proposed howitzer testing range will have an impact on all Sierra Club members who visit those lands seeking to experience wild lands and wildlife in the natural protected setting of the Adirondack setting. Inasmuch as the Adirondack Park "shall be forever kept as wild forest lands" and as "Forest and wild life conservation are hereby declared to be policies of the State." (NYS Constitution Article XIV, Section 1, and Section 3) all New York citizens have a responsibility to ensure that these polices are adhered to. The Sierra Club will present written testimony pertaining to Issue #2, pertaining to the whether the proposed howitzer testing range is a compatible use with the Rural Use land classification, and Issue #3.v., whether the howitzer testing range will create undue ecological impacts.

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.

The Sierra Club has both social and environmental interests which are likely to be affected by the agency decision concerning the project. Sierra Club members who hike, hunt, or birdwatch in the 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.

Sincerely,



Roger Downs, Conservation Director
Sierra Club Atlantic Chapter

Sierra Club Articles of Incorporation: https://www.sierraclub.org/articles-incorporation

Cc:

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Senior Attorney
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ADIRONDACK PARK AGENCY

In the Matter of the Application of

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

APA Project No. 2021-0276

subject to section 809 of the Adirondack Park Agency Act and 9 NYCRR Parts 573 and 574

PETITION FOR INTERVENTION
BY ADIRONDACK COUNCIL, INC.

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Of Counsel:

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Anna V. Seitelman, Esq.

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INTRODUCTION

The Adirondack Council, Inc. (the "Adirondack Council" or "Council") respectfully petitions to intervene as a party in the Adirondack Park Agency ("APA")'s adjudicatory hearing in the matter of the application of Unconventional Concepts, Inc. and Michael Hopmeier (the "Applicant"), APA Project No. 2021-0276 (the "Project"), for a permit to build and use a testing range for military weapons in the Adirondack Park.

The Adirondack Council is a privately funded, nonprofit organization dedicated to protecting the ecological integrity and wild character of the Adirondack Park. Founded in 1975, it advances its mission through research, public education, advocacy, environmental monitoring, and, when necessary, legal action. The Council has advocates in all 50 states and has offices in Elizabethtown, Keene, Saranac Lake, and Albany. It envisions a Park with clean air and water, protected "Forever Wild" lands, sustainable forests and farms, and vibrant, inclusive communities. With strong partner organizations, collaboration with government officials, and citizen participation, the Council advocates for policies and funding that benefit the environment and communities of the Adirondack Park.

This proceeding – concerning an unprecedented proposal to construct and use a weapons testing range within the Adirondack Park – is of critical importance to the Adirondack Council. The Project would authorize the testing of military-grade weaponry, including the firing of a 155-millimeter howitzer, in a region internationally recognized for its ecological significance and unparalleled recreational opportunities. Such activity is unprecedented in the history of the Adirondack Park and raises profound questions about the Project's compatibility with the Park's land use plans as well as concerns about public safety and environmental impacts. The Adirondack Council seeks intervention to ensure a rigorous and transparent review of the proposed howitzer

testing range and to challenge deficiencies in the application and supporting materials that, if left unexamined, would undermine the APA's statutory mandate to protect the Adirondack Park. Moreover, the outcome has the potential to set precedent and materially affect the Council's ability to protect the Adirondack Park's environment, communities, and "Forever Wild" character.

Established in 1975, the Adirondack Council brings 50 years of expertise to this proceeding. The Council has a long history of engaging constructively with the APA, other state agencies, and local governments to protect the Park's environmental integrity. The Adirondack Council's participation will assist the Agency by offering informed, science-driven perspectives focused on long-term protection of the Park and implementation of governing law. The Project raises significant and unaddressed questions about the proposal's compliance with the statutory approval criteria in Executive Law § 809(10) that must be met for APA approval, including whether the Project: (1) is consistent with the Adirondack Park Land Use and Development Plan; (2) is compatible with the "character description and purposes, policies and objectives" of the Rural Use land use area where the howitzer testing range would be located; and (3) would not result in an "undue adverse impact" upon the private or public resources of the Adirondack Park. Because the APA's decision in this matter could materially impact the Adirondack Council's mission and the interests it represents, the Council has a direct and substantial interest in participating as a full party in this adjudicatory proceeding.

For these reasons, and as explained in detail below, the Adirondack Council respectfully seeks intervention as a full party in this proceeding. The Council believes that the public interest is best served when organizations dedicated to the Park's protection are granted a meaningful voice in proceedings that may reshape its character for generations to come.

ADIRONDACK COUNCIL SHOULD BE GRANTED PARTY STATUS IN THIS PROCEEDING

By order dated November 14, 2025, APA directed the Project to a formal project hearing pursuant to APA Act § 809 and 9 NYCRR § 580.2. Pursuant to 9 NYCRR § 580.7 (a), a person may seek to become a party "in order to present evidence, cross-examine witnesses, and otherwise participate in a public hearing" by submitting a petition that 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.*

The hearing officer shall grant the petition within five (5) days of its receipt if he finds that the petitioner has an interest described in paragraph (a)(5) above, or that granting party status to the petitioner is necessary to or would further the purpose of the hearing. 9 NYCRR § 580.7(d).

As explained in detail below, Adirondack Council satisfies each of these requirements for intervention in the APA hearing on the Project and should therefore be granted full party status.

1. The Adirondack Council

The Adirondack Council is a privately funded, not-for-profit organization committed to protecting the ecological integrity and wild character of the Adirondack Park. It was established

in 1975 as a coalition of national and regional environmental organizations and concerned citizens who joined together to advocate and educate on behalf of New York State's six-million-acre Adirondack Park. Its Certificate of Incorporation was filed on December 12, 1977. A copy of its Certificate of Incorporation is annexed hereto as **Exhibit A**.

The Council has offices in Elizabethtown, Keene and Saranac Lake in the Adirondack Park and in Albany. As of December 2025, it has 5,219 members who reside in nearly all 50 states and the District of Columbia. A copy of its Bylaws, revised in July 2025, is annexed hereto as **Exhibit B**.

Since its formation, the Council has been advancing the protection of the Adirondack Park's ecological integrity and wild character through research, education, advocacy, and legal action. It envisions an Adirondack Park with clean air and water, large 'Forever Wild' wilderness areas, working forests and farms, and vibrant, safe, inclusive communities. With strong partner organizations, collaboration with government officials, and citizen participation, the Council advocates for policies and funding that benefit the environment and communities of the Adirondack Park. The Adirondack Council secures public and private actions that preserve this unique national treasure for future generations, monitors proposals, legislation, and policies impacting the Park and, when necessary, takes legal action to uphold constitutional protections and agency policies established to protect the Adirondack Park.

2. The Adirondack Council's Expertise and Participation in Prior Proceedings

The Council has long engaged with the APA and other state agencies on land use decisions that impact the Adirondack Park's natural resources, wildlife, human communities, and rural character. Its advocacy work is grounded in science, law, and public policy, and seeks to uphold the APA Act and other governing laws and regulations.

Among the Council's recent key initiatives was the successful advocacy to secure an amendment to the New York State Constitution to authorize development at the Mt. Van Hoevenberg Olympic facility in Lake Placid, NY. That successful effort requires a state agency to purchase and add 2,500 acres to the Adirondack Forest Preserve, increasing the Adirondack Park's public lands. The Council also recently advocated to revise a proposal put forth by the Adirondack Park Agency that would have amended the Adirondack Park State Land Master Plan to allow "Other Power Driven Mobility Devices" on lands classified as "motor free" Wilderness by the Agency. In 2024, the Council worked with the state to expand the list of eligible watersheds inside the Park where grants are available for upgrades or replacement of on-site wastewater treatment, from 12 to 125 lake drainage basins. The Adirondack Council secures public and private actions that preserve this unique national treasure for future generations, monitors proposals, legislation, and policies impacting the Park and, when necessary, takes legal action to uphold constitutional protections and agency policies established to protect the Adirondack Park.

The Adirondack Council has relevant in-house expertise from its staff as well as the capacity to retain subject matter experts as needed to participate fully and constructively in this adjudicatory hearing. As examples demonstrating this capacity, the Council has participated in the following projects and matters affecting the Adirondack Park, including but not limited to providing comments on the Project:

- Granted full party status and participated as a party in the Adirondack Club & Resort adjudicatory hearing (2011)
- Granted full party status and participated as a party in the Saratoga County Emergency Towers adjudicatory hearing (2005)
- Submitted amicus brief to the New York State Court of Appeals regarding Class II community connector snowmobile trails (Protect the Adirondacks! Inc. v. NYS Department of Environmental Conservation (2021)
- Submitted amicus brief for Art. 78 challenge filed by Lake George Association against APA approving ProcellaCOR Permit for Lake George (2022-2024)

- Comment Letter - Agency Public Comment Policy (2023)
- State of the Park 2025 (2025)
- VISION 2050 (2023)
- Comment Letter - NYCO Minerals 2023-0256 (2024)
- Comment Letter - Barton Mines Mine Expansion (2024)
- Comment Letter - Hopmeier Cannon Testing (2022)
- Comment Letter - Hopmeier P2021-0276 (2025)
- Comment Letter - Lake Luzerne ProcellaCOR (2023)
- Report - WRONG WAY: ATV Report (2019)
- Report - Adirondack Park Clean Water Report (2020)
- Report - Adirondack Waters Resource at Risk (2008)
- Report - Beside the Stilled Waters (1987)
- Comment Letter - Advanced Notice for Proposed Rulemaking for the Triennial Review of Water Quality Standards (2024)
- Fact Sheet - Harmful Algal Blooms Advocacy (2024)
- Press Release - Trump Administration Rolls Back Air Pollution Standards that Protect Adirondacks, Public Health (2025)
- Press Release - Adirondack Conservationists Laud First Climate Bill: Congress Takes First Action to Curb Greenhouse Gas, Boost Economy (2022)
- Press Release - Senator Schumer Can Save New York's Air Pollution Evidence (2023)
- White Paper - Protecting Adirondack Waters from Septic System Pollution (2021)
- State Land Report - Adirondack High Peaks Visitor Use Management Study (2022) (Council commissioned)
- Comment Letter - Adirondack Park State Land Master Plan Amendments (2024)
- 2020 Vision Series 1, 2, 3 Summary (1992) - Volume 1, Biological Diversity; Volume 2, Completing the Adirondack Wilderness System; Volume 3, Realizing The Recreational Potential of Adirondack Wild Forests
- Comment Letter - NYS's 30x30 Draft Strategies & Methodologies (2024)
- Comment Letter - DEC Threatened & Endangered Species Repromulgation (2024)
- Comment Letter - DEC Draft Species of Greatest Conservation Need (2024)
- Comment Letter - DEC State Wildlife Action Plan Comments (2025)
- Comment Letter - DEC Fisher Trapping Rulemaking (2025)
- White Paper: Large Carnivore Recovery Policy and Best Management Practices to Inform New York State (2025) (Council commissioned)

Thus, the Council has a demonstrated capacity to participate in APA administrative proceedings and to supply information or expertise relative to matters likely to be considered at the hearing, has participated in previous APA adjudicatory hearings regarding proposed projects,

and is familiar with the facts of this Project and has previously provided written comments to APA on the howitzer testing range that is the subject of this adjudicatory hearing.

3. This Proceeding

This adjudicatory hearing provides a critical opportunity for APA to fully examine the environmental, community, and policy implications of the proposed howitzer testing range. The Adirondack Council's participation will assist the Agency by offering informed, science-driven perspectives and informed argument focused on long-term protection of the Park and the proper implementation of governing law.

The Adirondack Council is still reviewing the application materials in preparation for the scheduled hearing on the Project and is in the process of identifying and potentially engaging qualified experts to address the relevant issues, including the issues identified below. Without expert planning and technical evidence, APA cannot meaningfully assess whether the proposed howitzer testing range meets the APA Act § 809(10) standards for approval of the application. Further, because approval of the proposed howitzer testing range use could set a significant precedent for other, similar proposals in the Park, including a potential future expansion of weapons testing on the Project Site, careful evaluation and analysis of the Project is warranted.

As a full party to this adjudicatory hearing, based on its own land use planning and environmental policy expertise and potentially through relevant subject matter experts, the Council will provide relevant and competent evidence and argument that will contribute to a comprehensive, relevant and reliable record upon which APA can assess the Project's compliance with the following permit approval criteria provided by APA Act § 809(10):

a. Whether the Proposed Weapons-Testing Range Use is Consistent with the Adirondack Park Land Use and Development Plan ("APLUDP")

Under Section 809(10)(a) of the APA Act, the Agency may issue a permit for a "use" on private lands within the Park only if, *inter alia*, it is consistent with the APLUDP, including the provisions of APA Act §§ 805(3) and (4) relating, respectively, to the compatibility of a proposed project in the land use area where it will be located and the project's potential for adverse impacts on the Park's "natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources." Here, there are significant issues regarding the Project's consistency with the APLUDP, including with respect to the howitzer testing range's compatibility in the Rural Use land use area where it would be located and its potential impacts. As noted above, the Project is unprecedented with respect to the issue of its compatibility in Rural Use as a howitzer testing range use and its potential adverse impacts to public and private resources and uses. The proposed testing of military-grade weapons on the Project Site represents a use that is fundamentally different in character and intensity from activities traditionally permitted in the Adirondack Park, requiring careful expert planning and technical evaluation and analysis of the Applicant's proposal, supporting documentation, testimony and arguments in order to provide a full record for APA's consideration with respect to the consistency of the proposed howitzer testing range with the APLUDP.

As a party, the Council would provide relevant evidence and argument with respect to the Project's consistency with the APLUDP, drawing from evidence and argument relevant to the proposal's compatibility and impacts (see below).

b. Whether the Proposed Howitzer Test Range Use is Compatible with the Character Description, Purposes, Policies and Objectives of the Rural Use Land Use Area Where the Range would be Located

Under Section 809(10)(b) of the APA Act, the Agency may issue a permit for a "use" on private lands within the Park only if, *inter alia*, the project "would be compatible with the character description and purposes, policies and objectives of the land use area wherein it is proposed to be located." Here, there are significant issues as to whether the proposed howitzer testing range is compatible as a use on the Rural Use land use area lands where it is proposed to be located. *See* APA Act § 805(3)(f). Further, the potential adverse impacts of the project on public and private resources and uses are relevant to the APA's assessment of whether the project meets this criterion for approval. Any evaluation of the Project's compatibility will necessarily draw from an assessment of its potential impacts (see below). Here again, the unprecedented nature of this proposed use requires careful expert planning and technical evaluation and analysis of the Applicant's proposal, supporting documentation, testimony and arguments in order to provide a full record for APA's consideration with respect to the compatibility of the proposed howitzer testing range with the lands in Rural Use on which it is proposed to be located.

As a party, the Council would provide relevant evidence and argument with respect the Project's compatibility with the Rural Use "character description, purposes and policies" on the lands where the howitzer testing range would be located, drawing in part from evidence regarding the potential impacts of the use on Adirondack Park resources.

c. Undue Adverse Impact on Public or Private Adirondack Park Resources

Under Section 809(10)(e) of the APA Act, APA may issue a permit for a "use" on private lands in the Park only if, *inter alia*, the project "would not have an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the

park." Given the intrusive nature of the activity, the burden for the Applicant is high. Because approval of a novel military-grade weapons testing range use could set precedent, the APA should proceed with particular care. Authorizing one such facility without stringent safeguards may invite additional testing proposals elsewhere in the Park.

Here, the Applicant has not demonstrated that repeated military-grade artillery fire will avoid undue adverse impacts to wildlife or the Park's natural soundscape. Impulsive noise of this magnitude is categorically different from routine rural sounds and is known to disrupt wildlife behavior and habitat use.

At the Agency's request, the Applicant submitted a sound analysis to assess impulse noise from the 155 mm howitzer. The Council raises the following concerns about the analysis:

- The Applicant's analysis relies on a ~20-year-old Norwegian Defence Research Establishment (NDRE) study, with unclear landscape and environmental conditions (temperature, vegetation, wind, ambient noise, humidity, device angle) – factors that meaningfully affect sound propagation.

- Despite these unknowns, the Applicant modeled source levels using a 130.5 dB measurement from the NDRE study to calculate a modeled source level of 180.8 dB for an M109 155 mm howitzer. However, source-to-receiver distances in the NDRE study differ from the ~675-foot distance between the proposed barrel assembly and target area here, undermining comparability.

- Field measurements were conducted on only two days, one day apart, in late December. The Applicant indicates testing would not occur in colder temperatures; yet winter conditions (including snow cover) can alter sound propagation relative to leaf-on conditions.

- The Applicant presents five different peak levels for howitzer fire (reported range: 166–185 dB), reflecting substantial variability. While frequency content (Hz) influences perceived impact and risk, very high impulse levels can cause immediate hearing damage without adequate controls. The variability and gaps in the record warrant independent review.

- The Applicant does not contemplate the cumulative noise impacts of the howitzer testing range with the proximate NYCO Mine, which could have greater negative ecological and human effects.

As a party, the Council would provide relevant evidence and argument with respect to the Project's potential impacts on Adirondack Park resources, including but not necessarily limited to those potential impacts identified above, and whether those impacts would meet the undue adverse impact approval criterion provided in APA Act § 809(10)(e). The Adirondack Council's intent to retain qualified experts underscores both the seriousness of the concerns raised and the inadequacy of the current record.

4. The Adirondack Council's Significant Environmental Interests

Based on the foregoing, the Adirondack Council has significant environmental and other interests that are likely to be directly and adversely affected by the proposed howitzer testing range and its potential as a precedent for similar proposed uses. As a long-time advocate for the proper administration of the APA Act, the Adirondack Council has a significant stake in ensuring that proposed land uses on private lands in the Adirondack Park are consistent with the APLUDP and are compatible with the land use areas where they are proposed. Projects that do not meet those APA Act § 809(10) approval criteria threaten the statutory fabric provided for ensuring appropriate land use and development that meets the policies and purposes of the APA Act. Further, the Council is dedicated to protecting the ecological integrity, natural quiet, wildlife habitat, and wilderness character of the Adirondack Park, resources that have the potential to be materially impacted by the Project. These issues strike at the core of the Council's mission and interests of its members, requiring the participation of the Adirondack Council as a full party in the adjudicatory hearing.

CONCLUSION

For the foregoing reasons, the Adirondack Council respectfully requests that its petition to intervene as a full party in the adjudicatory hearing on Project Application 2021-0276 be granted and for such other and further relief as is deemed just and proper.

Dated: December 19, 2025

WHITEMAN OSTERMAN & HANNA LLP

BY: *Philip H. Gitlen*

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TO: 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
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Norfolk Beier, PLLC
1936 Saranac Ave, Suite 106
Lake Placid, NY 12946
mnorfolk@norfolkbeier.com

EXHIBITS

Exhibit A

State of New York } ss:
Department of State }

I hereby certify that the annexed copy has been compared with the original document filed by the Department of State and that the same is a true copy of said original.

Witness my hand and seal of the Department of State on

July 19, 2004

Secretary of State

DOS-200 (Rev. 03/02)

~~(4) The Adirondack Council, Inc., designates the Secretary of State of the~~ *State of New York as its agent upon whom process against it may be served. The post office address to which the Secretary of State shall ~~mail a copy of any~~ process served upon him or her is as follows:*

In care of the corporation
Church Street
P.O. Box D-2
Elizabethtown, New York 12932-0640

~~(5) The certificate of incorporation of The Adirondack Council, Inc. is~~ *amended as follows:*

~~(A) The post office address to which the Secretary of State shall mail a copy of any process served upon him or her is changed to:~~

F 960820000095

Certificate of Amendment of the Certificate of Incorporation of The Adirondack Council, Inc.

under Section 803 of the Not For Profit Corporation Law

IT IS HEREBY CERTIFIED THAT:

(1) The name of the corporation is The Adirondack Council, Inc.

(2) The certificate of incorporation of The Adirondack Council, Inc. was filed by the Department of State on December 12, 1977, under the Not-for-Profit Corporation Law of the State of New York.

(3) The Adirondack Council, Inc. is a corporation defined in subparagraph (a)(5) of section 102 of the Not-for-Profit Corporation Law and is a Type B corporation as defined in section 201 of that law.

(4) The Adirondack Council, Inc. designates the Secretary of State of the State of New York as its agent upon whom process against it may be served. The post office address to which the Secretary of State shall mail a copy of any process served upon him or her is as follows:

In care of the corporation
Church Street
P.O. Box D-2
Elizabethtown, New York 12932-0640

(5) The certificate of incorporation of The Adirondack Council, Inc. is amended as follows:

(A) The post office address to which the Secretary of State shall mail a copy of any process served upon him or her to is changed to:

F 960820000095

~~Church Street~~
~~P.O. Box D-2~~
~~Elizabethtown, N.Y. 12932-0640~~

~~(B)~~ *The maximum number of directors is to be amended as follows:*

11. ~~The number of directors of the corporation shall not be less than five nor more than twenty-five.~~

amended to read:

11. The number of directors of the corporation shall not be less than five nor more than thirty.

(6) The above amendments to the certificate of incorporation were authorized by the consent, dated July 10, 1993, by a unanimous vote of the board of directors.

IN WITNESS WHEREOF, this certificate has been signed this 30th day of July, 1996, by the undersigned who affirms that the statements made herein are true under penalties of perjury.

John Ernst, Chairman

IN WITNESS WHEREOF, this certificate has been signed this 7th day of Aug, 1996, by the undersigned who affirms the statements made herein are true under penalties of perjury.

Dean Cook, Secretary.

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED AUG 20 1996
TAX $
BY: MMR
ESSEX

Certificate of Amendment of the Certificate of Incorporation of The Adirondack Council, Inc.

under Section 803 of the Not For Profit Corporation Law

Filed By: Michael O'Connor
Address: The Adirondack Council
342 Hamilton St.
Albany, N.Y. 12210

2

960820000101

A440265

CERTIFICATE OF INCORPORATION

OF

THE ADIRONDACK COUNCIL, INC.

(Under Section 402 of the Not-for-Profit Corporation Law)

The undersigned hereby certify:

1. The name of the corporation is The Adirondack Council, Inc.

2. The corporation is a corporation as defined in subparagraph (a)(5) of Section 102 of the Not-for-Profit Corporation Law in that it is not formed for pecuniary profit or financial gain, and no part of the assets, income or profit of the corporation is distributable to or enures to the benefit of its members, directors or officers except to the extent permitted under the Not-for-Profit Corporation Law.

3. The corporation shall be a Type B corporation under Section 201 of the Not-for-Profit Corporation Law.

4. The purposes and objects for which the corporation is formed shall be:

(a) To encourage and assist efforts to conserve, maintain and enhance the physical and aesthetic environment, natural resources, and economy of the Adirondack area of New York.

(b) To conduct research, investigate, prepare and disseminate reports relative to the environment, natural resources, economy and land use planning in and for the Adirondack Region, and to do so independently or in cooperation with others.

(c) To provide or assist in providing professional guidance, where possible, to Adirondack area communities in matters relating to land use planning problems.

(d) To provide services in the nature of coordination, training, education, information, publications, and conferences on matters relating to the conservation, environment and land use planning in the Adirondack Region.

(e) To receive, administer and disburse gifts and grants of money and property of every kind exclusively for tax exempt charitable, scientific, literary and educational purposes as set forth in Section 501(c)(3) of the Internal Revenue Code of the United States as it now exists and as hereafter amended.

(f) To solicit contributions from the public for the charitable purposes of the corporation, provided, however, that no such solicitation shall be made unless and until the corporation shall have complied with any and all of the registration and other applicable requirements of Article 7-A of the Executive Law.

000104

(g) To the extent permitted under Section 501(h) of the Internal Revenue Code of 1954 for a corporation exempt from Federal income tax under Section 501(c)(3) of the Internal Revenue Code of 1954, to review, study and make recommendations with respect to any and all local, county, state and federal anti-pollution, conservation and land-use laws, regulations and ordinances.

(h) To the extent permitted under Section 501(h) of the Internal Revenue Code of 1954 for a corporation exempt from Federal income tax under Section 501(c)(3) of the Internal Revenue Code of 1954, to determine whether existing laws, regulations and ordinances are being enforced and to take such action as it deems necessary and appropriate, to assure the proper enforcement of same, including but not limited to the institution of or intervention in legal or administrative proceedings before any state or federal court or administrative agency.

(i) To the extent permitted under Section 501(h) of the Internal Revenue Code of 1954 for a corporation exempt from Federal income tax under Section 501(c)(3) of the Internal Revenue Code of 1954, to encourage compliance with such laws or to bring actions to enjoin the application of laws not beneficial to the public environmental good.

~~(j)~~ To study and present plans, programs and guidelines for the control and abatement of pollution and for the environmental improvement of the Adirondack Region.

(k) To engage in any and all other activities in furtherance of the foregoing purposes or in advancement thereof, but not for the pecuniary profit or financial gain of its members, directors or officers.

(l) To do any other act or thing incidental to or connected with the fore-

going purposes or in advancement thereof, but not for the pecuniary profit or financial gain of any private person, corporation, director or officer of the corporation, except as permitted under Article 5 of the Not-for-Profit Corporation Law.

5. The corporation shall not be conducted or operated for profit, and no part of the assets, income, profit or net earnings of the corporation shall enure to the benefit of any member, trustee, director, officer of the corporation, or any private individual other than those to whom reasonable compensation may be paid for services rendered to the corporation for the effectuation of one or more of its purposes, and no member, trustee, director, officer of the corporation or any private individual other than such organization as shall qualify under Section 501(c)(3) of the Internal Revenue Code of 1954 as amended, subject to an order of a Justice of the Supreme Court of the State of New York, shall be entitled to share in the distribution of any of the corporation's assets on dissolution of the corporation, nor shall any such profit nor any of the property or assets of the corporation be used other than

for the purposes of the corporation set forth in Paragraph 4 hereof. Notwithstanding any other provision of these articles, the corporation is organized exclusively for charitable, educational, religious, and scientific purposes as specified in Section 501(c)(3) of the Internal Revenue Code of 1954 and shall not carry on any activities not permitted to be carried on by a corporation exempt from Federal income tax under Section 501(c)(3) of the Internal Revenue Code of 1954, or by a corporation, contributions to which are deductible under Section 170(c)(2) of the Internal Revenue Code of 1954.

6. Except to the extent permitted under Section 501(h) of the Internal Revenue Code of 1954, as amended, no substantial part of the activities of the Corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the corporation shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office.

7. Upon the dissolution of the corporation, the Board of Directors shall, after paying or making provision for the payment of all of the liabilities of the corporation, dispose of all of the assets of the corporation exclusively for the purposes of the corporation in such manner, or to such organization or organizations

organized and operated exclusively for charitable, educational, religious, or scientific purposes as shall at the time qualify as an exempt organization or organizations under section 501(c)(3) of the Internal Revenue Code of 1954, as the Board of Directors shall determine. Any such assets not so disposed of shall be disposed of by an Order of a Justice of the Supreme Court for the county in which the principal office of the corporation is then located, exclusively for such purposes or to such organization or organizations, as said Court shall determine, which are organized and operated exclusively for such purposes.

8. The principal office of the corporation shall be located in the Town of Elizabethtown, County of Essex, State of New York. Pursuant to Section 621 of the Not-for-Profit Corporation Law, the books and records of the corporation shall be maintained at the corporation's office at River Street, Elizabethtown, New York.

9. The post office address to which the Secretary of State shall mail a copy of any notice required by law is:

River Street
Elizabethtown, New York 12932

10. The territory in which the activities of the corporation shall be principally conducted is the State of New York.

11. The number of directors of the corporation shall be not less than five nor more than twenty-five.

12. The names and addresses of the initial directors are:

Name	Address
Timothy L. Barnett	So. Main Street Westport, New York 12993
Frances Beinecke	12 West 72nd Street, # 7-D New York, New York 10023
John A. K. Bradley	147 East 82nd Street New York, New York 10028
Charles H. Callison	43 S. Calumet Avenue Hastings-on-Hudson, New York 10706
Arthur M. Crocker	Moors Hill Road Laurel Hollow, New York
George D. Davis	RD2, Box 193 Knoxville, Maryland 21758
William T. Hord	720 Davidson Road Philadelphia, Pennsylvania 19118
Harold A. Jerry, Jr.	Speculator, New York 12164
R. Courtney Jones	Westport, New York 12993
Richard W. Lawrence, Jr.	Elizabethtown, New York 12932

Name	Address
James Marshall	430 Park Avenue New York, New York 10022
John M. C. Peterson	Lake Shore Road Essex, New York 12936
Clarence A. Petty	RD4 Canton, New York 13617
James Rogers III	10 Hillcrest Avenue Lake Placid, New York 12946
David Sive	89 Lark Street Pearl River, New York 10965
Brecht Trautwein	Riparius, New York 12862

13. Prior to delivery of this Certificate of Incorporation to the Department of State for filing, all approvals or consents required by the Not-for-Profit Corporation Law or by any other statute of the State of New York, if any, will be endorsed upon or annexed hereto.

14. Nothing contained herein shall authorize this Corporation, directly or indirectly, to engage in or include among its purposes, any of the activites mentioned in Not-for Profit Corporation Law §404(b)-(t) or Executive Law §757, without the approval of the agency involved.

IN WITNESS WHEREOF, the undersigned incorporators, each being over eighteen years of age, have made, subscribed and acknowledged this Certificate this 26th day of October, 1977.

John A. K. Bradley
John A. K. Bradley
147 East 82nd Street
New York, New York 10022

Charles H. Callison
43 S. Calumet Avenue
Hastings-on-Hudson, N.Y. 10706

Arthur M. Crocker
Moors Hill Road
Laurel Hollow, New York

Harold A. Jerry, Jr.
Speculator, New York 12164

R. Courtney Jones
Westport, New York 12993

STATE OF NEW YORK)
: ss.:
COUNTY OF NEW YORK)

On this 26th day of October, 1977, before me personally came John A. K. Bradley, Charles H. Callison, Arthur M. Crocker, Harold A. Jerry, Jr., and R. Courtney Jones, to me known and known to me to be the persons described in and who executed the foregoing Certificate of Incorporation, and they duly acknowledged to me that they severally and independently executed the same.

Notary Public

ROSE V. DEVERY
Notary Public, State of New York
No. 31-6007000
Qualified In New York County
Commission Expires March 30, 1978

AFFIDAVIT OF SUBSCRIBERS OF CERTIFICATE OF INCORPORATION OF EXISTING UNINCORPORATED ASSOCIATION

STATE OF NEW YORK)
: ss.:
COUNTY OF NEW YORK)

JOHN A. K. BRADLEY, CHARLES H. CALLISON, ARTHUR M. CROCKER, HAROLD A. JERRY, JR., and R. COURTNEY JONES, being duly sworn, depose and say:

1. They are the subscribers of the foregoing certificate of incorporation of THE ADIRONDACK COUNCIL, INC., pursuant to the Not-For-Profit Corporation Law of the State of New York.

2. The said certificate of incorporation is for the incorporation of THE ADIRONDACK COUNCIL, an existing unincorporated association.

3. The subscribers of said certificate of incorporation constitute a majority of the members of a committee duly authorized, by vote of the membership at a meeting held on August 24, 1977, to incorporate said association.

John A. K. Bradley

Charles H. Callison

Arthur M. Crocker

Harold A. Jerry, Jr.

R. Courtney Jones

Sworn to before me this
26th day of October, 1977.

Rose V. Devery
Notary Public

ROSE V. DEVERY
Notary Public, State of New York
No. 31-6007000
Qualified in New York County
Commission Expires March 30, 1978

11

STATE OF NEW YORK)
: ss.:
COUNTY OF NEW YORK)

ARTHUR V. SAVAGE, being duly sworn, deposes and says that he is the attorney for the subscribers to the foregoing Certificate of Incorporation and that no previous application for the approval of the said Certificate by any Justice of the Supreme Court has heretofore been made.

Arthur V. Savage

Arthur V. Savage

Sworn to before me this
17th day of October, 1977

Suzanne Criscitelli

Notary Public

SUZANNE CRISCITELLI
Notary Public, State of New York
No. 03-4651026
Qualified in Bronx County
Commission Expires March 30, 1979

STATE OF NEW YORK)
: ss.:
COUNTY OF NEW YORK)

ARTHUR V. SAVAGE, being duly sworn, deposes and says that he is the attorney for the subscribers to the foregoing Certificate of Incorporation and that no previous application for the approval of the said Certificate by any Justice of the Supreme Court has heretofore been made.

Arthur V. Savage

Arthur V. Savage

Sworn to before me this
21st day of October, 1977

Suzanne Criscitelli
Notary Public

SUZANNE CRISCITELLI
Notary Public, State of New York
No. 03-4651026
Qualified in Bronx County
Commission Expires March 30, 1979

12

APPROVAL OF CERTIFICATE

I, HAROLD R. SODEN, a Justice of the Supreme Court of the State of New York for the Fourth Judicial District, do hereby approve the foregoing Certificate of Incorporation of The Adirondack Council, Inc., pursuant to the provisions of Section 404(b) of the Not-for-Profit Corporation Law.

Dated: Lake Placid, N.Y.
3 Dec 1977

Harold R. Soden
Justice of the Supreme Court

November 25, 1977
THE [illegible] IS HEREBY
OF [illegible] APPROVAL
HEREON AND WAIVES
STATUTORY NOTICE

LOUIS J. [illegible]
Attorney General
State of New York

Stephen D. Kiernan

[illegible] CERTIFICATE

13

CERTIFICATE OF INCORPORATION

OF

THE ADIRONDACK COUNCIL, INC.

(Under Section 402 of the Not-for-Profit Corporation Law)

STATE OF NEW YORK
DEPARTMENT OF STATE
TAX $
FILING FEE $ 50
FILED DEC 12 1977
Secretary of State

PE 30 4
Type B

Arthur V. Savage, Esq.
Suite 3333
51 West 51st Street
New York, New York 10019

Exhibit B

BY-LAWS OF
THE ADIRONDACK COUNCIL, INC.

(As Amended Through July 10, 2025)

ARTICLE I

Members

Section 1.01 Membership. The membership of the The Adirondack Council (hereafter the Corporation) shall consist of all individuals on the Board of Directors of the Corporation, and such other persons as from time to time hereafter are duly qualified for membership as hereinafter provided in Sections 1.02 or 1.04.

Section 1.02 Eligibility for Membership. Any person shall become a member of the Corporation upon receipt of membership dues and shall remain a member so long as he or she shall subscribe to its policies and by-laws and pay such dues as the Board of Directors shall fix from time to time. Further cause for termination of membership is provided for in Section 1.04.

No person shall be ineligible for membership on grounds of race, creed, color, gender, sexual orientation or age.

Section 1.03 Resignations. Any member may resign at any time by delivering a written resignation to the Corporation. The acceptance of any such resignation, unless required by the terms thereof, shall not be necessary to make the same effective.

Section 1.04 Terms, Classification and Qualifications of Membership. The Board of Directors may, in its discretion, establish reasonable categories of membership and set dues for each category. Reasonable terms for the duration of membership and reasonable qualifications for the renewal of membership need not be the same for different categories of membership. Membership shall be terminated by death, resignation, failure to qualify, expulsion, expiration of a term of membership, liquidation or dissolution of the Corporation.

ARTICLE II

Meetings of Members

Section 2.01 Place of Meeting. All meetings of the members of the Corporation shall be held at the place specified in the notice of the meeting or in the waiver of notice thereof.

Section 2.02 Annual Meeting. *(Amendment adopted July 8, 1995)* The annual meeting of the members of the Corporation for the election of Directors and the transaction of such other business as may properly come before the meeting shall be held each year, on the day and at the hour specified in the notice of the meeting or in the waiver of notice thereof.

Section 2.03 Report at Annual Meeting. There shall be presented at each annual meeting of the members a Directors' Report, verified by the Chair and Treasurer or by a majority of the Directors, or certified by an independent public or certified public accountant or firm of accountants. Such report shall be filed with the records of the Corporation, a copy or abstract thereof shall be entered in the minutes of the annual meeting, and the report shall set forth the following in appropriate detail.

(1) The assets and liabilities, including any investments, for a twelve-month fiscal period terminating not more than six months prior to the meeting.

(2) The principal changes in assets and liabilities, including any, during the year preceding the date of the report.

(3) All of the receipts and all of the expenses of the Corporation during the year preceding the date of the report.

Section 2.04 Special Meeting. Special meetings of the members of the Corporation may be called at any time by the Chair or Vice Chair, any two other officers, or 25% of the members of the Corporation at such time and place as may be specified in the notice or waiver of notice thereof.

Section 2.05 Special Meeting for Election of Directors. If, for a period of one month after the annual meeting, there is a failure to elect a sufficient number of directors to conduct the business of the Corporation, the Board of Directors shall call a special meeting of the members for the election of directors.

Section 2.06 Notice of Meetings of Members. Written notice of each annual or special meeting of the members of the Corporation shall be addressed to each member at his or her address (mail or email) as it appears on the records of the Corporation not less than ten days before the date of the meeting. Written notice shall declare the time, date and place of the meeting and, unless it is an annual meeting, indicate that it is being issued by or at the direction of the person or persons calling the meeting and state the purposes for which the meeting is being called. Notice of any meeting need not be given to any member if waived by such member before or after the meeting in writing or by email. The attendance of any member at a meeting, in person or by proxy without protesting prior to the conclusion of the meeting the lack of notice of such a meeting, shall constitute a waiver of notice by him or her. No notice need be given of any adjourned meeting if the date and time of the adjournment was announced at the meeting at which the adjournment is taken.

Section 2.07 Inspectors. The Board of Directors, in advance of any meeting of the members, may appoint one or more inspectors to act at the meeting or an adjournment thereof.

Section 2.08 Quorum. At all meetings of the members, the presence, in person or by proxy, of not less than 100 members entitled or one tenth of the total number of members, whichever is less, shall be necessary and sufficient to constitute a quorum for the transaction of business. In the absence of a quorum, the members present may adjourn the meeting from time to time for a period not exceeding twenty days in any one case. At any such adjourned meeting at which a quorum is present, any business may be transacted which might have been transacted at the meeting as originally called.

Section 2.09 Voting. Each member shall be entitled to one vote, and except as provided in Section 3.06 and 6.03 hereof, at all meetings of the members, all matters shall be decided by the vote of a majority of the members present at the meeting.

Section 2.10 Determination of Eligibility of Members. Any member in good standing on the day prior to the date a notice of meeting is mailed, or on the date of any meeting if no such notice is mailed, shall be entitled to vote at such meeting, in person or by proxy.

Section 2.11 Proxies. Attendance and voting at any meeting of the members of the Corporation may be in person or by a member acting as proxy for an absent member. Every proxy must be executed in writing by the member or by such member's duly authorized attorney, but need not be witnessed; a proxy must be in favor of a member who is present at the meeting and revocable at any time by a later proxy received prior to any vote. No proxy shall be valid after the expiration of eleven months from its date, unless the member executing it shall have specified therein a longer duration. A proxy shall be re-voted by the member granting the proxy by delivery to any officer in writing in the same form as the proxy duly revoicing the grant of authority.

ARTICLE III

Directors

Section 3.01 Powers. The property, affairs, and activities of the Corporation shall be managed and controlled and its powers exercised by the Board of Directors.

Section 3.02 Number and Election of Directors. (*Amendment adopted July 10, 1993*) The number of Directors of the Corporation shall be not less than five (5) nor more than thirty (30). Directors shall be elected at the first meeting of members and thereafter at each annual meeting of members in accordance with the provisions of Section 3.04. At each such meeting at which a quorum is present, the persons receiving a majority of votes cast shall be Directors.

Section 3.03 Qualifications of Directors. All directors shall be at least 18 years of age and a member of the Corporation, and at least one of them shall be and a resident of the State of New York.

Section 3.04 Term of Office. *(Amendment adopted July 14, 1990)* Up to one-third of the thirty (30) Directors shall be elected each year, at the annual meeting of the Board, to serve for a term of three (3) years or until his or her respective successor shall be elected and commence serving his or her respective term whichever shall later occur. Each Director's term shall

commence at the annual meeting in July of the fiscal year in which he or she is elected.

Term Length: *(Amendment adopted July 19, 1997)* After completion of nine (9) consecutive years of service on the Board, no person shall be eligible for nomination or election to the Board until the expiration of one (1) year; excepting:

(a) Where vacancies exist on the Board, such person may be re-nominated by the Board to complete the term of another;

(b) Any person who has been elected an officer (other than Chair) and has not yet completed his or her two-year term in office at the termination of nine (9) years service;

(c) Any person who has been elected Chair who has yet not completed two (2) consecutive 2-year terms at the termination of nine (9) years service;

(d) Any Chair at the completion of his or her term may serve for one additional year as an ex officio, voting member of the Board.

Section 3.05 Resignations. Any Director may resign at any time by delivering a written resignation to the Corporation. The acceptance of any such resignation, unless required by the terms thereof, shall not be necessary to make the same effective.

Section 3.06 Removal. Any Director may be removed at any time either for or without cause by the vote of two-thirds of all the members of the Corporation entitled to vote at a meeting, the notice or waiver of notice of which shall have specified the proposed removal, or may be removed with cause by the vote of two-thirds of all the Directors then in office.

Section 3.07 Vacancies. *(Amendment adopted July 14, 1990)* Any vacancy in an officership or directorship may be filled at any meeting of the Directors and they shall assume the then current term of the vacancy which they are filling, which shall count as their first term.

Section 3.08 Annual Meetings. The annual meetings of the Board of Directors for the election of the officers of the Corporation and for the transaction of such other business as may properly come before it shall be held at the place at which the annual meeting of the members of the Corporation shall be held, and shall be held immediately following such meeting.

Section 3.09 Regular Meetings. The Board of Directors from time to time may provide by resolution for the holding of such regular meetings as it may determine upon and may fix the time and place (which may be either within or outside of the State of New York) thereof.

Section 3.10 Special Meetings. Special meetings of the Board of Directors may be called at any time by the Chair or the Vice Chairof the Corporation or by any five Directors at such time and place within the State of New York as may be specified in the notice of the meetings or in the waiver of notice thereof.

Section 3.11 Notice of Meetings. No notice of any regular meeting of the Board of Directors need be given, provided, however, that if the Board of Directors shall fix or change the time or place of regular meetings, notice of such action shall be mailed promptly to each Director who shall not have been present at the meeting at which such action was taken, addressed to such Director at his or her address as it appears on the records of the Corporation or sent by email to such address, or delivered to such Director personally.

Notice of each annual and special meeting (in person, by phone, or e-meeting) of the Board of Directors shall be mailed or emailed to each Director addressed to such Director at his or her address (USPS or email) as it appears on the records of the Corporation at least five days before the day on which the meeting is to be held, or sent by email to such address, or delivered to such Director personally, not later than two days before the day on which the meeting is to be held. Notice of any meeting need not be given to any Director, however, if waived by such Director before or after the meeting in writing or by email. No notice need be given of any meeting at which every member of the Board of Directors shall be present, or has signed a waiver of notice either before or after the meeting and any business may be transacted thereat. No notice need be given of any adjourned meeting.

Section 3.12 Quorum. Except as may be expressly otherwise required by statute, at all meetings of the Board of Directors the presence of one-third, but not less than two of all of the Directors shall be necessary and sufficient to constitute a quorum for the transaction of business. In the absence of a quorum, a majority of the Directors present at the appointed time and place of the meeting, or, if no Director is present, any officer of the Corporation present thereat, may adjourn the meeting from time to time for a period not exceeding twenty days in any one case. At any such adjourned meeting at which a quorum is present, any business may be transacted which might have been transacted at the meeting as originally called.

Section 3.13 Voting. At all meetings of the Board of Directors, all matters shall be decided by the vote of a majority of the Directors present at the meeting. Notwithstanding the foregoing provision of Section 3.13, any action required or permitted to be taken by the Board of Directors or any Committee thereof may be taken without a meeting if all members of the Board or Committee consent to the adoption of a resolution authorizing the action. Such consent may be written or electronic. If written, the consent must be executed by the director by signing such consent or causing his or her signature to be affixed to such consent by any reasonable means including, but not limited to, facsimile signature. If electronic, the transmission of the consent must be sent by electronic mail or other electronic means and set forth, or be submitted with, information from which it can reasonably be determined that the transmission was authorized by the director. Such resolution, with the written consents of the members of the Board or Committee, shall be filed with the minutes.

Section 3.14 Committees. The Board of Directors may designate such standing, special and other committees as it deems necessary for the proper conduct of the affairs of the Corporation, including an Executive Committee. The Executive Committee shall consist of the officers of the Corporation and such other directors as may be elected by the Board of Directors and shall have the full authority of the Board of Directors in between meetings to the extent

permitted by law. Other standing committees shall consist of such number of members with such qualifications as the Board of Directors shall from time to time determine, and each of which shall have all such powers and perform all such duties as may be expressly determined by the Board of Directors. The members of special and other committees created by the Board of Directors shall be appointed by the Chair, or other officer acting in his or her place, who shall have the power to fill vacancies, and the members of any special and other committees shall serve during the pleasure of the Chair and until their successors are appointed, barring any prior resignation.

ARTICLE IV

Officers

Section 4.01 Number of Officers and Qualifications. The officers of the Corporation shall be a Chair, a Vice Chair, a Secretary and a Treasurer, and such other officers as may be appointed from time to time in accordance with the provisions of Section 4.03 hereof. Any person may hold any two or more offices of the Corporation except that the offices of Chairand Vice Chair, and of Chair and Secretary, shall not be filled by the same person. Officers shall be elected from the Directors of the Corporation.

Section 4.02 Enumeration, Election, and Term of Office. *(Amendment adopted July 14, 1990)* The officers of the Corporation shall be a Chair, one or more Vice Chairs , a Secretary, a Treasurer, and optionally, an Assistant Secretary and an Assistant Treasurer. Officers shall be elected from the Board at the annual meeting of the Directors, and shall take office immediately upon election, and shall hold office for two (2) years or until their successors have been elected. No officer shall be elected for a particular office for more than three (3) consecutive 2-year terms. In the event of a vacancy the members of the Board shall elect a member of the Board to fill the unexpired term.

Section 4.03 Subordinate Officers. The Board of Directors from time to time may appoint such other officers or agents, including an Executive Director upon such terms, and with or without compensation and other benefits, as it may deem advisable. No such other officer shall be a Director of the Corporation. To the full extent allowed by law, the Board of Directors may delegate to any officer or agent any powers possessed by the Board of Directors and shall prescribe their respective titles, terms of office, authorities and duties.

Section 4.04 Resignations. Any officer may resign at any time by delivering a written resignation to the Chair. The acceptance of any such resignation, unless required by the terms thereof, shall not be necessary to make the same effective.

Section 4.05 Removal. Any officer or agent may be removed at any time either for or without cause by the vote of a majority of the Directors then in office at any regular or special meeting of the Board of Directors.

Section 4.06 Vacancies. Any vacancy in any office created under Section 4.03 may be filled for the unexpired portion of the term by the Board of Directors or officer or agent to whom the power to fill such vacancy has been delegated pursuant to the provisions of Section 4.03 hereof.

Section 4.07 Powers and Duties. The officers of the Corporation shall have such powers and duties, except as may be modified by the Board of Directors, as generally pertain to their respective offices and as hereinafter provided, as well as such powers and duties as from time to time may be determined by the Board of Directors or members.

(a) Chair. The Chair shall preside at all meetings of members. He or she shall have and exercise general charge and supervision of the affairs of the Corporation and shall have such other powers and duties as may be assigned to him or her by the Board of Directors, including responsibility for directing and supervising the activities of any person employed as Executive Director of the Corporation.

(b) Vice Chair. At the request of the Chair or in the event of his or her absence or disability, the Vice Chair shall perform the duties and possess and exercise the powers and duties of the Chair.

(c)

(c) Secretary. The Secretary shall issue or cause to be issued all notices for, and shall keep or cause to be kept minutes of, meetings of the members and the Board of Directors. The Secretary shall perform the other duties as the Board of Directors may from time to time prescribe.

(d)

(d) Treasurer. The Treasurer shall have the responsibility to see that the financial records of the Corporation are properly maintained and that from time to time an account is rendered to the Board of Directors concerning moneys received and paid by the Corporation and of its financial condition. The Treasurer shall perform the other duties as the Board of Directors may from time to time prescribe.

ARTICLE V

Corporate Finance

Section 5.01 Deposit of Funds. All funds of the Corporation not otherwise employed shall be deposited in such banks or trust companies or with such bankers or other depositories as the Board of Directors from time to time may determine.

Section 5.02 Checks, etc. All checks, drafts, endorsements, notes and evidences of

indebtedness of the Corporation shall be signed by such officer or officers or agents of the Corporation and in such manner as the Board of Directors from time to time may determine.

Section 5.03 Contracts. No contract may be entered into on behalf of the Corporation unless and except as authorized by the Board of Directors; any such authorization may be general or confined to specific instances.

Section 5.04 Initiation Fees, Dues and Assessments, etc. The Directors may levy initiation fees, dues and assessments on members.

ARTICLE VI

Compensation of and Contracts with Members, Directors and Officers; Purchase, Sale, Mortgage or Lease of Real Property

Section 6.01 Compensation. Any member, Director or officer of the Corporation is authorized to receive reasonable compensation from the Corporation for services rendered to the Corporation when authorized by the Board of Directors, and only when so authorized; provided, however, that no member or Director of the Corporation may receive compensation for acting as a member or Director.

Section 6.02 Contracts with Members, Directors and Officers. No member, Director or officer of the Corporation shall be interested, directly or indirectly, in any contract relating to the operations conducted by it, nor in any contract for furnishing services or supplies to it, unless such contract shall be authorized by the Board of Directors and unless the fact of such interest shall have been disclosed or known to the Board of Directors at the meeting at which such contract is so authorized.

Section 6.03 Required Vote for Purchase. Sale, Mortgage or Lease of Real Property. No purchase, sale, mortgage or lease of real property shall be made by the Corporation except upon the affirmative vote, in person or in writing, of a majority of the number of Directors then in office.

ARTICLE VII

Corporate Seal

Section 7.01 Corporate Seal. The corporate seal of the Corporation shall be circular in form and shall bear the words and figures: "THE ADIRONDACK COUNCIL, INC. -Corporate Seal -- 1977 -- New York" or words and figures of similar import. The form of such seal shall be subject to alteration by the Board of Directors.

ARTICLE VIII
Fiscal Year

Section 8.01 Fiscal Year. The fiscal year of the Corporation shall commence on July 1 in each year and shall end on June 30 of each year.

ARTICLE IX

Amendments to By-Laws

Section 9.01 Amendments. All by-laws of the Corporation shall be subject to amendment or repeal, and new by-laws may be made, by the members of the Corporation or by the Board of Directors, at any annual, regular or special meeting, provided that the notice or waiver of notice of such meeting shall have specified or summarized the proposed amendment, repeal or new by-laws, and further provided that the following provisions of these by-laws may be amended or repealed only by the members:

(a) Section 1.01, relating to membership in the Corporation;

(b) Sections 3.02-3.14, inclusive, relating to the Directors; and

(c) this Section 9.01.

PROTECT THE ADIRONDACKS!

Board of Directors

Charles Clusen
Chair

Barbara Rottier
James McMartin Long
Vice-Chairs

Chris Walsh
Secretary

David Quinn
Treasurer

Nancy Bernstein
John Caffry
Dean Cook
Juliet Cook
James C. Dawson
Lorraine Duvall
Robert Glennon
Roger Gray
Sidney Harring
Michala Hendrick
Sheila Hutt
Patricia Morrison
John Nemjo
Charlie Olsen
Peter O'Shea
Philip Terrie

Staff

Claudia K. Braymer, Esq.
Executive Director

Christopher Amato, Esq.
Conservation Director and Counsel

Peter Bauer
Fundraising Coordinator

Via Email

December 17, 2025

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 of Unconventional Concepts, Inc. and Michael Hopmeier
APA Project No. 2021-0276

Dear Judge Greenwood:

Attached please find the Petition to Intervene by Protect the Adirondacks! Inc. in the above-referenced proceeding.

Respectfully submitted,



Christopher A. Amato, Esq.
Conservation Director and Counsel

Cc: Grace Sullivan, Esq.
Matthew Norfolk, Esq.

Protect the Adirondacks
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Like Us on Facebook and on Instagram/Threads @ProtectAdkPark

STATE OF NEW YORK
ADIRONDACK PARK AGENCY

In the Matter of the Application of

UNCONVENTIONAL CONCEPTS, INC. and MICHAEL HOPMEIER

PETITION TO INTERVENE

For a Permit Pursuant to Section 809 of the Adirondack Park Agency Act and 9 NYCRR Parts 573 and 574

Project No. 2021-0276

Protect the Adirondacks! Inc. ("PROTECT") respectfully submits this Petition pursuant to Executive Law § 812 and 9 NYCRR § 580.7 for permission to intervene as a full party in the above-referenced proceeding.

I. Introduction

This proceeding involves the application by Unconventional Concepts, Inc. and Michael Hopmeier to establish an artillery testing range on two parcels of land classified Rural Use by the Adirondack Park Land Use and Development Plan Map: an approximately 8-acre parcel located at 87 Hale Hill Lane, and an approximately 197-acre parcel located at 195 Hale Hill Lane. Both parcels are in the Town of Lewis, Essex County ("the Application").

As proposed in the Application, a portable 155mm howitzer will be fired from a 100-foot by 100-foot crushed gravel pad, sending steel projectiles into a target area ("Project"). The firing range will be longer than three football fields (330 yards). The howitzer will be fired up to 30 times per year on weekdays between the hours of 10 a.m. and 4 p.m. There may be as many as 10 hours of firings in a single week, and the testing is anticipated to continue for five years.

The Project site is forested, includes streams and wetlands, and includes Little Church and Big Church mountains. There are 44 residences located within two miles of the Project site. The site is also located in close proximity to sensitive Forest Preserve lands, including the Jay Mountain Wilderness Area (approximately two miles away), and the Hurricane Mountain Wilderness Area (approximately four miles away). The Project site is also within two miles of four parcels of the Taylor Pond Wild Forest, with the closest parcel located approximately 300 feet from the proposed artillery firing pad.

PROTECT is a non-profit organization dedicated to the protection and preservation of the natural resources and communities in the Adirondack Park and has a long history of advocacy before the Adirondack Park Agency ("APA"). PROTECT submitted detailed comments to APA concerning the Application, pointing out significant flaws and deficiencies in the analysis of the Project's potential impacts and identifying reasons why the Application fails to meet the statutory and regulatory criteria for approval. As set forth in detail below, PROTECT meets the regulatory criteria for intervention and should therefore be granted full party status.

II. Nature and Purpose of the Organization (9 NYCRR § 580.7(a)(1))

PROTECT is a New York not-for-profit corporation managed by a Board of Directors. 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.[1] PROTECT uses advocacy, independent public oversight, grassroots organizing, education, scientific research, and legal action to advance its mission. Its offices are located in the Adirondack Park at 105 Oven Mountain Road, Johnsburg, New York. A copy of PROTECT's by-laws is annexed to this Petition as **Exhibit A**.

[1] PROTECT's mission statement is available here.

PROTECT has approximately 2,000 members and supporters who share a common desire to protect the environmental health and legacy of the Adirondack Park. Many of PROTECT's members reside or own property within the Park, and 70 of PROTECT's members live in Essex County. PROTECT's members are also regular users of and visitors to the Forest Preserve who recreate in and enjoy the natural resources and scenic treasures of the Adirondack Park, including the Jay Mountain Wilderness Area, the Hurricane Mountain Wilderness Area and the Taylor Pond Wild Forest. PROTECT and its members are committed to ensuring that public and private lands in the Adirondack Park are managed in a coordinated and complementary manner as envisioned and required by the New York State Constitution, the Adirondack Park State Land Master Plan, applicable Unit Management Plans and the Adirondack Park Agency Act ("APA Act").

PROTECT was formed in 2009 by consolidating two predecessor organizations: the Association for the Protection of the Adirondacks, founded in 1902, the oldest non-profit Adirondack Park advocacy group; and Residents' Committee to Protect the Adirondacks, Inc., an environmental advocacy organization founded in 1990. PROTECT's staff includes an Executive Director, a Conservation Director and Counsel, and a Fundraising Coordinator.

A high proportion of PROTECT's membership dues directly support projects that help protect the Adirondack Park's six million acres. Through independent public oversight, advocacy, education, grassroots organizing, water quality monitoring, research, and legal action, PROTECT and its members work to protect, preserve, and enhance the wilderness character, ecological integrity, and scenic resources of the Adirondack Park, and to promote appropriate recreational uses in the Forest Preserve.

One of PROTECT's priorities is to ensure that APA's regulation of private lands in the Adirondack Park complies with all applicable statutory and regulatory requirements. To that end,

PROTECT routinely monitors APA's review of permit and variance applications; submits Freedom of Information Law requests for records pertaining to private land projects under review by APA; submits comment letters on proposed projects; and attends the monthly meetings of the APA Board.

In addition to advocacy on key issues related to the management of private and public lands in the Adirondack Park, PROTECT is a member of DEC's Forest Preserve Advisory Committee, the Forest Preserve Trails Stewardship Working Group, and the DEC Visitor Use Management Plan Stakeholders Group.

PROTECT's website is also actively maintained as a repository of public information about major issues facing the Adirondack Park; the history and protection of the Forest Preserve; key legislation affecting the Park; major private lands development projects and PROTECT's comments to APA on those projects; and trail guides to 100 hikes in the Park.

PROTECT's members and volunteers are also engaged in projects to educate the public and State agencies about environmental conditions and trends in the Adirondack Park. For example, PROTECT has published reports: (i) identifying opportunities for motor-less recreation on 200 of the largest lakes and ponds in the Adirondack Park; (ii) documenting impacts to natural resources in the Forest Preserve from the use of all-terrain vehicles; (iii) assessing private land development trends in the Adirondack Park; (iv) documenting economic and population trends in the Park; (v) reviewing protected lands in New York State to establish the additional acreage of lands needing protection in order to meet the State's goal of protecting 30 percent of lands and inland waters by 2030; and identifying locations for accessible paddling opportunities in the Adirondack Park.

Although PROTECT relies in most cases on direct advocacy before APA and DEC staff and leadership to achieve its goals, it does on occasion resort to court action when appropriate and necessary to ensure that the agencies comply with the APA Act, the Forever Wild clause of the New York State Constitution, the Adirondack Park State Land Master Plan, and applicable Unit Management Plans. Most recently, PROTECT was successful before the New York Court of Appeals in its suit challenging DEC's unlawful construction on Forest Preserve lands of miles of extra-wide snowmobile trails requiring the cutting of thousands of trees in violation of the Forever Wild clause of the New York State Constitution. *Protect the Adirondacks! Inc. v. N.Y.S. Dep't of Envtl. Conservation*., 37 NY3d 73 (2021).

III. Capacity to Participate (9 NYCRR § 580.7(a)(2))

As noted above, PROTECT has a long history of advocacy before APA concerning both private land and Forest Preserve issues. PROTECT has also on occasion filed legal challenges to APA's approval of private land projects, as well as APA's approval of Forest Preserve management actions by the Department of Environmental Conservation ("DEC").

PROTECT has submitted detailed comments on the following recent private land development applications: proposed subdivisions in the Town of Chester, Warren County (APA Project No. 2025-0129) and the Town of Bolton, Warren County (APA Project No. 2025-0195); a proposed amendment to the Adirondack Park Land Use and Development Plan Map in the Town of Lake Luzerne, Warren County (MA 2025-01); the proposed expansion of an RV park in the Town of Mayfield, Fulton County (APA Project No. 2024-0270); a proposed forest clearcut in the Town of Indian Lake, Hamilton County (APA Project No. 2025-0104); and a proposed solar energy facility in the Town of Ausable, Clinton County (APA Project No. 2025-0015). PROTECT also submitted comments and expert reports addressing visual impacts and engineering of a

remedial waste pile in connection with the application by Barton Mines Corporation, LLC to expand its mining operation in the Town of Johnsburg, Warren County (APA Project No. 2021-0245). In addition, PROTECT participated as a full party in the last adjudicatory hearing held by APA involving the proposed Adirondack Club and Resort in the Town of Tupper Lake, Franklin County.

PROTECT has also filed the following recent legal challenges to actions undertaken or approved by APA: *Adirondack White Lake Assn. et al. v. Adirondack Park Agency* (Sup. Ct. Oneida Co. Index No. EFCA2022-000556); *Protect the Adirondacks! Inc. v. N.Y. Dept. of Envtl. Conservation et al.* (Sup. Ct. Albany Co. Index No. 900663-23); *Protect the Adirondacks! Inc. v. Adirondack Park Agency* (Sup. Ct. Warren Co. Index No. EF2023-71671); *Protect the Adirondacks! Inc. v. N.Y. Dept. of Envtl. Conservation et al.* (Sup. Ct. Albany Co. Index No. 902978-24).

Thus, PROTECT has the capacity to fully participate in this adjudicatory proceeding and to provide information or expertise on matters likely to be considered at the hearing.

IV. Prior Legal or Administrative Proceedings (9 NYCRR § 580.7(a)(3))

Please see Petitioner's response in Point III, *supra*. Further, as noted above, PROTECT participated as a party in the most recent adjudicatory hearing held by APA, and filed a legal challenge to APA's approval of the project following the hearing. *Protect the Adirondacks! Inc. v. Adirondack Park Agency* 38 Misc 3d 1235(A) (Sup. Ct. Albany Co. 2013, *aff'd in part, petition dismissed by* 121 AD3d 63 (3d Dept 2014), *leave to appeal dismissed, leave to appeal denied*, 24 NY3d 1065.

V. Evidence to be Presented (9 NYCRR § 580.7(a)(4))

The APA Order directing that the Application be sent to an adjudicatory hearing identified three issues for adjudication. PROTECT intends to submit testimony on all three issues, each of which–compatibility with the Adirondack Park, compatibility with Rural Use areas, and undue adverse impacts on the resources of the Adirondack Park – is each 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.

PROTECT has made every effort to expeditiously identify and retain witnesses to testify on the issues to be adjudicated. To the extent possible at this early juncture, PROTECT is including the names of witnesses who are likely to provide testimony and the subject matter of their testimony. However, discussions with prospective fact and expert witnesses are ongoing, and PROTECT wishes to reserve the ability to supplement or modify its witness list to the extent permitted by any scheduling order.

Issue #1: Whether the proposed howitzer testing range is compatible with the Adirondack Park land use and development plan, including, but not limited to, whether the howitzer testing range is compatible with the purpose of insuring overall conservation, protection, preservation, development and use of the unique scenic, wildlife, recreational, open space, ecological, and natural resources of the Adirondack Park. [APA Act § 809(10)(a)].

The incompatibility of the proposed Project with the Rural Use classification is made clear by the APA Act. A Rural Use area is one "where natural resource limitations and public considerations necessitate fairly stringent development constraints . . . [and is] characterize[d] by substantial acreages of one or more of the following: fairly shallow soils, relatively severe slopes, significant ecotones, critical wildlife habitats, proximity to scenic vistas or key public lands."

Executive Law § 805(3)(f)(1). In addition, Rural Use areas "are characterized by a low level of development and variety of rural uses that are generally compatible with the protection of the relatively intolerant natural resources and the preservation of open space . . [and] provide the essential open space atmosphere that characterizes the park." *Id*. A military testing range involving the intrusively loud discharge of artillery shells into the side of a mountain will not protect natural resources and will seriously compromise the open space atmosphere that is "essential and basic to the unique character of" the Adirondack Park. *Id*. § 805(3)(f)(2).

PROTECT intends to provide expert testimony regarding the history and characteristics of the Adirondack Park generally, why the proposed Project conflicts with the purposes and policies of the APA Act, and whether the howitzer firing range is compatible with the purpose of insuring overall conservation, protection, preservation, development and use of the unique scenic, wildlife, recreational, open space, ecological, and natural resources of the Adirondack Park. We anticipate that Philip Terrie, Ph.D., will provide testimony on this issue, and that one or more retired United State military personnel may provide testimony on alternatives to the proposed Project. PROTECT also intends to provide testimony from Barbara Rottier, Esq., former APA Associate Counsel, regarding the characteristics of Rural Use areas and why the proposed project is inconsistent with that classification. PROTECT also intends to provide testimony from Kurt Fristrup, Ph.D., on the Project's potential adverse noise impacts on neighboring Forest Preserve units. PROTECT further intends to provide testimony from witnesses residing in the Town of Lewis concerning the characteristics and community character of the area.

Issue #2: Whether the proposed howitzer testing range is a compatible use within the Rural Use land area classification, and whether it is compatible with the character description and purposes, policies and objectives of the Rural Use land area classification, including but not limited

to whether the proposed use should be considered a "commercial use;" and if not, whether the proposed howitzer testing range is a compatible use. [APA Act § 809(10)(b)].

The inappropriateness of locating the proposed Project within Park boundaries is underscored by the fact that a military artillery firing range is not listed as either a primary or secondary compatible use for Rural Use (or for any land classification). *See* Executive Law § 805(3)(f)(4). The proposed Project is therefore a presumptively incompatible use for Rural Use areas. *Id*. § 805(3)(a).

Furthermore, the proposed Project does not meet the APA Act's definition of "commercial use," because it does not involve the sale or rental of goods, services or commodities and does not provide recreation facilities or activities. *See* Executive Law § 802(17) (defining "commercial use" as "any use involving the sale or rental or distribution of goods, services or commodities, either retail or wholesale, or the provision of recreation facilities or activities for a fee other than any such uses specifically listed on any of the classification of compatible uses lists."). The proposed project is therefore not compatible with a Rural Use area.

PROTECT intends to provide expert testimony from Barbara Rottier, Esq., former APA Associate Counsel, on the compatible use and commercial use issues.

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 park [APA Act § 809(10)(e)], considering the development considerations contained in APA Act § 805(4) and 9 NYCRR 574.5, including, but not limited to the following:

i. Whether the howitzer testing range involves any potential discharges, residues, or other pollutants that may affect water resources, land resources, or air resources. [APA Act § 805(4)(a)(1) – (3)]

ii. Whether the howitzer testing range would have an undue adverse impact to land resources within the park, such as soils, forest and open space resources, including the quality and availability of nearby lands for outdoor recreational purposes. [APA Act § 805(4)(a)(1) and (2)]

iii. Whether there is a reliable, comprehensive and accurate projection of the noise that will be produced by the howitzer testing range and whether such noise will have an undue adverse impact upon the Park's resources. [APA Act § 805(4)(a)(1)]

iv. Whether noise mitigation exists or whether they are practical to implement that would avoid undue impact to the Park's resources. [APA Act § 805(4)(a)(1)]

v. Whether the howitzer testing range will create undue ecological impacts or disruption to native or migrating wildlife and their habitats at or near the howitzer testing range, considering species' sensitivities. [APA Act § 805(4)(a)(5) and (6)]

vi. Whether the howitzer testing range could have health and safety impacts relating to the operation, storage, and transport of military equipment. [APA Act § 805(4)(c)(2)(a)]

vii. Whether the howitzer testing range could impact nearby Wilderness and Wild Forest areas. [APA Act § 805(4)(c)(2)(a)]

viii. Whether the howitzer testing range would have economic impact on adjoining and nearby land uses, such as property values. [APA Act § 805(4)(c)(2)(a)].

PROTECT intends to provide expert testimony on several of the sub-issues identified above, including: whether the howitzer firing range involves any potential discharges, residues, or other pollutants that may affect water resources, land resources, or air resources; whether there is a reliable, comprehensive and accurate projection of the noise that will be produced by the howitzer

firing range and whether such noise will have an undue adverse impact upon the Park's resources; whether the howitzer firing range will create undue ecological impacts or disruption to native or migrating wildlife and their habitats at or near the howitzer firing range, considering species' sensitivities; whether the howitzer firing range could have public health and safety impacts relating to the operation, storage, and transport of military equipment; and to what extent the howitzer firing range will adversely impact nearby Wilderness and Wild Forest areas.

PROTECT anticipates providing testimony from RSG, Inc., an environmental consulting firm, on issues #3(ii) and (iii); testimony from Maria Sagot, Ph.D., on issue #3(v); testimony from Kurt Fristrup, Ph.D., on issues #3(ii) and (vii); and testimony from Aaron Forum and/or Alan Rizzo, experts in field artillery, on issues #3(i) and (vi). PROTECT is engaged in the process of identifying and securing other potential witnesses to testify on the other sub-issues identified for issue #3.

PROTECT also intends to make an offer of proof on one additional issue to be adjudicated:

Compliance Issues: PROTECT intends to make an offer of proof showing that the applicant has conducted activities at and surrounding the Project site that are not authorized by and violate the APA Act and the applicant's existing APA permit, APA Permit 2023-0111. The offer of proof will show that the Applicant's compliance history is relevant to whether the Applicant can reasonably be expected to comply with permit conditions in the event the Project is approved by APA.

VI. Interest of PROTECT in This Proceeding (9 NYCRR § 580.7(a)(5))

As demonstrated above in Petitioner's responses in Points II and III, *supra*, PROTECT has an interest that will be affected by APA's decision concerning the proposed Project. As 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, PROTECT and its members (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.

This is the first adjudicatory hearing held by APA in over 14 years. PROTECT has an interest in participating in this historic event by providing testimony and evidence to support and enhance the APA Board's review of and decision-making on the Project.

WHEREFORE, Petitioner Protect the Adirondacks requests permission to participate as a full party in this proceeding.

Respectfully submitted,



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EXHIBIT A

BY-LAWS
Protect the Adirondacks! Inc.

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ARTICLE I
Name and Seal

Section 1 Name
The Corporate name is: **Protect the Adirondacks! Inc.** It shall herein be referred to as the "Corporation".

Section 2 Seal
The seal of the Corporation shall be the White Pine Seal of the former Association for the Protection of the Adirondacks with the name updated.

ARTICLE II
Office and Corporate Books

Section 1 Office
The principal office of the Corporation shall be located at 105 Oven Mountain Road, Johnsburg, NY (mailing address PO Box 48, North Creek, NY 12853). The Corporation may also have offices at such other places within or without this state as the Board of Directors may from time to time determine and the business of the Corporation may require.

Section 2 Corporate Books and Records
There shall be maintained and kept current at an office of the Corporation correct books of account setting forth the assets and liabilities of the Corporation and containing statements describing the activities and transactions of the Corporation including a minute book, which shall contain a copy of the Certificate of Consolidation, a copy of these By-Laws, a copy of the letter from the Internal Revenue Service declaring the Corporation to be a tax-exempt organization and the minutes of all meetings of the members of the Corporation and its Board of Directors.

ARTICLE III
Mission and Vision Statements

Section 1 Mission Statement
Protect the Adirondacks! Inc. is a non-profit, grassroots membership organization dedicated to the protection and stewardship of the public and private lands of the Adirondack Park, and to building the health and diversity of its natural and human communities for the benefit of current and future generations.

Section 2 Vision Statement
We look to a future in which the wild character, ecological integrity, and mutual well-being of the natural and human communities of the Adirondack Park are sustained by an underpinning of laws, policies, and programs that:

- Permanently protect the Park's wildlands, native flora and fauna, waters, soils and air, and the open space and scenic character of the Park;
- Defend the "Forever Wild" clause, Article XIV of the New York Constitution, and ensure that the Forest Preserve is managed accordingly.
- Defend and expand the network of classified Wilderness lands of the Park.
- Ensure that the Park's private lands are sustainably managed to conserve their productivity, economic viability, and open-space character.
- Promote the development of local communities that are strong, diverse, and vital.

- Promote the Adirondack Park as a global model of landscape-scale conservation in which strong protection of large, interconnected public wildlands are integrated with sustainably managed, economically viable, private farms and forests that are linked to healthy, diverse rural communities.
- Protect, preserve, and enhance the wilderness character, ecological integrity, scenic resources, and appropriate recreational uses of the New York State Forest Preserve.
- Conserve the wild, natural, open-space character and the viability of the private farms and forests of the Adirondack Park.
- Undertake educational, research, scientific, investigative, philanthropic and charitable activities, grassroots organization, legal action, public advocacy, and work with the public and other organizations to achieve its mission.

ARTICLE IV
Membership

Section 1 Qualification of Members
The membership shall consist of persons who are interested in and who support the objectives of this Corporation.

Section 2 Membership Classes
There shall be one class of members except that pre-existing life memberships shall be honored.

Section 3 Admission of Members
Upon payment of annual dues, members shall have the right to vote at all meetings of members, and to participate in the benefits of the Corporation.

Section 4 Dues
The Board of Directors shall from time to time establish a schedule of annual membership dues.

ARTICLE V
Board of Directors

Section 1 Board of Directors
The business and affairs of the Corporation shall be managed and conducted by a Board of Directors consisting of not fewer than twelve (12) nor more than thirty (30) Directors, all of whom shall be members of the Corporation. Not fewer than one-third of the Directors shall be domiciled within the Adirondack Park. The Directors may appoint Honorary Directors who shall not have a vote.

Section 2 Nominations and Vacancies
The Board Governance Committee shall annually recommend to the Corporation a slate of candidates to serve as Directors in place of those whose terms are expiring and to fill such vacancies as may exist. The person so elected shall serve the remainder of the appointed term, until elected by the members at the next annual meeting. The recommendations of the Committee shall be reported to the Chair not less than thirty (30) days prior to the Annual Meeting and shall be sent to all Members of the Corporation with the Notice of the Annual Meeting.

Section 3 Election
3.1 One-third of the number of Directors shall be elected each year for a term of three years by the members of the Corporation at its Annual Meeting.

3.2 Directors must be members of the Corporation who are not in the employ, full or part-time, of the Corporation.

Section 4 Powers and Duties of the Board of Directors
The Board of Directors shall have power and the duty to:

- Determine the direction, policies and activities of the Corporation;
- Adopt an annual budget, authorize capital expenditures, approve banking relationships, make provision for bonding of the Treasurer and provide for an independent annual audit;
- Elect new Directors to the Board, and elect its Chair from its own;
- Appoint the Executive Director and all ~~other~~ necessary committees, and authorize additional staff positions;
- Appoint legal counsel, and employ such other assistants, including accounting and investment counsel as it may deem useful, and to regulate their compensation;
- As appropriate, authorize committees or individuals to represent the Corporation before any legislative body, or other organization, public or private, respecting any matter in which the Corporation shall be interested;
- Authorize litigation that will further the mission of the Corporation;
- Maintain and manage the real property owned by the Corporation;
- Confer with Union College on the development and maintenance of the Protect the Adirondacks! historic Adirondack collection presently on permanent loan to the Kelly Adirondack Research Center of Union College;
- Report to the Annual Meeting of the Corporation of its activities and proceedings during the preceding year;
- Convene in Executive Session with the vote of the majority of Directors present.

Section 5 Policy
Only the Board of Directors at regular or special meetings shall determine Corporation policies, unless otherwise specified in these By-laws. Committees and individuals representing the Corporation shall present positions consistent with the broad policy of the Corporation as declared by specific action taken by the Board.

Section 6 Duties of the Members of the Board of Directors
Members of the Board of Directors shall:

- Regularly attend Director Meetings;
- Support the officers and the Executive Director in pursuing the Corporation's Mission and programs;
- Help develop the Corporation's capacities, including personal financial support commensurate with individual resources;
- Actively seek new members for the Corporation;
- Adhere to the Corporation's Conflict of Interest Policy in accord with applicable law;
- Voluntarily serve on committees to assist in the work and management of the Corporation.

Section 7 Removal
The Board of Directors may act, in its discretion, and by a vote of not less than two-thirds of the Directors present at a duly constituted meeting of the Board of Directors, to remove from office any elected Director for cause.

ARTICLE VI
Officers

Section 1 Elected Officers
1.1 The elected Officers of the Corporation shall be a Chair, two Vice Chairs, a Secretary, a Treasurer, plus one "at large" Officer member to serve on the Executive Committee, and such other officers as the Board shall appoint. No fewer than one-third (1/3) of the Officers must be domiciled within the Adirondack Park.

1.2 Election
The Chair shall be nominated by the Board from their own with the advice of the Board Governance Committee and elected by the Board of Directors and serve a two year term. Other Officers shall be nominated by the Chair with the advice of the Board Governance Committee, and elected by the Directors from their own number for a term of two years, also to serve until their successors are elected. The Board has the authority to nominate Board Members to Officer positions that were not nominated by the Board Governance Committee.

Section 2 Executive Director
2.1 The Executive Director shall be an officer of the Corporation and an ex officio member of all Board committees except the Board Governance Committee without vote.

2.2 The Executive Director shall be an employee-at-will of the Corporation and shall serve at the pleasure of the Board of Directors.

Section 3 Officer Responsibilities
3.1 Chair
- The Chair is directly accountable to the Corporation's membership and Board of Directors for implementing the programs and policies of the Corporation and together with the Secretary, or other duly elected officer, shall sign all contracts and obligations of the Corporation;
- The Chair shall preside at all meetings of the Corporation and its Board of Directors, and serve as Chair of the Executive Committee;
- The Chair shall be an ex officio member with vote of all Board committees except the Board Governance Committee;
- The Chair shall be the chief executive officer of the Corporation.
- The Chair shall designate which Vice-Chair shall be "Primary" and which "Secondary."

3.2 Vice Chairs
- The Vice Chairs shall perform such duties as may be assigned by the Chair;
- The Primary Vice Chair shall, in the absence or inability of the Chair, perform the duties of the Chair, and when so acting shall have all the powers and perform the duties of the Chair.
- The Secondary Vice-Chair shall have the same powers should the Primary Vice-Chair be unable to perform.

3.3 Secretary

- The Secretary shall keep the minutes of all meetings of the members, Board and Executive Committee. Minutes shall provide a full description of issues discussed and decisions reached, including any actions required.
- The Secretary shall have custody of the seal of the Corporation, and affix and attest the same to documents when duly authorized by the Board;
- The Secretary shall ensure that notice is duly given of all meetings of the Membership and the Board of Directors;
- The Secretary shall perform such other duties as may be assigned by the Chair.

3.4 Treasurer

- The Treasurer shall have oversight of the financial affairs of the Corporation, and shall provide periodic reports to the Executive Committee and Board of Directors;
- The Treasurer shall ensure an independent audit of the Corporation's records is commissioned and presented on an annual basis to the Board;
- The Treasurer shall perform such other duties as may be assigned by the Chair.

Section 4 Executive Director

The Executive Director shall be the principal operating officer of the Corporation, charged with the duty of carrying out the purposes and objectives of the Corporation and other directives under the supervision of the Chair and shall serve at the pleasure of the Board. The Executive Director has the authority to recruit and hire staff authorized through the budget process by the Board. The Chair, with the advice and consent of the Officers and/or Board, shall establish annual performance goals and objectives with the Executive Director, which shall be in writing and presented to the Board of Directors and Executive Director. The Chair and the Officers shall establish an evaluation form, based on the performance goals and objectives, to be completed annually by each member of the Executive Committee. The Chair and Primary Vice-Chair shall conduct an annual review of such completed evaluations, discuss performance based on the evaluations with the Executive Director and report the results to the Board of Directors.

Section 5 Election of Officers

Election of Officers shall be by majority of the Board at a meeting of the Board of Directors.

Section 6 Removal or Resignation, Filling of Vacancies

6.1 Removal

An elected Officer may be removed from office by the Board for cause, by a vote of two-thirds of the total number of Directors on the Board.

6.2 Resignation

Any Officer or Director may resign at any time by giving written notice to the Board, the Chair or the Secretary of the Corporation. Unless otherwise specified in the notice, the resignation shall take effect upon receipt thereof by the Board, the Chair or the Secretary. Acceptance of the resignation shall not be necessary to make it effective.

6.3 Vacancies

Any vacancy among the Officers or Directors may be filled by election or appointment at any meeting of the Board for the balance of the term of the office falling vacant. The Board shall seek the advice of the Board Governance Committee in seeking nominees to fill the vacancy.

ARTICLE VII
Committees

Section 1 Standing Committees
The Executive Committee shall be the sole standing committee of the Board of Directors.

Section 2 Permanent, Program and Special Committees

2.1 Permanent Committees
The permanent committees shall consist of the following:

- **2.1.1** Board Governance
- **2.1.2** Conservation Advocacy (CAC)
- **2.1.3** Development & Membership
- **2.1.4** Audit Committee

2.2 Committees Chairs
The Chair shall appoint the Chairs of the Committees, except the Board Governance Committee, subject to the approval of the Board. Each Permanent Committee in consultation with the Board Chair shall develop a charter defining its purpose and function and determine the number of its members.

2.3 Special Committees
The Chair may establish and determine the charter of and provide for the appointment of members of such additional committees for specific purposes, projects and programs as may be deemed advisable subject to approval by the Board of Directors.

Section 3 Committee Membership Qualifications
Persons serving on Committees must be members of the Corporation.

Section 4 Executive Committee

4.1 Membership
Membership of the Executive Committee shall consist of the six elected officers of the Corporation (the Chair, two Vice-Chairs, Secretary, and Treasurer) and one at-large Director/Officer elected from the Board of Directors, all to serve two-year terms. Not fewer than one-third (1/3) of the members of the Executive Committee must be domiciled within the Adirondack Park. The Chair shall be the Chairperson of the Executive Committee.

4.2 Responsibilities
The Executive Committee shall act for the Board when necessary between meetings of the Board of Directors and in the best interests of the Corporation in accordance with the Certificate of Consolidation, and By-Laws of the Corporation. The Committee shall promptly report its actions to the Board.

Section 5 Board Governance Committee

5.1 Membership
The Chair, with the approval of the Board of Directors, shall appoint a Board Governance Committee, which shall elect its own Chair.

5.2 Responsibilities
The duties of the committee shall be to address the following activities and report and make recommendations to the Board:

- Review governance documents and procedures to ensure they are lawful, purposeful, and adhered to;
- Review all offices and advise on nomination of officers;
- Search for needed talents for the Board of Directors; nominate candidates for election or reelection to be voted upon at the ensuing annual meeting; and nominate candidates to serve as Honorary Directors.
- Facilitate a periodic evaluation of Board Directors.

Section 6 Conservation Advocacy Committee (CAC)

6.1 Membership
Any Board Director may serve on this Committee. With approval of the Committee chair(s), members of the Corporation may serve with voting rights.

6.2 Responsibilities
The CAC, guided by the Executive Director, follows the progress of current public policy and conservation initiatives and any issues regarding the Adirondack Park and Forest Preserve. The CAC is authorized to develop recommended actions to the Board of Directors in furtherance of the Corporation's Mission and Vision. The Board may authorize the CAC to act on its behalf on any issue it so chooses. Delegation of issues shall be identified in a separate document approved by the Board. The CAC Chair or the designated Secretary shall prepare minutes in advance of the next Board meeting. Minutes shall provide a full description of issues discussed and the results of any decisions, along with any initiatives that require Board action.

Section 7 Development and Membership Committee

7.1 Membership
The Chair, with the approval of the Board of Directors, shall appoint a Development and Membership Committee. With approval of the Committee Chair(s), members of the Corporation may serve with voting rights

7.2 Responsibilities
To devise strategies and enlist the Board of Directors in pursuing initiatives to:
- Fundraise and otherwise enhance the Corporation's fiscal capacities;
- Enlarge and retain an engaged Corporate membership.

ARTICLE VIII
Finances

Section 1 Fiscal Year
The fiscal year of the Corporation shall commence on July 1 of each year and end on June 30 of the succeeding year.

Section 2 Depositories
Funds of the Corporation, including securities, may be deposited from time to time to the credit of the Corporation with depositories approved by the Board of Directors.

Section 3 Signatories
All checks, drafts or other orders for the payment of money, notes, acceptances or other evidence of indebtedness issued in the name of the Corporation, shall be signed by the

designated individual or individuals, actual or facsimile, in the manner which shall be determined by the Board of Directors.

Section 4 Audit
The financial statements and records of the Corporation shall be audited each year by an independent certified public accountant.

Section 5 Compensation
Directors and Officers other than the Executive Director shall serve without compensation but reasonable expenses may be paid. No employee of the Corporation shall receive any funds from the Corporation or any pecuniary profit from the operations thereof, except reasonable compensation for services actually rendered to the Corporation and reimbursement for expenses incurred in the performance of such services.

Section 6 Investments
The funds of the Corporation may be retained in whole or in part in cash or be invested and reinvested from time to time in such property, real, personal or otherwise, including stocks, bonds or other securities, as the Board of Directors may deem desirable.

ARTICLE IX
Indemnification

The Corporation shall, to the fullest extent now or hereafter permitted by and in accordance with the standards and procedures provided for by the Not-for-Profit Corporation Law of New York and any amendments thereto, indemnify any person made, or threatened to be made, a party to any criminal or civil action or proceeding arising from the performance of his or her duties as a Director, Officer, employee of the Corporation, against judgments, fines, amounts paid in settlement and reasonable expenses, including attorneys' fees. The Board shall purchase insurance for such purpose.

ARTICLE X
Corporate Status

The Corporation is a non-stock, non-profit corporation, organized and operated exclusively for charitable, conservation, and education purposes. Specific restrictions apply to the distribution and use of Corporation funds as defined in the Certificate of Consolidation.

ARTICLE XI
Meetings

Section 1 Meetings of the Membership

1.1 Annual Meetings
The Annual Meeting of the Corporation shall be held during the months of June, July, August or September on such date and at such time and place as the Board of Directors may designate.

1.2 Notice
Notice of meetings of the membership shall be given to members by first class mail, or electronic mail not fewer than thirty (30) days prior to such meeting.

1.3 Special Meetings

- May be called by the Chair;
- Must be called upon request of majority of the members of the Board of Directors;
- Must be called if a petition so requesting is signed by at least ten percent of the members of the Corporation;
- Notice of a special meeting shall be given in the time and manner provided in subsection 1.2 above;
- Notice of a special meeting shall also state the purpose or purposes for which the meeting is called. No other business but that specified in the notice may be transacted at a special meeting without the unanimous consent of those present.

1.4 Voting Rights and Proxies

At all meetings of the membership, each member shall be entitled to cast his or her vote in person. The Board may in its discretion allow a vote by official written proxy ballot which must bear the member's signature.

1.5 Quorum

A quorum for the transaction of business at any meeting of the membership shall be constituted by the presence of thirty (30) members, or one-tenth of the total membership, whichever is lesser, in person or by proxy. However, a lesser number may adjourn the meeting for a period of not more than ten weeks from the date originally scheduled. The secretary shall cause a notice of the rescheduled date of the meeting to be sent to those members who were not present at the meeting originally called.

1.6 Majority

All matters brought to vote shall be decided by a simple majority vote of the members present in person or by proxy except for such matters for which a greater vote is required by the laws of the State of New York, the Corporation's By-Laws or Certificate of Consolidation.

Section 2 Meetings of the Board of Directors

2.1 Regular Meetings

Meetings may be held at any place within or without the State of New York and at such times as the board may from time to time fix, but normally every third month or four (4) times per annum and a fifth such meeting shall be held during each Annual Meeting of the Members for the purpose of electing officers.

2.2 Notice of Meetings

Not less than seven (7) prior written notice, which may be by electronic mail, shall be given to all members of the Board of Directors of the time and place of meetings. Notice shall include an agenda and relevant informational materials.

2.3 Special Meetings

Special meetings of the Board of Directors may be called at any time by the Chair or, in case of the Chair's absence or inability to act, by a vice Chair, or by signed statement of two-thirds of the Board, upon at least five (5) days' prior written notice to each member of the board, at such time and place as it may determine. Notice of a special meeting shall state the purpose or purposes for which the meeting is called. No other business but that specified in the notice may be transacted at a special meeting without the unanimous consent of those present.

2.4 Quorum

A quorum for the transaction of business at any meeting of the Board of Directors shall be constituted by the presence, in person, of one half of the Directors. In the absence of a quorum, the Directors present may reschedule the meeting.

2.5 Majority
Unless otherwise provided herein, all matters brought to vote shall be decided by majority vote of the Directors present.

Section 3 Meetings of the Executive Committee.

- The Chair may convene the Executive Committee as necessary at times between regular meetings of the Board, upon notice to all members of the Committee.
- All actions of the Executive Committee shall be by majority vote of the entire Committee.
- All actions of the Executive Committee shall be reported at the next meeting of the Board of Directors and entered into the minutes thereof.

Section 4 Rules of Order
The rules contained in Roberts Rules of Order, revised, shall govern the Corporation in all cases to which they are applicable, and in which they are not inconsistent with the By-Laws or special rules of order of this Corporation.

Section 5 Action by Consent
Any action required or permitted to be taken by the Board of Directors or Executive Committee may be taken without a meeting if all members of the Board of Directors or Executive Committee consent in writing to the resolution authorizing the action.

Section 6 Action by Conference Call
Board of Directors or Executive Committee meetings may be held with one or more members participating by means of a conference telephone or similar communications equipment allowing persons participating in the meeting to hear each other at the same time.

Section 7 Limit on Action in Absence of a Quorum
At any duly called meeting of either the Board of Directors or the Executive Committee at which a quorum shall not be present, no action shall be taken except upon the signed, written unanimous consent of by every member of the Board of Directors or the Executive Committee as the case applies, after each of them shall have subscribed his or her name signifying his or her approval and consent to a statement setting forth the specific action to be taken.

ARTICLE XII
Construction

If there be any conflict between the provisions of the Certificate of Consolidation, and these By-Laws of the Corporation, the provisions of the Certificate of Consolidation shall govern.

ARTICLE XIII
Amendments

The Certificate of Consolidation and By-Laws may be amended in the following manner:

- Any proposed amendment must be approved at a regular or special meeting of the Board of Directors, at which a quorum is present, by a two-thirds vote of the Board members present and voting at such meeting.
- Any amendment so approved shall be submitted to the membership for a vote following procedures established by the Board of Directors.
- A majority of the membership voting in person or by proxy is required to approve the amendment.
- In the event that the Board of Directors shall fail to approve any proposed amendment to the Certificate of Consolidation or By-Laws submitted to it, the proposed amendment must be submitted to the membership for vote if a petition is filed in support of said amendment carrying the signatures of not less than ten percent of the membership of the Corporation. The same procedure must be followed as if such amendment had been approved by the Board of Directors.

Adopted by Board of Directors on May 4, 2024
Approved by the membership on July 20, 2024

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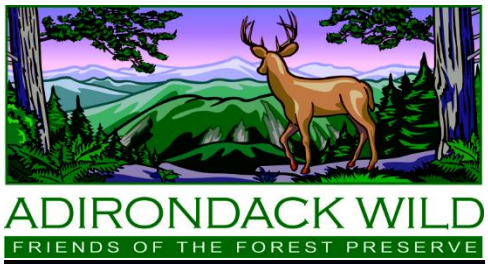


Dec. 17, 2025

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
david.greenwood@dec.ny.gov

Grace Sullivan
Senior Attorney
Adirondack Park Agency
P.O. Box 99
1133 NYS Route 86
Ray Brook, NY 12977
grace.sullivan@apa.ny.gov

Matthew M. Norfolk
Norfolk Beier PLLC
The Outpost
55 Barn Road, Suite 201
Lake Placid, New York 12946
mnorfolk@norfolkbeier.com

To: Hon. ALJ David Greenwood, Ms. Grace Sullivan, and Mr. Matthew Norfolk,

Adirondack Wild: Friends of the Forest Preserve petitions the Adirondack Park Agency for party status in the upcoming adjudicatory hearing of Project 2021-0276 seeking a permit for a weapons range testing the internal ballistics of howitzer cannon barrels in Lewis, Essex County.

Pursuant to Agency regulations (Part 580.7) for intervention in adjudicatory hearings, we present the following:

1. Adirondack Wild: Friends of the Forest Preserve is a not-for-profit organization incorporated in New York State and employing advocacy to protect the 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 Park wildlands. Adirondack Wild was reorganized in 2010, with historic roots within Friends of the Forest Preserve founded in 1945 by Paul Schaefer. Schaefer earned a national reputation for successfully fighting to protect remote and wild areas in the Adirondack Park from exploitation. Adirondack Wild has a board of directors, an advisory board, 1000 members, and two full-time staff. Our organizational by-laws and other documents are available as required.

2. Adirondack Wild is very familiar with and a frequent participant in APA administrative proceedings. We submit monthly verbal public comments to the Agency and regularly submit written comments about new land use and development applications, including many projects proposed in the same Rural Use land use classification as the howitzer cannon application. We also participate in APA legislative hearings considering proposed variances. In 2024-25 we participated in months of verbal and written public comment about draft amendments to the Adirondack Park State Land Master Plan.

3. Adirondack Wild was an intervenor and party to the last adjudicatory hearing held by the Agency, Adirondack Club and Resort, in 2011. We have demonstrated the capacity to participate in the administrative proceeding concerning this Project, 2021-0276.

4. Because our program is focused on conservation of wildlands for the interconnected public and private landscapes of the Adirondack Park, 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. The sound impacts of the cannon testing threatens the peace, tranquility, character, solitude, wildlife, and open space values of the Adirondack Park Forest Preserve, including lands classified as Wild Forest, as well as Wilderness areas located just several miles away from the testing range.

   Furthermore, the proposal affects a large block of private lands classified Rural Use. Adirondack Wild has long advocated for greater protection of Rural Use areas consistent with the APA Act. According to the APA Act, such areas are "characterized by a low level of development and variety of rural uses generally compatible with the protection of the generally intolerant natural resources and the preservation of open space. Rural use areas and the resource management areas provide the essential open space atmosphere that characterizes the Adirondack Park."

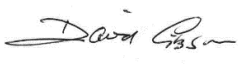
   Military-style testing of cannons exhibiting sound forces at or exceeding 100 dbA should not be deemed compatible with the stated legislated purposes, policies, and objectives of Rural Use. The legislature was clear about this. Military-style weapons testing is not listed as either a primary or secondary use, meaning it is presumed incompatible in this land use classification. Moreover, the project's use

and maintenance over a five-year period appears to lack a military or commercial sponsor and purpose. Its use over five years 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.

5. Adirondack Wild has a demonstrated strong interest in defending the “forever wild” constitutional protections and wilderness values of the Forest Preserve. These protected lands, waters, and wildlife are located within a few hundred yards of the proposed cannon testing at the closest point. The military-style testing will introduce new, potentially damaging noise forces within these public wildlands, thus directly affecting our environmental interests. Our work also involves limiting overuse of the Forest Preserve by keeping such uses within the carrying capacity, or ability of the area to withstand a variety of human uses. The proposed military-style testing may exceed the area’s carrying capacity and desired uses measured by visitor use management indices and study. Furthermore, our environmental interests could be severely affected if the cannon testing directly or indirectly violates State Land Master Plan guidelines for management and recreational use of Wild Forest and Wilderness, and related unit management plan management recommendations for the several Forest Preserve areas proximate to or within several miles of the military-style cannon testing.

Thank you for considering our petition to become a party to this hearing.

Sincerely,



David Gibson, Managing Partner
Adirondack Wild: Friends of the Forest Preserve

P.O. Box 9247
Niskayuna, NY 12309
Adirondackwild.org
518-469-4081

Friends of the Forest Preserve, Inc.

P.O. Box 9247

Niskayuna, NY 12309

By-Laws

Article 1

Name

1.1 The corporate name is Friends of the Forest Preserve, Inc.

1.2 The corporation may do business as (DBA) Adirondack Wild, or Adirondack Wild: Friends of the Forest Preserve.

1.3 Corporate Status: The corporation is a non-stock, not-for-profit corporation incorporated in New York State, organized and operated exclusively for charitable and educational purposes under IRS 501 c 3 status.

Article II

Mission Statement

2.1 The mission of Friends of the Forest Preserve, Inc. 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.

Article III

Board of Directors

3.1 There shall be a Board of Directors of no more than fifteen and no fewer than three members. The Board shall be the governing body of the organization and shall appoint one of their members as Chair. The Chair shall conduct regular and special meetings of the organization. The Chair shall recommend a slate of candidates to serve as Directors in place of those whose terms are expiring and to fill vacancies as

may exist, subject to Board approval. The Directors shall serve a term of three years.

3.2 Board members may be subject to removal if they have three unexcused absences from properly noticed meetings within a one-year period. The removal vote will be by majority vote of the Board. Board members and Officers may also be removed with or without cause, by a vote of two-thirds of the Board present at a special meeting called for that purpose.

3.3 The Board shall have the power and duty to:

(a) Adopt an annual budget

(b) Fill any vacancy on the board

(c) Elect officers

(d) Appoint necessary committees

(e) Appoint management staff, including an Executive Director, who may be referred to as “Managing Partner”, and to conduct their evaluation and determine compensation. The Executive Director is responsible for hiring staff, conducting their evaluation, and recommending their compensation, subject to Board approval.

(f) Appoint delegates to represent the organization before any body or organization, public or private, regarding any matter in which the corporation is interested.

(g) At the annual meeting the Board shall make reports of the corporation’s activities in the preceding year, and make recommendations for the future.

3.4 The Board of Directors shall:

(a) Regularly attend Director Meetings.

(b) Support the corporate efforts and programs, and support the corporation to the degree they are able financially.

(c) Actively seek new Board members, donors and supporters of the corporation.

(d) Serve on committees as appointed.

Article IV

Officers

4.1 The elected officers shall be a Chair; Treasurer; and Secretary. This group shall also comprise the Executive Committee, which may also consist of other Directors approved by the Board. Officers shall be elected by the Board at the annual meeting for a term of two years, or until replaced. The Chair shall preside at all meetings of the organization, serve as Chair of the Executive Committee, and shall appoint the Chair of each Committee. The Chair shall exercise the usual functions of a presiding officer. The Chair shall sign, or shall authorize a delegate to sign all written contracts and obligations of the organization.

4.2 The Secretary shall have the powers and perform the duties of the Chair in his or her absence.

4.3 The Secretary shall notify the members of meetings of the organization where a quorum is required of the Board of Directors, and shall keep the minutes of such meetings. The Secretary shall perform such other duties as may be assigned by the Chair.

4.4 The Treasurer shall have oversight of the financial affairs of the organization and shall provide periodic reports to the Board and Partners. He or she shall ensure an audit is commissioned and presented on an annual basis to the board; and perform such other duties as may be assigned by the Chair.

4.5 Any vacancy in the office of Chair, Secretary or Treasurer may be filled by a vote of two-thirds of the Board present at a special meeting called for that purpose.

Article V

Committees

5.1 The following are established as Standing Committees of the Board:

1. Executive

2. Finance and Development.

The Chair may establish additional program committees for specific purposes subject to approval by the Board.

5.2 The Executive Committee shall act for the Board between meetings of the Board, and report its actions at the next board meeting.

5.3 The Finance Committee shall be responsible for an annual audit of the books and accounts of the Treasurer, produce a written report and perform other duties enumerated in Article VI.

Article VI

Finances

6.1 The fiscal year of the organization shall commence on July 1 of each year, and end on June 30 of the succeeding year.

6.2 All checks or other orders for the payment of money or other evidence of indebtedness of the organization shall be signed by the designated individual or individuals in the manner which shall be determined by the Board.

6.3 The accounts of the organization shall be audited each year by an independent certified public accountant.

6.4 Compensation:

(a) Directors shall serve without compensation but reasonable expenses may be paid.

(b) Employees of the organization shall not receive any funds from the corporation except reasonable compensation for services rendered to it and reimbursement for expenses incurred in the performance of such services.

6.5 Investments: The funds of the organization may be retained in whole or in part in cash or be invested and reinvested from time to time in such property including stocks, bonds or other securities as the Board may deem desirable.

Article VII

Meetings

7.1 An Annual meeting of the organization shall be held on such date and at such time and place as the Board may designate. Special meetings may be called by the Chair upon request of the majority of the members of the Board.

7.2 Regular meetings of the board may be held at such times as the Board may designate. Notice of all meetings shall be given not less than two weeks prior to all members of the Board. Notice may be given by means of electronic communication, and meetings may be attended by telephone conference call, video or other means of live, real-time communication.

7.3 The Chair may convene the Executive Committee as necessary between regular meetings of the Board.

7.4 Quorum: A quorum shall be the attendance of a majority of those Directors currently serving, one of whom must be the Chair or Secretary

Article VIII

Indemnification

8.1 The Corporation may, to the fullest extent of the law, indemnify any person made, or threatened to be made, a party to any action or proceeding by reason of the fact that he/she was a Director, Officer, employee or agent of the organization, against judgments, fines, amounts paid in settlement and reasonable expenses, including attorney's fees. The board may purchase insurance for such purpose.

Article IX

Rules of Order

9.1 Although it is the intention of the Board to operate as informally as possible, Robert's Rules of Order, as amended, will govern all matters before the Board for action.

Article X

Official Records

10.1 The Official Records of the Corporation will be maintained and retained in written form or other format as appropriate.

Article XI

Dissolution

11.1 The Corporation may be dissolved by a two-thirds vote of the Board. Upon dissolution, the Board of Directors shall, after satisfying all lawful liabilities of the Corporation, dispose of all remaining assets of the Corporation to an organization of similar purpose having designation under Sec.501 c 3 of the U.S. Internal Revenue Code. In the event of dissolution, no Officer or Board member shall be entitled to any distribution of the remaining Corporate property or proceeds thereof.

Article XII

Amendments

12.1 These By-laws may be amended at any meeting of the Board, the notice of which includes the proposed By-law changes, by a vote of two-thirds of those in attendance.

These By-laws were duly adopted by the Corporation on September 30, 2025.

December 22, 2025

Project Sponsor – Michael Hopmeier
Unconventional Concept LLC
Authorized Representative – Matthew D. Norfolk
Norfolk Beier, PLLC
1936 Saranac Ave, Suite 106
Lake Placid, NY 12946

Agency Hearing Staff – Grace Sullivan
Adirondack Park Agency
P.O. Box 99
1133 NYS Route 86
Ray Brook, NY 12977

David Gibson
Managing Partner
Adirondack Wild: Friends of the Forest Preserve
P.O. Box 9247
Niskayuna, NY 12309

Christopher Amato
Conservation Director and Counsel
Protect the Adirondacks
P.O. Box 48
North Creek, NY 12853

Philip H. Gitlen, Esq.
Paul Van Cott, Esq.
Anna V. Seitelman, Esq.
Attorneys for Adirondack Council, Inc.
Whiteman Osterman & Hanna LLP
One Commerce Plaza
Albany, NY 12260

Roger Downs
Conservation Director
Sierra Club Atlantic Chapter
Care of Todd D. Ommen
Managing Attorney
Pace Environmental Litigation Clinic
78 North Broadway
White Plains, NY 10603

RE: APA Project No. 2021-0276 Public Hearing
Letter Ruling - Petitions for Intervention Seeking Party Status

Dear Parties and Prospective Parties:

On November 20, 2025, I was appointed to serve as hearing officer for the Adirondack Park Agency's (APA or the Agency) public hearing on the above referenced project application pursuant to State regulation at 9 NYCRR 580.8(a). The Agency issued notice of commencement of the public hearing to be held on December 22, 2025. The project sponsor 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 hearing notice 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:

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

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]). To that end, and in light of the timing of these matters around the holidays, **I ask that the parties and prospective parties submit any comments or opposition to the petitions for party status in writing to me and upon notice to those addressed in this letter ruling by 5:00 p.m. on Tuesday, January 6, 2026**. Electronic submissions to me via email are acceptable. I will endeavor to grant or deny the petitions within five business days of the receipt of the additional information as provided for by the Agency's regulations at 9 NYCRR 580.7(c).

SO ORDERED:



Administrative Law Judge
APA Hearing Officer
David. N. Greenwood

DATED: 12/22/2025

PROTECT THE ADIRONDACKS!

Board of Directors

Charles Clusen
Chair

Barbara Rottier
James McMartin Long
Vice-Chairs

Chris Walsh
Secretary

David Quinn
Treasurer

Nancy Bernstein
John Caffry
Dean Cook
Juliet Cook
James C. Dawson
Lorraine Duvall
Robert Glennon
Roger Gray
Sidney Harring
Michala Hendrick
Sheila Hutt
Patricia Morrison
John Nemjo
Charlie Olsen
Peter O'Shea
Philip Terrie

Staff

Claudia K. Braymer, Esq.
Executive Director

Christopher Amato, Esq.
Conservation Director and Counsel

Peter Bauer
Fundraising Coordinator

Via Email

December 22, 2025

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 of Unconventional Concepts, Inc. and Michael Hopmeier
APA Project No. 2021-0276

Dear Judge Greenwood:

Protect the Adirondacks has received your December 22, 2025 Letter Ruling that the parties and prospective parties in the above-referenced proceeding submit any comments or opposition to the petitions for party status upon notice to those addressed in the Letter Ruling by 5:00 p.m. on Tuesday, January 6, 2026.

In light of the fact that the applicant and other parties are being given approximately two weeks to prepare and submit objections to the petitions for party status, we respectfully request that the prospective parties be provided an opportunity to submit written responses to any objections to petitions for party status that may be filed.

Respectfully submitted,



Christopher A. Amato, Esq.
Conservation Director and Counsel

Protect the Adirondacks
PO Box 48, North Creek, NY 12853 518.251.2700
www.protectadks.org info@protectadks.org
Like Us on Facebook and on Instagram/Threads @ProtectAdkPark

Cc: Grace Sullivan, Esq.
Matthew Norfolk, Esq.
Philip H. Gitlen, Esq.
Anna V. Seitelman, Esq.
Paul Van Cott, Esq.
Todd Ommen, Esq.
Roger Downs
David Gibson

NEW YORK STATE | Adirondack Park Agency

KATHY HOCHUL
Governor

BARBARA RICE
Executive Director

December 23, 2025

(By E-Mail: david.greenwood@dec.ny.gov)

Honorable David Greenwood
Administrative Law Judge
NYS Department of Environmental Conservation
Office of Hearing and Mediation Services
625 Broadway, First Floor
Albany, NY 12233-1550

Re: In the matter of the application of Unconventional Concepts, Inc. and Michael Hopmeier – P2021-0276

Dear Judge Greenwood,

We received petitions for party status submitted by Adirondack Wild: Friends of the Forest Preserve, Protect the Adirondacks!, the Adirondack Council, Inc., and the Sierra Club Atlantic Chapter. We take no position on these petitions submitted on or before December 19, 2025.

If any of the organizations are granted party status, the APA reserves the right to respond to any proposed evidence according to the procedures set forth in Agency regulations, or to those established during the course of the hearing.

The APA requests that any proposed issues be reviewed and considered separate from the petitions for party status at a pre-hearing conference pursuant to Agency regulations §580.9.

Respectfully Submitted,

Grace Sullivan

Grace Sullivan

In the Matter of Application of

Unconventional Concepts, Inc. and Michael Hopmeier

APA Project No. 2021-0276

SPONSOR'S OPPOSITION TO THE PETITION TO INTERVENE FILED BY ADIRONDACK WILD – FRIENDS OF THE FOREST PRESERVE

Matthew D. Norfolk, Esq.
Norfolk Beier PLLC
55 Barn Road, Suite 201
Lake Placid, New York 12946
518.302.8080
mnorfolk@norfolkbeier.com
Attorneys for Sponsor,
Michael Hopmeier

I. Adirondack Wild – Friends of the Forest Preserve's Petition to Intervene Is Materially Defective and Must Be Denied.

A. Adirondack Wild – Friends of the Forest Preserve's Petition Fails to Provide Sufficient Information about the History of Its Formation and the History of Its Legal Nature.

Pursuant to 9 NYCRR §580.7(a)(1), if an organization files a petition to intervene, it must state, among other things, "the history of formation and legal nature." Adirondack Wild – Friends of the Forest Preserve (hereinafter referred to as "Adk Wild") fails to do this. Specifically, Adk Wild's petition does not state when Adk Wild was created. It merely states it was reorganized in 2010, "with historic deep roots within Friends of the Forest Preserve." There is no elaboration on exactly what Adk Wild's affiliation is with Friends of Forest Preserve and why it is relevant. Moreover, there is no information on the organizational structure and legal nature of Friends of the Forest Preserve and what its purpose is or was. Administrative Law Judge Greenwood, the Adirondack Park Agency (hereinafter referred to as the "APA") and the Sponsor are all left guessing (1) when Adk Wild was created, (2) what the nature or type of affiliation it had with Friends of the Forest Preserve, (3) what is the relevancy of having a past affiliation with Friends of the Forest Preserve, (4) if Adk Wild's affiliation with Friends of the Forest Preserve is relevant, what is the history of formation and the legal nature of Friends of the Forest Preserve, and (5) what is Adk Wild's charter or official purpose.

For these reasons, Adk Wild's petition fails to comply with 9 NYCRR §580.7(a)(1) and must be denied.

B. Adk Wild's Petition Fails to Include a Copy of Any Charter, Certificate of Incorporation, Bylaws, Constitution or the Like.

Pursuant to 9 NYCRR §580.7(a)(1), Adk Wild was to include in its petition "a copy of any charter, certificate of incorporation, bylaws, constitution or the like." Adk Wild fails to comply with this requirement. Therefore, Adk Wild's petition to intervene must be denied.

C. Adk Wild's Petition Fails to Demonstrate Its Capacity to Participate in Administrative Proceedings and to Supply Information or Expertise Relative to Matters Likely to Be Considered at the Hearing.

Pursuant to 9 NYCRR §580.7(a)(2), Adk Wild must demonstrate it has "the capacity to participate in administrative proceedings and to supply information or expertise relative to matters likely to be considered at the hearing." Adk Wild fails to do this. 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 15 years ago, in 2011, in connection with an unrelated development project involving the Adirondack Club and Resort.

First, any individual or entity is free to submit comments to the APA. However, simply submitting comments does not qualify an individual or entity to have the capacity to participate in an administrative proceeding, no less an adjudicatory hearing in such a proceeding.

Second, the Adirondack Club and Resort project was materially different than the instant proposed project before the APA; with different facts, environmental concerns and legal issues. Participation in that proceeding has no relevancy in determining whether Adk Wild has the capacity to participate in the instant administrative proceeding and to supply information or expertise relative to matters likely to be considered at the hearing.

Third, even if the Adirondack Club and Resort project was a similar project to that which the Sponsor proposes here and Adk Wild had the capacity to participate in the Adirondack Club

and Resort proceeding, having such capacity in 2011 – 15 years ago - does not mean that Adk Wild has the capacity now to participate in the instant administration proceeding.

Lastly, Adk Wild's petition is wholly devoid of any allegation or offering of proof that it can supply information or expertise relative to matters likely to be considered at the hearing. Without the ability to provide information or expertise relative to matters likely to be considered at the hearing, Adk Wild's participation will offer no benefit.

D. Without Providing Copies of the Documents Required in 9 NYCRR §580(a)(1), in particular, Its Charter, Adk Wild 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.

Adk Wild does not provide sufficient proof or grounds 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 is before the APA 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.

Moreover, Adk Wild does not provide its charter to support its environmental interest. A corporate charter is the integral legal document filed with a state to create a corporation, outlining essential details like the company's name, *purpose*, structure, and founders, establishing its legal identity. Without the charter, the APA certainly cannot determine Adk Wild's interests in the proceeding and its outcome.

E. Adk Wild's Concerns Focus Largely on State Land Management, which is Primarily the Responsibility of the Department of Environmental Conservation.

In an attempt to show its interests may be impacted by the APA's decision on the instant project application, Adk Wild asserts it has a strong interest in defending the "forever wild" clause in New York State's constitution and limiting the overuse of Forest Preserve lands. It goes on to claim that the project may exceed Forest Preserve's carrying capacity and desired uses measured

by visitor use management indices and studies and if the project is approved by the APA, such a decision may violate the State Land Master Plan. These concerns are not to be addressed in a private party's application to the APA for approval of a particular use or development of private land. These concerns should be brought to the DEC, which manages Forest Preserve lands and implements the State Land Master Plan.

Wherefore, the Sponsor hereby requests that Adk Wild's petition to intervene be denied in its entirety, together with such other and further relief Administrative Law Judge Greenwood or the APA deems appropriate and justified.

Dated: January 6, 2026
Lake Placid, New York

Norfolk Beier PLLC



By: _____
Matthew D. Norfolk, Esq.

3. Notices of Appearance

KATHY HOCHUL
Governor
BARBARA RICE
Executive Director

----------x

In the matter of the application of

NOTICE OF APPEARANCE

UNCONVENTIONAL CONCEPTS, INC., and MICHAEL HOPMEIER

APA Project No. 2021-0276

----------x

I, _____, appear for, and at the request of, _____ in the above mentioned proceeding.

I affirm that I am authorized to appear, sign and bind the above-named party, including but not limited to the filing and accepting of service of process documents on behalf of this party. By submitting this form, I agree to accept service by e-mail.

In the event above-named party wishes to substitute counsel, or I wish to withdraw as representative, I must submit a written request to Administrative Law Judge David Greenwood. Substitution or withdrawal is contingent upon approval of the Administrative Law Judge.

I affirm, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.

Dated:

By:_____

NAME:
ADDRESS:

PHONE:
EMAIL:

NEW YORK STATE | Adirondack Park Agency

KATHY HOCHUL
Governor

BARBARA RICE
Executive Director

December 16, 2025

(By E-Mail: david.greenwood@dec.ny.gov)

Honorable David Greenwood
Administrative Law Judge
NYS Department of Environmental Conservation
Office of Hearing and Mediation Services
625 Broadway, First Floor
Albany, NY 12233-1550

Re: In the matter of the application of Unconventional Concepts, Inc. and Michael Hopmeier – P2021-0276

Dear Judge Greenwood,

As discussed at the scheduling call on December 11, 2025, the undersigned counsel agree to require that all parties complete a notice of appearance in order to participate in the proceedings.

A signed notice of appearance would help develop a full and complete record by clearly identifying parties and the representatives authorized to act on their behalf; and would allow the hearing to efficiently proceed without delays or unnecessary disruptions. Notices of appearance would also help in maintaining the service list, so the parties to the hearing are able to identify other parties that are required to receive notice of any filings made in this proceeding.

A form notice of appearance to be completed by any party to the proceeding, or their representative(s), is attached for your review. If this form notice is acceptable, the undersigned counsel propose to publish the document on the Agency's website.

Respectfully Submitted,

Grace Sullivan
Attorney for the APA

Matthew D. Norfolk
Attorney for the Project Sponsor

SO ORDERED:

_____
ALJ Greenwood

DATED:

NEW YORK STATE | Adirondack Park Agency

KATHY HOCHUL
Governor

BARBARA RICE
Executive Director

December 16, 2025

(By E-Mail: david.greenwood@dec.ny.gov)

Honorable David Greenwood
Administrative Law Judge
NYS Department of Environmental Conservation
Office of Hearing and Mediation Services
625 Broadway, First Floor
Albany, NY 12233-1550

Re: In the matter of the application of Unconventional Concepts, Inc. and Michael Hopmeier – P2021-0276

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A form notice of appearance to be completed by any party to the proceeding, or their representative(s), is attached for your review. If this form notice is acceptable, the undersigned counsel propose to publish the document on the Agency's website.

Respectfully Submitted,

Grace Sullivan
Attorney for the APA

Matthew D. Norfolk
Attorney for the Project Sponsor

SO ORDERED:

_____
ALJ Greenwood

DATED: 12/17/2025

NEW YORK STATE | Adirondack Park Agency

KATHY HOCHUL
Governor
BARBARA RICE
Executive Director

----------x

In the matter of the application of

NOTICE OF APPEARANCE

UNCONVENTIONAL CONCEPTS, INC., and MICHAEL HOPMEIER

APA Project No. 2021-0276

----------x

I, Grace Sullivan, appear for, and at the request of, APA Hearing Staff in the above mentioned proceeding.

I affirm that I am authorized to appear, sign and bind the above-named party, including but not limited to the filing and accepting of service of process documents on behalf of this party. By submitting this form, I agree to accept service by e-mail.

In the event above-named party wishes to substitute counsel, or I wish to withdraw as representative, I must submit a written request to Administrative Law Judge David Greenwood. Substitution or withdrawal is contingent upon approval of the Administrative Law Judge.

I affirm, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.

Dated: December 17, 2025

By: Grace Sullivan Digitally signed by Grace Sullivan Date: 2025.12.17 12:34:59 -05'00'

NAME: Grace Sullivan
ADDRESS: Adirondack Park Agency
P.O. Box 99
1133 NY-86
Ray Brook, NY 12977

PHONE: 518-891-4050
EMAIL: grace.sullivan@apa.ny.gov

NEW YORK STATE | Adirondack Park Agency

KATHY HOCHUL
Governor
BARBARA RICE
Executive Director

----------x

In the matter of the application of

NOTICE OF APPEARANCE

UNCONVENTIONAL CONCEPTS, INC., and MICHAEL HOPMEIER

APA Project No. 2021-0276

----------x

I, Paul Van Cott, Phil Gitlen and Anna Seitelman, appear for, and at the request of, Adirondack Council, Inc. in the above mentioned proceeding.

I affirm that I am authorized to appear, sign and bind the above-named party, including but not limited to the filing and accepting of service of process documents on behalf of this party. By submitting this form, I agree to accept service by e-mail.

In the event above-named party wishes to substitute counsel, or I wish to withdraw as representative, I must submit a written request to Administrative Law Judge David Greenwood. Substitution or withdrawal is contingent upon approval of the Administrative Law Judge.

I affirm, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.

Dated: January 13, 2026

By: 

NAME: Paul Van Cott
ADDRESS: Whiteman, Osterman & Hanna LLP
One Commerce Plaza
99 Washington Avenue, Suite 1900
Albany, NY 12260

PHONE: (518) 487-7600
EMAIL: pvancott@woh.com

NEW YORK STATE | Adirondack Park Agency

KATHY HOCHUL
Governor
BARBARA RICE
Executive Director

----------x

In the matter of the application of

NOTICE OF APPEARANCE

UNCONVENTIONAL CONCEPTS, INC., and MICHAEL HOPMEIER

APA Project No. 2021-0276

----------x

I, Christopher Amato, Esq., appear for, and at the request of, Protect the Adirondacks! Inc. in the above mentioned proceeding.

I affirm that I am authorized to appear, sign and bind the above-named party, including but not limited to the filing and accepting of service of process documents on behalf of this party. By submitting this form, I agree to accept service by e-mail.

In the event above-named party wishes to substitute counsel, or I wish to withdraw as representative, I must submit a written request to Administrative Law Judge David Greenwood. Substitution or withdrawal is contingent upon approval of the Administrative Law Judge.

I affirm, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.

Dated: January 13, 2026

By: 

NAME: Christopher Amato, Esq.
ADDRESS: PO Box 48
North Creek, NY 12853

PHONE: 518-860-3696
EMAIL: conservationdirector@protectadks.org

NEW YORK STATE | Adirondack Park Agency

KATHY HOCHUL
Governor
BARBARA RICE
Executive Director

----------x

In the matter of the application of

NOTICE OF APPEARANCE

UNCONVENTIONAL CONCEPTS, INC., and MICHAEL HOPMEIER

----------x

APA Project No. 2021-0276

I, Claudia Braymer, appear for, and at the request of, Protect the Adirondacks in the above mentioned proceeding.

I affirm that I am authorized to appear, sign and bind the above-named party, including but not limited to the filing and accepting of service of process documents on behalf of this party. By submitting this form, I agree to accept service by e-mail.

In the event above-named party wishes to substitute counsel, or I wish to withdraw as representative, I must submit a written request to Administrative Law Judge David Greenwood. Substitution or withdrawal is contingent upon approval of the Administrative Law Judge.

I affirm, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.

Dated: 01/13/2026

By: Claudia Braymer

NAME: Claudia K. Braymer, Esq.
ADDRESS: PO Box 48
North Creek NY 12853

PHONE: (703)937-7163
EMAIL: executivedirector@protectadks.org

NEW YORK STATE | Adirondack Park Agency

KATHY HOCHUL
Governor

BARBARA RICE
Executive Director

In the matter of the application of

UNCONVENTIONAL CONCEPTS, INC., and MICHAEL HOPMEIER

NOTICE OF APPEARANCE

APA Project No. 2021-0276

I, Todd Ommen, Esq., appear for, and at the request of Sierra Club, Atlantic Chapter in the above mentioned proceeding.

I affirm that I am authorized to appear, sign and bind the above-named party, including but not limited to the filing and accepting of service of process documents on behalf of this party. By submitting this form, I agree to accept service by e-mail.

In the event above-named party wishes to substitute counsel, or I wish to withdraw as representative, I must submit a written request to Administrative Law Judge David Greenwood. Substitution or withdrawal is contingent upon approval of the Administrative Law Judge.

I affirm, under penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.

Dated: 01/21/2026

By: 

Name: Todd Ommen, Esq.
Address: 78 North Broadway, White Plains, NY 10603
Phone: (914) 422-4343
Email: tommen@law.pace.edu

NEW YORK STATE | Adirondack Park Agency

KATHY HOCHUL
Governor

BARBARA RICE
Executive Director

In the matter of the application of

UNCONVENTIONAL CONCEPTS, INC., and MICHAEL HOPMEIER

NOTICE OF APPEARANCE

APA Project No. 2021-0276

I, David M. Ramirez , appear for, and at the request of Sierra Club, Atlantic Chapter in the above mentioned proceeding.

I affirm that I am authorized to appear, sign and bind the above-named party, including but not limited to the filing and accepting of service of process documents on behalf of this party. By submitting this form, I agree to accept service by e-mail.

In the event above-named party wishes to substitute counsel, or I wish to withdraw as representative, I must submit a written request to Administrative Law Judge David Greenwood. Substitution or withdrawal is contingent upon approval of the Administrative Law Judge.

I affirm, under penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.

Dated: 01/21/2026

By: 

Name: David M. Ramirez
Address: 78 North Broadway, White Plains, NY 10603
Phone: (845) 467-8315
Email: dramirez2@law.pace.edu

NEW YORK STATE | Adirondack Park Agency

KATHY HOCHUL
Governor
BARBARA RICE
Executive Director

----------x

In the matter of the application of

NOTICE OF APPEARANCE

UNCONVENTIONAL CONCEPTS, INC., and MICHAEL HOPMEIER

APA Project No. 2021-0276

----------x

I, Matthew D. Norfolk, Esq. of Norfolk Beier PLLC, appear for, and at the request of, Sponsor/Applicant in the above mentioned proceeding.

I affirm that I am authorized to appear, sign and bind the above-named party, including but not limited to the filing and accepting of service of process documents on behalf of this party. By submitting this form, I agree to accept service by e-mail.

In the event above-named party wishes to substitute counsel, or I wish to withdraw as representative, I must submit a written request to Administrative Law Judge David Greenwood. Substitution or withdrawal is contingent upon approval of the Administrative Law Judge.

I affirm, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.

Dated: December 24, 2025

By: _____

NAME: Matthew D. Norfolk, Esq.
ADDRESS: Norfolk Beier PLLC
The Outpost Plaza
55 Barn Road, Suite 201
Lake Placid, New York 12946

PHONE: 518.302.8080
EMAIL: mnorfolk@norfolkbeier.com

NEW YORK STATE | Adirondack Park Agency

KATHY HOCHUL
Governor
BARBARA RICE
Executive Director

----------x

In the matter of the application of

NOTICE OF APPEARANCE

UNCONVENTIONAL CONCEPTS, INC., and MICHAEL HOPMEIER

APA Project No. 2021-0276

----------x

I, Shane R. Kelly, Esq. of Norfolk Beier PLLC, appear for, and at the request of, Sponsor/Applicant in the above mentioned proceeding.

I affirm that I am authorized to appear, sign and bind the above-named party, including but not limited to the filing and accepting of service of process documents on behalf of this party. By submitting this form, I agree to accept service by e-mail.

In the event above-named party wishes to substitute counsel, or I wish to withdraw as representative, I must submit a written request to Administrative Law Judge David Greenwood. Substitution or withdrawal is contingent upon approval of the Administrative Law Judge.

I affirm, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.

Dated: December 24, 2025

By: SRKelly

NAME: Shane R. Kelly, Esq.
ADDRESS: Norfolk Beier PLLC
The Outpost Plaza
55 Barn Road, Suite 201
Lake Placid, New York 12946

PHONE: 518.302.8080
EMAIL: skelly@norfolkbeier.com

NEW YORK STATE | Adirondack Park Agency

KATHY HOCHUL
Governor
BARBARA RICE
Executive Director

----------x

In the matter of the application of

NOTICE OF APPEARANCE

UNCONVENTIONAL CONCEPTS, INC., and MICHAEL HOPMEIER

APA Project No. 2021-0276

----------x

I, David Gibson, appear for, and at the request of, Adirondack Wild: Friends of the Forest, in the above mentioned proceeding.

I affirm that I am authorized to appear, sign and bind the above-named party, including but not limited to the filing and accepting of service of process documents on behalf of this party. By submitting this form, I agree to accept service by e-mail.

In the event above-named party wishes to substitute counsel, or I wish to withdraw as representative, I must submit a written request to Administrative Law Judge David Greenwood. Substitution or withdrawal is contingent upon approval of the Administrative Law Judge.

I affirm, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.

Dated: Dec. 19 2025

By:

NAME: David Gibson
ADDRESS: Adirondack Wild: Friends of the Forest Preserve,
P.O. Box 9247
Niskayuna, NY 12309
PHONE: 518-469-4081
EMAIL: dgibson@adirondackwild.org

NEW YORK STATE | Adirondack Park Agency

KATHY HOCHUL
Governor
BARBARA RICE
Executive Director

----------x

In the matter of the application of

NOTICE OF APPEARANCE

UNCONVENTIONAL CONCEPTS, INC., and MICHAEL HOPMEIER

APA Project No. 2021-0276

----------x

I, David Gibson, appear for, and at the request of, Adirondack Wild: Friends of the Forest in the above mentioned proceeding.

I affirm that I am authorized to appear, sign and bind the above-named party, including but not limited to the filing and accepting of service of process documents on behalf of this party. By submitting this form, I agree to accept service by e-mail.

In the event above-named party wishes to substitute counsel, or I wish to withdraw as representative, I must submit a written request to Administrative Law Judge David Greenwood. Substitution or withdrawal is contingent upon approval of the Administrative Law Judge.

I affirm, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.

Dated: 1/21/2026

By: 

NAME: David Gibson
ADDRESS: Adirondack Wild: Friends of the Forest Preserve
P.O. Box 9247
Niskayuna, NY 12309
PHONE: 518-469-4081
EMAIL: dgibson@adirondackwild.org

4. Hearing Officer Qualification

NORFOLK BEIER PLLC
ATTORNEYS AT LAW

CHALLENGE OF ADMINISTRATIVE LAW JUDGE'S QUALIFICATION

January 20, 2026

Via First Class Mail and Email
Ms. Barbara Rice
Executive Director
NYS Adirondack Park Agency
1133 State Route 86
Ray Brook, New York 12977
barbara.rice@apa.ny.gov

Re: Disqualification of Administrative Law Judge David N. Greenwood
APA Project 2021-0276 (the "Project")
Sponsor/Applicant:

To: Ms. Barbara Rice:

STATE OF NEW YORK)
)
COUNTY OF ESSEX)

I, Matthew D. Norfolk, being duly sworn, hereby depose and say:

Pursuant to 9 NYCRR §580.8(b), on behalf of Michael Hopmeier, the Sponsor, we hereby challenge the qualification of Administrative Law Judge David N. Greenwood ("ALJ Greenwood") to be the presiding administrative law judge or hearing officer involving the Project.

As you know, on behalf of the Sponsor, we requested ALJ Greenwood to voluntarily recuse himself by letter dated November 24, 2025, because he has an inherent conflict of interest. A true and accurate copy of our letter of November 24, 2025, with exhibits, is annexed hereto. Unfortunately, ALJ Greenwood refuses to recuse himself, requiring the Sponsor to file the instant qualification challenge.

For seven years ALJ Greenwood was employed by Adirondack Council, a party to the pending administrative hearing proceeding, which staunchly opposes the Project.[1] ALJ Greenwood's

1 *See* ALJ Greenwood's Linked-In profile at https://www.linkedin.com/in/david-greenwood-5a71979/ (last visited December 5, 2025))

affiliation with Adirondack Council disqualifies him as the administrative law judge or hearing officer. Adirondack Council has taken an official position against the approval of the Project. It filed with the APA a letter of opposition. (*See* Exhibit 1.) Adirondack Council also has been fervent in its opposition to the Project outside the APA administrative proceeding. In October of 2025, Adirondack Council publicly announced that the Project application must go to a public hearing and pontificated how state law applies to the Project application and that evidence in the form of expert witness testimony will be needed. (*See* Exhibit 1.) In November of 2025, Adirondack Council launched a campaign to solicit public comments to urge the APA to "hold a formal adjudicatory hearing for the 'Hopmeier Project.'" (*See* Exhibit 1.) Also, in November of 2025, it issued another press release applauding the APA's refusal to grant the Project application and ordering a public hearing. (*See* Exhibit 1.) In addition, by and through its officers, Adirondack Council has made numerous comments online criticizing the Project. Lastly, John Sheehan, Director of Communications at Adirondack Council, appeared on the television program, *Capital Tonight*, to rally public support against the Project.

A judge is to act at all times in a manner that promotes public confidence in the integrity and impartiality of judges, to refrain from allowing family, social, political or other relationships to influence his or her judicial conduct or judgment and to avoid even the appearance of impropriety. Thus, "not only must there be no partiality, in fact, even the appearance of partiality is to be avoided." *See Johnson v. Hornblass*, 93 A.D.2d 732, 733 (1st Dept. 1983). "[D]oubts as to the existence of a conflict of interest are resolved in favor of disqualification in order to avoid even the appearance of impropriety." *Janczewski v. Janczewski*, 2019 NY Slip Op 01062, 2, 169 A.D.3d 773, 774 (2nd Dept. 2019) (citations omitted). Indeed, judges must recuse themselves or be disqualified "in cases where their impartiality 'might be reasonably questioned.'" *See* Advisory Comm on Jud Ethics Op 19-76 (2019) *quoting* Rules Governing Jud Conduct (22 NYCRR §100.3(E)(1)).

Here, there is an undeniable appearance of impropriety and ALJ Greenwood's impartiality is reasonably being questioned by the Sponsor. Accordingly, ALJ Greenwood must be disqualified as the presiding administrative law judge or hearing officer.

WHEREFORE, the Sponsor requests that its instant disqualification challenge be granted and ALJ Greenwood be disqualified as the presiding administrative law judge or hearing officer in connection with the Project, together with such other and further relief you deem fair and just to award the Sponsor.

Respectfully,

Norfolk Beier PLLC



By:
Matthew D. Norfolk, Esq.

Attachment
cc (via email only): Hon. David N. Greenwood, ALJ
Grace Sullivan, Esq., APA Senior Counsel
Counsel of Record

Subscribed and sworn to before me

This 20th day of January, 2026

Notary Public

ANDREA PAREJO
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 02PA0027464
Qualified in Queens County
Commission Expires August 01, 2028

My Commission Expires:

NORFOLK BEIER

November 24, 2025

Via First-Class Mail & Email
Hon. David Greenwood
Administrative Law Judge
NYS Department of Environmental Conservation
Office of Hearings and Mediation Services
625 Broadway
Albany, New York 12233-1550
david.greenwood@dec.ny.gov

Re: APA Project 2021-0276
Sponsor/Applicant: Michael Hopmeier/Unconventional Concepts, Inc.
Request for Voluntary Recusal as Hearing Officer

Dear Judge Greenwood:

I represent Michael Hopmeier, a principal of Unconventional Concepts, Inc. and the sponsor of the above-referenced project presently before the Adirondack Park Agency (hereinafter referred to as the "APA") for consideration. The purpose of this letter is to respectfully request that you voluntarily recuse yourself as the hearing officer presiding over the public hearing ordered by the APA as part of its review of my client's project (hereinafter referred to as the "Project").

For seven years you were employed by the Adirondack Council. (*See* Exhibit 1, annexed hereto.)[1] Your affiliation with the Adirondack Council disqualifies you as the hearing officer. The Adirondack Council has taken an official position against the approval of the Project. It filed with the APA a letter of opposition. (*See* Exhibit 2, annexed hereto.) The Adirondack Council also has been fervent in its public opposition to the Project. In October of 2025, the Adirondack Council publicly announced that the Project application must go to a public hearing and pontificated how state law applies to the Project application and that evidence in the form of expert witness testimony will be needed. (*See* Exhibit 3, annexed hereto.) In November of 2025, the Adirondack Council launched a campaign to solicit public comments to urge the APA to "hold a formal adjudicatory hearing for the 'Hopmeier Project.'" (*See* Exhibit 4, annexed hereto.) Also, in November of 2025, it issued another press release applauding the APA's refusal to grant the Project application and ordering a public hearing. (*See* Exhibit 5, annexed hereto.) By and through

1 Pursuant to 9 NYCRR §580.8(a), "[t]he agency shall select a hearing officer as early as possible following its determination to hold a hearing. The hearing officer shall make full disclosure, as part of the record, of all information he deems relevant to the issue of bias or other disqualification." Your affiliation with the Adirondack Council is undoubtedly relevant. Yet, to date, I have not received disclosure of all information you deem relevant to the issue of bias or other disqualification.

its officers, the Adirondack Council also has made numerous comments online criticizing the Project. Lastly, John Sheehan, Director of Communications at the Adirondack Council, appeared on the television program, *Capital Tonight*, to rally public support against the Project.

Moreover, the Adirondack Council boasts how it has secured certain individuals to be on the Board of the APA in furtherance of its mission and objectives. In its 2024-2025 Impact statement (*see* Exhibit 6, annexed hereto), the Adirondack Council states, in pertinent part:

> **Adirondack Park Agency Appointments: The Council worked aggressively to secure a full slate of appointments to the Adirondack Park Agency. New additions include environmental attorney Jose Almanzar and scientist and former Congressman Rush Holt.**

As the attorney for the sponsor, it is more than troubling to read the Adirondack Council's Impact statement. It causes my client and me to question the integrity of the APA in selecting you as the hearing officer.

As demonstrated above, there is implicit bias and undoubtedly an appearance of impropriety arising out a former employee of the Adirondack Council acting as the hearing officer in an APA public hearing involving a project the Adirondack Council adamantly opposes. The applicable judicial ethical standards require not only the absence of actual bias, but also the avoidance of the appearance of bias. Your appointment as the hearing officer presents a reasonable question regarding impartiality, and a recusal would best preserve the fairness of the adjudicatory process and the public's trust in the APA's conducting of the proceeding and the determination it will ultimately render on the Project application. In the unfortunate event you will not agree to recuse yourself as the hearing officer, we will file a formal application for your disqualification pursuant to 9 NYCRR §580.8.

In closing, I respectfully request that you recuse yourself and allow a qualified administrative law judge to be assigned to preside over the public hearing.

Thank you in advance for your attention to this important matter. Mr. Hopmeier and I look forward to your response to our request for your recusal.

Respectfully,

Norfolk Beier PLLC



By:
Matthew D. Norfolk, Esq.

cc (via email only):
Barbara Rice, APA Executive Director
Damion K. L. Stodola, APA Counsel
Michele M. Stefanucci, Chief Administrative Law Judge

EXHIBIT 1



David Greenwood · 3rd

Senior Attorney at NYS Department of Education

- NYS Department of Environmental Conservation
- Albany Law School of Union University

Contact info

Message More

Activity

David hasn't posted yet

Recent posts David shares will be displayed here.

Show all activity →

Experience

Administrative Law Judge - Environmental Impact Examiner
NYS Department of Environmental Conservation · Full-time

Senior Attorney
NYS Department of Education

Court Attorney
Appellate Division, Third Department

Policy Analyst
The Adirondack Council

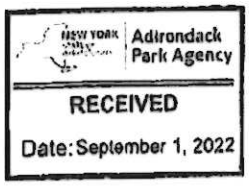
Lobbied and advocated for the protection and enhancement of New York's Adirondack Park and Forest Preserve at the State and Federal level

Education

Albany Law School
JD

EXHIBIT 2

ADIRONDACK COUNCIL



Board of Directors
[illegible]

Executive Director
[illegible]

CHARITY NAVIGATOR

September 1, 2022

Barbara Rice, Executive Director
Adirondack Park Agency
1133 State Route 86
Ray Brook, NY 12977

Dear Executive Director Rice:

The Adirondack Council is pleased that the Adirondack Park Agency has requested more information regarding a proposal to test military canons in the Town of Lewis, Essex County. We recommend that the agency hold an adjudicatory public hearing on this highly controversial permit request. We further recommend that the agency assign staff to immediately develop a policy discouraging military weapons testing by private parties inside the Adirondack Park.

An adjudicatory hearing would allow the agency to collect evidence rather than claims, hear sworn testimony and make a rational decision on whether to allow such an activity inside the Adirondack Park. A new policy would protect birds and wildlife in the Champlain Valley, prevent a degradation of property values for people living near the proposed test site and save the quiet enjoyment of the Adirondacks for the people of Lewis.

The Adirondack Park has already paid a high price to accommodate use of the park's forests and airspace by the Army, Marine Corps, Air Force, National Guard and Air National Guard units. This includes treetop helicopter missions and high-speed jet flights by pilots from across the Northeast and Canada. Over the past half-decade, the intensity and scope of this training increased significantly. So too did its impact on wildlife, communities, private homes, wilderness solitude and the general quiet enjoyment of nature.

Teams of state regulators, military officials and environmental advisors (of which the Adirondack Council is one) have worked well together in the past. Cooperatively, we have managed for 30 years to mitigate conflicts between the nation's need for military readiness and New York's right to practice leading-edge conservation to protect the world's largest intact, temperate deciduous forest.

This permit request is not for a project by the Army. It would involve a private contractor working on a military weapons project. The Army has no need for a canon firing range inside the Adirondack Park. There is a well-established

Main Office: 103 Hand Ave, Suite 3 | PO Box 842 | Elizabethtown, NY 12932 | 518 873.2240
Albany Office: 342 Hamilton St. | Albany, NY 12210 | 518 432 1770
AdirondackCouncil.org
info@adirondackcouncil.org

artillery range at Fort Drum, just west of the Adirondack Park. It has received regular use since the 1980s. But even on an Army post, its use caused conflict initially and forced some residents to move away. The Watertown Daily Times chronicled a series of reimbursement claims by people in the Village of Antwerp in Jefferson County, for example, whose windows and foundations were cracked by the repeated impact of shells on the landscape and bedrock.

Cannon testing could occur at Fort Drum, under military supervision. At the proposed test site in Lewis and nearby, we have grave concerns about the collateral damage that could occur from cannon shell firings, flights and impacts. In addition to noise and impact vibrations, how likely are misfires and missed targets? The Fort Drum range is enormous, so stray shells don't pose much danger to neighbors. How damaging will direct hits on the target be to the surrounding landscape, flora and fauna? What wildlife is likely to make a home in the sandy mound the applicant has proposed to install via truck as a target backstop? The nature of the application seems to presume that there are wastelands within the Adirondack Park where nothing lives or can live. Such places do not exist.

If it receives a completed application, we urge the agency's board to hold an adjudicatory hearing on this proposal, so that it may reject the plan. We further urge the agency to develop a blanket policy against the testing of military-grade weapons by private parties within the Adirondack Park, in an effort to discourage such proposals in the future.

Thank you for your time and attention to this matter.

The Adirondack Council is a privately funded not-for-profit organization whose mission is to ensure the ecological integrity and wild character of the Adirondack Park. It is the largest environmental organization whose sole focus is the Adirondacks.

The Council carries out its mission through research, education, advocacy and legal action. It envisions a Park with clean water and clean air, core wilderness areas, farms and working forests, and vibrant, diverse, welcoming, safe communities. Adirondack Council advocates live in all 50 United States.

Sincerely,

William C. Janeway
Executive Director
Adirondack Council

Cc: Chris Cooper, Attorney, APA
John Burth, Regulatory Programs, APA

EXHIBIT 3

Adirondack Council Calls For Hearing On Hopmeier Project

Posted on 20 Oct at 4:29 pm

ADIRONDACK COUNCIL PRESERVING WATER, AIR AND WILDLANDS

FOR IMMEDIATE RELEASE: Monday, Oct. 20, 2025

ADIRONDACK COUNCIL CALLS FOR HEARING ON HOPMEIR PROJECT

Conditions and Issues Warrant an Adjudicatory Hearing on Impacts of Projectile Tests

ELIZABETHTOWN, N.Y. — The Adirondack Council today called on New York's Adirondack Park Agency (APA) to hold a special adjudicatory hearing to review a permit request from a Florida company that seeks a use permit to test modern military cannons on private land inside the Adirondack Park.

"A **holistic assessment of this permit application** is critical," said Raul J. Aguirre, Executive Director of the Adirondack Council, "and an adjudicatory hearing is an important opportunity for an administrative law judge, a neutral third party, to identify what's needed to do so. This kind of hearing is a legal proceeding that allows the agency to consider expert insights that have not yet been part of the application process and holds the agency accountable to its mission of protecting Adirondack Park resources. The agency hasn't held one in 14 years, and this project clearly warrants it."

The applicant is seeking permission to fire steel projectiles up to 30 times each year. The Council says the APA must fully examine potential impacts on public lands, nearby homes, local businesses, wildlife, and popular outdoor recreation such as hunting, hiking, and mountain biking.

Under APA law, the agency can call for an adjudicatory hearing in the following instances: when more information is needed; a project doesn't meet specific legal standards; or significant changes are needed for permit approval. The agency cannot deny a permit without first holding a formal adjudicatory hearing — a trial-like process featuring sworn testimony, expert witnesses, cross-examination, and an administrative law judge.

Council Has Decades of Relevant Experience

The Adirondack Council has worked with the U.S. military since 1994 to balance national defense needs with protection of Adirondack communities and natural resources. Past collaborations include:

- **1994:** Review of new low-level jet training routes through Adirondack airspace to Fort Drum.
- **2011:** Agreements to safeguard wilderness areas by limiting drone training impacts and maintaining a 3,000-ft buffer over sensitive lands.
- **2013:** Review and approval of high-elevation F-35 training flight paths.
- **2020:** Review of Army ground-to-air pilot training on private Adirondack lands.

The Council also partnered with New York State to create a public complaint system for residents affected by military training noise.

Public Comments

The Council **will be submitting comments calling for an Adjudicatory Hearing** due to the unprecedented nature of this permit application. The APA is accepting public comments on the project until October 30.

Founded in 1975, the Adirondack Council is a privately funded, not-for-profit organization committed to protecting the ecological integrity and wild character of the Adirondack Park. The Park contains one of the largest intact temperate forests in the world and is home to approximately 130,000 New Yorkers.

The Council advances its mission through research, education, advocacy, and legal action. It envisions an Adirondack Park with clean air and water, core wilderness areas, working forests and farms, and inclusive, thriving communities.

For more information: John Sheehan, Director of Communications, 518-441-1340

Recent Posts

Whitney Park: Historic routes closed to the public since the 1880s
November 21, 2025

Adirondack Council Welcomes Gov. Hochul, APA Response to Public Input on Proposed Vehicle Use in Wilderness
November 20, 2025

Adirondack Council Applauds APA Howitzer Decision
November 14, 2025

Adirondack Council Celebrates Passage of Mt. Van Hoevenberg Amendment
November 5, 2025

Adirondack Council Releases 44th State of the Park Report, Celebrates 50th Anniversary
October 31, 2025

Categories

EXHIBIT 4



Urge the APA to hold an Adjudicatory Hearing for Ballistics Testing on Private Lands

Please Email the APA Today!

This campaign has concluded.

Back to Campaign List (/campaigns/)

The Adirondack Park Agency (APA) is seeking public comment on a permit application that would allow private testing of military-grade ballistics on private land in the Town of Lewis. The "Hopmeier Project" wants to establish a weapons testing range on 197 acres of Rural Use private lands, with projectile testing in support of military research and development.

Under the APA Act, Rural Use areas are meant to support a *low level of development* and protect sensitive natural resources, community character, and open space.

Testing of this nature could impact wildlife, clean water, recreation, and quiet rural communities, and belongs on secure military installations — not in the middle of the Adirondacks. **This proposal is unprecedented, and the APA must require a full adjudicatory hearing before making any decision.**

A formal adjudicatory hearing features expert testimony, sworn evidence, and cross-examination in front of an administrative law judge. The Agency has not held such a hearing in 14 years, and this controversial and unprecedented project clearly warrants one.

We Need Your Help Now

Please email the APA and urge them to:

- Please hold a formal adjudicatory hearing for the Hopmeier Project to provide for a thorough fact-finding process that will inform the Board's decision-making around whether or not to approve, amend or deny the project.
- Ballistics testing is incompatible with Rural Use lands and the APA Act. Rural Use is one of the most sensitive private land use classifications found in the Park. This project is not in keeping with the land use characteristics of the region.

Please email the APA today! The deadline for comments is October 30.

You'll be able to see the draft email after you add your information on the right. Then, you can send the sample email as-is, edit it, or write your own message. Thank you!

EXHIBIT 5

Adirondack Council Applauds APA Howitzer Decision

Posted on 14 Nov at 12:48 pm



Need for Expert Testimony in Unprecedented Permit Application

For Immediate Release – Friday, Nov. 14, 2025

RAY BROOK, NY – The Adirondack Council today applauded the state Adirondack Park Agency board for voting to hold a formal adjudicatory hearing on an unprecedented ballistics testing permit application inside the Adirondack Park.

In a unanimous vote at APA headquarters in Ray Brook, the agency board called for its first hearing in front of an administrative law judge in 14 years. The project proposal – which would allow for testing of Howitzer barrel ballistics on private land in the Town of Lewis – meets the basic standards within the APA Act for such a hearing to be held and warrants an adjudicatory hearing.

"APA staff has vast experience and expertise in a wide range of land use issues, that is not in question," said Raul J. Aguirre, Executive Director of the Adirondack Council. "But weapons testing, and the various impacts on wildlife, wildlands and human communities associated with it, are atypical of permit applications within the Adirondack Park. The Council appreciates that the APA board saw fit to request expert testimony before making a decision on this very challenging and unique project."

The applicant is seeking permission to fire steel projectiles up to 30 times each year. The Council says the APA must fully examine potential impacts on public lands, nearby homes, local businesses, wildlife, and popular outdoor recreation such as hunting, hiking, and mountain biking.

Under APA law, the agency can call for an adjudicatory hearing in the following instances: when more information is needed; a project doesn't meet specific legal standards; or significant changes are needed for permit approval. An adjudicatory hearing is a trial-like process featuring sworn testimony, expert witnesses, cross-examination, and is conducted by an administrative law judge.

During the 30-day public comment period on this project, more than 1,400 comments were submitted to the APA. The Adirondack Council will continue to monitor this project as it moves through the formal hearing process.

Founded in 1975, the Adirondack Council is a privately funded, not-for-profit organization committed to protecting the ecological integrity and wild character of the Adirondack Park. The Park contains one of the largest intact temperate forests in the world and is home to approximately 130,000 New Yorkers.

The Council advances its mission through research, education, advocacy, and legal action. It envisions an Adirondack Park with clean air and water, core wilderness areas, working forests and

farms, and inclusive, thriving communities.

For more information: John Sheehan, Director of Communications, 518-441-1340

Recent Posts

Whitney Park: Historic routes closed to the public since the 1880s
November 21, 2025

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November 5, 2025

Adirondack Council Releases 44th State of the Park Report, Celebrates 50th Anniversary
October 31, 2025

Categories

In and About the Park (106)

Press Releases (46)

Uncategorized (2)

EXHIBIT 6

Who We Are

Impact

2024-2025 Accomplishments

With strong partner organizations, collaboration with elected/appointed government officials, and citizen participation, the Council successfully advocates for policies and funding that benefit the environment and communities of the Adirondack Park.

In 2025, the Adirondack Council continued its work for the Adirondack Park with a series of concrete wins that benefit the people of New York. The Council is an independent, non-partisan watchdog. We use advocacy **to secure funding** for Adirondack programs in the state budget and through legislative actions, but do not accept government funding ourselves. We're proud to support and defend the Adirondack Park, and some of our work this year is highlighted below:



- Hosted an annual Adirondack Park Lobby Day in Albany, where nearly 200 members of the public were guided by experienced lobbyists in visiting lawmaker's offices and asking for Adirondack funding
- $2 million for the Survey of Climate and Adirondack Lake Ecosystems (SCALE), a long-term water quality monitoring project
- $1.25 million for the Timbuctoo Institute, a joint program of CUNY Medgar Evers College and SUNY ESF where New York City teens are introduced to green careers, environmental issues, and the history of the Adirondack Park
- $420,000 for the Adirondack Diversity Initiative
- $250,000 each for the Visitor Interpretive Centers in Newcomb and Paul Smiths
- Passage of the **Open Water Data Act**, which mandates that all water quality data collected in New York be openly shared through a single online database

- Successfully urged the Adirondack Park Agency to **drop a provision** which could have allowed motor vehicles in wilderness areas
- Through earned media and interviews, successfully encouraged millions of voters to **approve a constitutional amendment** for the Mount Van Hoevenberg Olympic Complex
- Activated the public and our members to submit more than 900 comments to the Adirondack Park Agency to hold its first formal adjudicatory hearing in 14 years in response to a **ballistics testing proposal** within the Adirondack Park

None of these wins for the Adirondack Park would have been possible without the support of people who are passionate about this national treasure. Join us **as a member** or **give a gift to support** our work for a better Adirondacks for all.

Clean Water

Protecting the pristine waters of the Adirondacks and safeguarding the health of both our natural world and human communities.

- **Survey of Climate and Adirondack Lake Ecosystems (SCALE)**: Secured $2 million in 2025 budget and $6.5 million over the last 4 years to fund scientific monitoring that will track the response of Adirondack lakes to climate change.



- **Road Salt Reduction Council Legislation:** During the 2025 NY Legislative session, the Council led efforts to develop, introduce, and advocate for legislation ((A.4481-A (Jones)/S.6976-A (Harckham) that will advance critical road salt reduction efforts in the Park and across the state.
- **Clean Water Infrastructure:** Council advocacy played a crucial role in increasing the matching caps on clean water infrastructure grants from 25% to 50%, significantly reducing the costs for rural communities to undertake otherwise unaffordable water quality improvement projects. Since 2016, approximately $194 million in clean water funding has been allocated to Adirondack towns and villages, leveraging more than $350 million.

Wildlands

Championing Adirondack Park conservation and advocating for a sustainable future for our most

wild places.

- **Funding Secured for Saranac Chain of Lakes Study:** The Council helped secure $1 million to fund an inaugural state-funded waterbody carrying capacity study that will provide guidance to the state on data-informed best management practices for Adirondack waterbodies.



- **Increased the State's Environmental Protection Fund (EPF):** The Council helped secure a record $425 million for the EPF, which provides tens of millions for open space protection and invasive species prevention each, as well as $60 million for the management of state lands, including visitor safety and wilderness protection.
- **Adirondack Park State Land Master Plan Protections:** The Adirondack Council successfully worked to block proposed changes to the State Land Master Plan that would have permitted motorized vehicle access in Wilderness areas, where it is currently prohibited. To achieve this end, the Council mobilized a broad coalition of stakeholders, including the accessibility community, state agencies, and the public, generating over 1,000 comments that urged the state to uphold wilderness protections while ensuring appropriate public access.

Clean Air & Climate

Advancing bold clean air and climate solutions to preserve our globally significant landscape and protect Adirondack communities.

- **Federal Deregulation:** The Council is a member of a coalition of 60 national and regional environmental organizations working to defend existing Environmental Protection Agency (EPA) pollution reduction and monitoring programs, as well as protect standards that limit public health hazards, such as mercury contamination and ozone exposure at high elevations.
- **Renewable Energy Infrastructure:** The Council conditionally supported permit approval for a 40 MW solar project in the southern region of the Park. This project demonstrates how utility-scale renewable energy and agricultural uses can be feasible without compromising crucial ecological functions.

Working Lands & Strong Communities

Promoting practical solutions for farming and forestry that sustain our lands and strengthen Adirondack communities

- **Green Jobs:** The Council has helped secure an additional $1.7 million in funds ($7.1 million total over four years) for the Timbuctoo Institute. This multi-organization effort brings students from urban communities to the Adirondacks to learn about jobs in wilderness preservation, forest management, and clean energy.



- **Essex Farm Institute:** After a decade, the Council has concluded its agricultural micro-grants program, which awarded over $265,000 to farmers and producers across the Adirondacks. A **final report**, released in April 2025, highlights its impact on advancing climate-friendly farming and promoting energy-efficient infrastructure.
- **Adirondack Park Agency Appointments:** The Council worked aggressively to secure a full slate of appointments to the Adirondack Park Agency. New additions include environmental attorney Jose Almanzar and scientist and former Congressman Rush Holt. This is the first full slate of appointments to the Agency in over five years.

*To close out our 50th anniversary year, a long-time supporter has **pledged a giving match of $250,000**. If you donate from now until the end of 2025, your gift will be automatically doubled. And if you're a first-time donor or increase your donation, your gift will be tripled!*

NORFOLK BEIER PLLC
ATTORNEYS AT LAW

CHALLENGE OF ADMINISTRATIVE LAW JUDGE'S QUALIFICATION

January 20, 2026

Via First Class Mail and Email
Ms. Barbara Rice
Executive Director
NYS Adirondack Park Agency
1133 State Route 86
Ray Brook, New York 12977
barbara.rice@apa.ny.gov

Re: Disqualification of Administrative Law Judge David N. Greenwood
APA Project 2021-0276 (the "Project")
Sponsor/Applicant:

Dear Executive Director Rice:

Pursuant to 9 NYCRR §580.8(b), on behalf of Michael Hopmeier, the Sponsor, we hereby challenge the qualification of Administrative Law Judge David N. Greenwood ("ALJ Greenwood") to be the presiding administrative law judge or hearing officer involving the Project.

As you know, on behalf of the Sponsor, we requested ALJ Greenwood to voluntarily recuse himself by letter dated November 24, 2025, because he has an inherent conflict of interest. A true and accurate copy of our letter of November 24, 2025, with exhibits, is annexed hereto. Unfortunately, ALJ Greenwood refuses to recuse himself, requiring the Sponsor to file the instant qualification challenge.

For seven years ALJ Greenwood was employed by Adirondack Council, a party to the pending administrative hearing proceeding, which staunchly opposes the Project.[1] ALJ Greenwood's affiliation with Adirondack Council disqualifies him as the administrative law judge or hearing officer. Adirondack Council has taken an official position against the approval of the Project. It filed with the APA a letter of opposition. (*See* Exhibit 1.) Adirondack Council also has been fervent in its opposition to the Project outside the APA administrative proceeding. In October of 2025, Adirondack Council publicly announced that the Project application must go to a public hearing and pontificated how state law applies to the Project application and that evidence in the form of expert witness testimony will be needed. (*See* Exhibit 1.) In November of 2025, Adirondack Council launched a campaign to solicit public comments to urge the APA to "hold a

1 *See* ALJ Greenwood's Linked-In profile at https://www.linkedin.com/in/david-greenwood-5a71979/ (last visited December 5, 2025))

formal adjudicatory hearing for the 'Hopmeier Project.'" (*See* Exhibit 1.) Also, in November of 2025, it issued another press release applauding the APA's refusal to grant the Project application and ordering a public hearing. (*See* Exhibit 1.) In addition, by and through its officers, Adirondack Council has made numerous comments online criticizing the Project. Lastly, John Sheehan, Director of Communications at Adirondack Council, appeared on the television program, *Capital Tonight*, to rally public support against the Project.

A judge is to act at all times in a manner that promotes public confidence in the integrity and impartiality of judges, to refrain from allowing family, social, political or other relationships to influence his or her judicial conduct or judgment and to avoid even the appearance of impropriety. Thus, "not only must there be no partiality, in fact, even the appearance of partiality is to be avoided." *See Johnson v. Hornblass*, 93 A.D.2d 732, 733 (1st Dept. 1983). "[D]oubts as to the existence of a conflict of interest are resolved in favor of disqualification in order to avoid even the appearance of impropriety." *Janczewski v. Janczewski*, 2019 NY Slip Op 01062, 2, 169 A.D.3d 773, 774 (2nd Dept. 2019) (citations omitted). Indeed, judges must recuse themselves or be disqualified "in cases where their impartiality 'might be reasonably questioned.'" *See* Advisory Comm on Jud Ethics Op 19-76 (2019) *quoting* Rules Governing Jud Conduct (22 NYCRR §100.3(E)(1)).

Here, there is an undeniable appearance of impropriety and ALJ Greenwood's impartiality is reasonably being questioned by the Sponsor. Accordingly, ALJ Greenwood must be disqualified as the presiding administrative law judge or hearing officer.

WHEREFORE, the Sponsor requests that its instant disqualification challenge be granted and ALJ Greenwood be disqualified as the presiding administrative law judge or hearing officer in connection with the Project, together with such other and further relief you deem fair and just to award the Sponsor.

Respectfully,

Norfolk Beier PLLC

By:
Matthew D. Norfolk, Esq.

Attachment
cc (via email only): Hon. David N. Greenwood, ALJ
Grace Sullivan, Esq., APA Senior Counsel
Counsel of Record

I, Matthew D. Norfolk, Esq., affirm this 20th day of January, 2026, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.



Matthew D. Norfolk, Esq.

NORFOLK BEIER

November 24, 2025

Via First-Class Mail & Email
Hon. David Greenwood
Administrative Law Judge
NYS Department of Environmental Conservation
Office of Hearings and Mediation Services
625 Broadway
Albany, New York 12233-1550
david.greenwood@dec.ny.gov

Re: APA Project 2021-0276
Sponsor/Applicant: Michael Hopmeier/Unconventional Concepts, Inc.
Request for Voluntary Recusal as Hearing Officer

Dear Judge Greenwood:

I represent Michael Hopmeier, a principal of Unconventional Concepts, Inc. and the sponsor of the above-referenced project presently before the Adirondack Park Agency (hereinafter referred to as the "APA") for consideration. The purpose of this letter is to respectfully request that you voluntarily recuse yourself as the hearing officer presiding over the public hearing ordered by the APA as part of its review of my client's project (hereinafter referred to as the "Project").

For seven years you were employed by the Adirondack Council. (*See* Exhibit 1, annexed hereto.)[1] Your affiliation with the Adirondack Council disqualifies you as the hearing officer. The Adirondack Council has taken an official position against the approval of the Project. It filed with the APA a letter of opposition. (*See* Exhibit 2, annexed hereto.) The Adirondack Council also has been fervent in its public opposition to the Project. In October of 2025, the Adirondack Council publicly announced that the Project application must go to a public hearing and pontificated how state law applies to the Project application and that evidence in the form of expert witness testimony will be needed. (*See* Exhibit 3, annexed hereto.) In November of 2025, the Adirondack Council launched a campaign to solicit public comments to urge the APA to "hold a formal adjudicatory hearing for the 'Hopmeier Project.'" (*See* Exhibit 4, annexed hereto.) Also, in November of 2025, it issued another press release applauding the APA's refusal to grant the Project application and ordering a public hearing. (*See* Exhibit 5, annexed hereto.) By and through

1 Pursuant to 9 NYCRR §580.8(a), "[t]he agency shall select a hearing officer as early as possible following its determination to hold a hearing. The hearing officer shall make full disclosure, as part of the record, of all information he deems relevant to the issue of bias or other disqualification." Your affiliation with the Adirondack Council is undoubtedly relevant. Yet, to date, I have not received disclosure of all information you deem relevant to the issue of bias or other disqualification.

its officers, the Adirondack Council also has made numerous comments online criticizing the Project. Lastly, John Sheehan, Director of Communications at the Adirondack Council, appeared on the television program, *Capital Tonight*, to rally public support against the Project.

Moreover, the Adirondack Council boasts how it has secured certain individuals to be on the Board of the APA in furtherance of its mission and objectives. In its 2024-2025 Impact statement (*see* Exhibit 6, annexed hereto), the Adirondack Council states, in pertinent part:

> **Adirondack Park Agency Appointments: The Council worked aggressively to secure a full slate of appointments to the Adirondack Park Agency. New additions include environmental attorney Jose Almanzar and scientist and former Congressman Rush Holt.**

As the attorney for the sponsor, it is more than troubling to read the Adirondack Council's Impact statement. It causes my client and me to question the integrity of the APA in selecting you as the hearing officer.

As demonstrated above, there is implicit bias and undoubtedly an appearance of impropriety arising out a former employee of the Adirondack Council acting as the hearing officer in an APA public hearing involving a project the Adirondack Council adamantly opposes. The applicable judicial ethical standards require not only the absence of actual bias, but also the avoidance of the appearance of bias. Your appointment as the hearing officer presents a reasonable question regarding impartiality, and a recusal would best preserve the fairness of the adjudicatory process and the public's trust in the APA's conducting of the proceeding and the determination it will ultimately render on the Project application. In the unfortunate event you will not agree to recuse yourself as the hearing officer, we will file a formal application for your disqualification pursuant to 9 NYCRR §580.8.

In closing, I respectfully request that you recuse yourself and allow a qualified administrative law judge to be assigned to preside over the public hearing.

Thank you in advance for your attention to this important matter. Mr. Hopmeier and I look forward to your response to our request for your recusal.

Respectfully,

Norfolk Beier PLLC

By:
Matthew D. Norfolk, Esq.

cc (via email only):
Barbara Rice, APA Executive Director
Damion K. L. Stodola, APA Counsel
Michele M. Stefanucci, Chief Administrative Law Judge

EXHIBIT 1



David Greenwood · 3rd

Senior Attorney at NYS Department of Education

- NYS Department of Environmental Conservation
- Albany Law School of Union University

Schenectady, New York, United States · Contact info

168 connections

Message More

Activity

170 followers

David hasn't posted yet

Recent posts David shares will be displayed here.

Show all activity →

Experience

Administrative Law Judge - Environmental Impact Examiner
NYS Department of Environmental Conservation · Full-time
May 2024 - Present · 1 yr 7 mos
Albany, New York, United States · On-site

Senior Attorney
NYS Department of Education
Mar 2008 - May 2024 · 16 yrs 2 mos

Court Attorney
Appellate Division, Third Department
2003 - 2004 · 1 yr

Policy Analyst
The Adirondack Council
Jan 1998 - Aug 2000 · 2 yrs 8 mos
Albany, NY

Lobbied and advocated for the protection and enhancement of New York's Adirondack Park and Forest Preserve at the State and Federal level

Education

Albany Law School
JD

EXHIBIT 2

ADIRONDACK COUNCIL
PRESERVING WATER, AIR AND WILDLANDS

NEW YORK STATE OF OPPORTUNITY. Adirondack Park Agency
RECEIVED
Date: September 1, 2022

Board of Directors
Sarah C. Hatfield
Chair
Lisa Cowan
Vice-Chair
Curtis R. Welling
Treasurer
Erwin Winter
Secretary
Kurt Ashabranner
Mary Bijur
David E. Bronston
Charles D. Canham, Ph.D.
Ann E. Carmel
Georgina Gallman, Ph.D.
Diane W. Fish
Paulo R. Forlenza
Michale Glennon, Ph.D.
Rush Holt, Ph.D.
Robert J. Kafin
Eric W. Lawson
Jerome Page
Justin Potter
Jenn Reschovsky
Brian Ruder
Kate Russell
Daniel J. Ryterband
Douglas Schultz
Noah Snaw
Laurel Skorzinski
Douglas Stewart

Executive Director
William C. Janeway

CHARITY NAVIGATOR

September 1, 2022

Barbara Rice, Executive Director
Adirondack Park Agency
1133 State Route 86
Ray Brook, NY 12977

Dear Executive Director Rice:

The Adirondack Council is pleased that the Adirondack Park Agency has requested more information regarding a proposal to test military canons in the Town of Lewis, Essex County. We recommend that the agency hold an adjudicatory public hearing on this highly controversial permit request. We further recommend that the agency assign staff to immediately develop a policy discouraging military weapons testing by private parties inside the Adirondack Park.

An adjudicatory hearing would allow the agency to collect evidence rather than claims, hear sworn testimony and make a rational decision on whether to allow such an activity inside the Adirondack Park. A new policy would protect birds and wildlife in the Champlain Valley, prevent a degradation of property values for people living near the proposed test site and save the quiet enjoyment of the Adirondacks for the people of Lewis.

The Adirondack Park has already paid a high price to accommodate use of the park's forests and airspace by the Army, Marine Corps, Air Force, National Guard and Air National Guard units. This includes treetop helicopter missions and high-speed jet flights by pilots from across the Northeast and Canada. Over the past half-decade, the intensity and scope of this training increased significantly. So too did its impact on wildlife, communities, private homes, wilderness solitude and the general quiet enjoyment of nature.

Teams of state regulators, military officials and environmental advisors (of which the Adirondack Council is one) have worked well together in the past. Cooperatively, we have managed for 30 years to mitigate conflicts between the nation's need for military readiness and New York's right to practice leading-edge conservation to protect the world's largest intact, temperate deciduous forest.

This permit request is not for a project by the Army. It would involve a private contractor working on a military weapons project. The Army has no need for a canon firing range inside the Adirondack Park. There is a well-established

Main Office: 103 Hand Ave, Suite 3 | PO Box D-2 | Elizabethtown, NY 12932 | 518.873.2240
Albany Office: 342 Hamilton St. | Albany, NY 12210 | 518.432.1770
AdirondackCouncil.org
info@adirondackcouncil.org

artillery range at Fort Drum, just west of the Adirondack Park. It has received regular use since the 1980s. But even on an Army post, its use caused conflict initially and forced some residents to move away. The Watertown Daily Times chronicled a series of reimbursement claims by people in the Village of Antwerp in Jefferson County, for example, whose windows and foundations were cracked by the repeated impact of shells on the landscape and bedrock.

Cannon testing could occur at Fort Drum, under military supervision. At the proposed test site in Lewis and nearby, we have grave concerns about the collateral damage that could occur from cannon shell firings, flights and impacts. In addition to noise and impact vibrations, how likely are misfires and missed targets? The Fort Drum range is enormous, so stray shells don't pose much danger to neighbors. How damaging will direct hits on the target be to the surrounding landscape, flora and fauna? What wildlife is likely to make a home in the sandy mound the applicant has proposed to install via truck as a target backstop? The nature of the application seems to presume that there are wastelands within the Adirondack Park where nothing lives or can live. Such places do not exist.

If it receives a completed application, we urge the agency's board to hold an adjudicatory hearing on this proposal, so that it may reject the plan. We further urge the agency to develop a blanket policy against the testing of military-grade weapons by private parties within the Adirondack Park, in an effort to discourage such proposals in the future.

Thank you for your time and attention to this matter.

The Adirondack Council is a privately funded not-for-profit organization whose mission is to ensure the ecological integrity and wild character of the Adirondack Park. It is the largest environmental organization whose sole focus is the Adirondacks.

The Council carries out its mission through research, education, advocacy and legal action. It envisions a Park with clean water and clean air, core wilderness areas, farms and working forests, and vibrant, diverse, welcoming, safe communities. Adirondack Council advocates live in all 50 United States.

Sincerely,

William C. Janeway
Executive Director
Adirondack Council

Cc: Chris Cooper, Attorney, APA
John Burth, Regulatory Programs, APA

EXHIBIT 3

Adirondack Council Calls For Hearing On Hopmeier Project

Posted on 20 Oct at 4:29 pm

ADIRONDACK COUNCIL PRESERVING WATER, AIR AND WILDLANDS

FOR IMMEDIATE RELEASE: Monday, Oct. 20, 2025

ADIRONDACK COUNCIL CALLS FOR HEARING ON HOPMEIR PROJECT

Conditions and Issues Warrant an Adjudicatory Hearing on Impacts of Projectile Tests

ELIZABETHTOWN, N.Y. — The Adirondack Council today called on New York's Adirondack Park Agency (APA) to hold a special adjudicatory hearing to review a permit request from a Florida company that seeks a use permit to test modern military cannons on private land inside the Adirondack Park.

"A **holistic assessment of this permit application** is critical," said Raul J. Aguirre, Executive Director of the Adirondack Council, "and an adjudicatory hearing is an important opportunity for an administrative law judge, a neutral third party, to identify what's needed to do so. This kind of hearing is a legal proceeding that allows the agency to consider expert insights that have not yet been part of the application process and holds the agency accountable to its mission of protecting Adirondack Park resources. The agency hasn't held one in 14 years, and this project clearly warrants it."

The applicant is seeking permission to fire steel projectiles up to 30 times each year. The Council says the APA must fully examine potential impacts on public lands, nearby homes, local businesses, wildlife, and popular outdoor recreation such as hunting, hiking, and mountain biking.

Under APA law, the agency can call for an adjudicatory hearing in the following instances: when more information is needed; a project doesn't meet specific legal standards; or significant changes are needed for permit approval. The agency cannot deny a permit without first holding a formal adjudicatory hearing — a trial-like process featuring sworn testimony, expert witnesses, cross-examination, and an administrative law judge.

Council Has Decades of Relevant Experience

The Adirondack Council has worked with the U.S. military since 1994 to balance national defense needs with protection of Adirondack communities and natural resources. Past collaborations include:

- **1994:** Review of new low-level jet training routes through Adirondack airspace to Fort Drum.
- **2011:** Agreements to safeguard wilderness areas by limiting drone training impacts and maintaining a 3,000-ft buffer over sensitive lands.
- **2013:** Review and approval of high-elevation F-35 training flight paths.
- **2020:** Review of Army ground-to-air pilot training on private Adirondack lands.

The Council also partnered with New York State to create a public complaint system for residents affected by military training noise.

Public Comments

The Council **will be submitting comments calling for an Adjudicatory Hearing** due to the unprecedented nature of this permit application. The APA is accepting public comments on the project until October 30.

Founded in 1975, the Adirondack Council is a privately funded, not-for-profit organization committed to protecting the ecological integrity and wild character of the Adirondack Park. The Park contains one of the largest intact temperate forests in the world and is home to approximately 130,000 New Yorkers.

The Council advances its mission through research, education, advocacy, and legal action. It envisions an Adirondack Park with clean air and water, core wilderness areas, working forests and farms, and inclusive, thriving communities.

For more information: John Sheehan, Director of Communications, 518-441-1340

Recent Posts

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November 5, 2025

Adirondack Council Releases 44th State of the Park Report, Celebrates 50th Anniversary
October 31, 2025

Categories

EXHIBIT 4



Urge the APA to hold an Adjudicatory Hearing for Ballistics Testing on Private Lands

Please Email the APA Today!

This campaign has concluded.

Back to Campaign List (/campaigns/)

The Adirondack Park Agency (APA) is seeking public comment on a permit application that would allow private testing of military-grade ballistics on private land in the Town of Lewis. The "Hopmeier Project" wants to establish a weapons testing range on 197 acres of Rural Use private lands, with projectile testing in support of military research and development.

Under the APA Act, Rural Use areas are meant to support a *low level of development* and protect sensitive natural resources, community character, and open space.

Testing of this nature could impact wildlife, clean water, recreation, and quiet rural communities, and belongs on secure military installations — not in the middle of the Adirondacks. **This proposal is unprecedented, and the APA must require a full adjudicatory hearing before making any decision.**

A formal adjudicatory hearing features expert testimony, sworn evidence, and cross-examination in front of an administrative law judge. The Agency has not held such a hearing in 14 years, and this controversial and unprecedented project clearly warrants one.

We Need Your Help Now

Please email the APA and urge them to:

- Please hold a formal adjudicatory hearing for the Hopmeier Project to provide for a thorough fact-finding process that will inform the Board's decision-making around whether or not to approve, amend or deny the project.
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Adirondack Council Applauds APA Howitzer Decision

Posted on 14 Nov at 12:48 pm



Need for Expert Testimony in Unprecedented Permit Application

For Immediate Release – Friday, Nov. 14, 2025

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In a unanimous vote at APA headquarters in Ray Brook, the agency board called for its first hearing in front of an administrative law judge in 14 years. The project proposal – which would allow for testing of Howitzer barrel ballistics on private land in the Town of Lewis – meets the basic standards within the APA Act for such a hearing to be held and warrants an adjudicatory hearing.

"APA staff has vast experience and expertise in a wide range of land use issues, that is not in question," said Raul J. Aguirre, Executive Director of the Adirondack Council. "But weapons testing, and the various impacts on wildlife, wildlands and human communities associated with it, are atypical of permit applications within the Adirondack Park. The Council appreciates that the APA board saw fit to request expert testimony before making a decision on this very challenging and unique project."

The applicant is seeking permission to fire steel projectiles up to 30 times each year. The Council says the APA must fully examine potential impacts on public lands, nearby homes, local businesses, wildlife, and popular outdoor recreation such as hunting, hiking, and mountain biking.

Under APA law, the agency can call for an adjudicatory hearing in the following instances: when more information is needed; a project doesn't meet specific legal standards; or significant changes are needed for permit approval. An adjudicatory hearing is a trial-like process featuring sworn testimony, expert witnesses, cross-examination, and is conducted by an administrative law judge.

During the 30-day public comment period on this project, more than 1,400 comments were submitted to the APA. The Adirondack Council will continue to monitor this project as it moves through the formal hearing process.

Founded in 1975, the Adirondack Council is a privately funded, not-for-profit organization committed to protecting the ecological integrity and wild character of the Adirondack Park. The Park contains one of the largest intact temperate forests in the world and is home to approximately 130,000 New Yorkers.

The Council advances its mission through research, education, advocacy, and legal action. It envisions an Adirondack Park with clean air and water, core wilderness areas, working forests and

farms, and inclusive, thriving communities.

For more information: John Sheehan, Director of Communications, 518-441-1340

Recent Posts

Whitney Park: Historic routes closed to the public since the 1880s
November 21, 2025

Adirondack Council Welcomes Gov. Hochul, APA Response to Public Input on Proposed Vehicle Use in Wilderness
November 20, 2025

Adirondack Council Applauds APA Howitzer Decision
November 14, 2025

Adirondack Council Celebrates Passage of Mt. Van Hoevenberg Amendment
November 5, 2025

Adirondack Council Releases 44th State of the Park Report, Celebrates 50th Anniversary
October 31, 2025

Categories

In and About the Park (106)

Press Releases (46)

Uncategorized (2)

EXHIBIT 6

Who We Are

Impact

2024-2025 Accomplishments

With strong partner organizations, collaboration with elected/appointed government officials, and citizen participation, the Council successfully advocates for policies and funding that benefit the environment and communities of the Adirondack Park.

In 2025, the Adirondack Council continued its work for the Adirondack Park with a series of concrete wins that benefit the people of New York. The Council is an independent, non-partisan watchdog. We use advocacy **to secure funding** for Adirondack programs in the state budget and through legislative actions, but do not accept government funding ourselves. We're proud to support and defend the Adirondack Park, and some of our work this year is highlighted below:



- Hosted an annual Adirondack Park Lobby Day in Albany, where nearly 200 members of the public were guided by experienced lobbyists in visiting lawmaker's offices and asking for Adirondack funding
- $2 million for the Survey of Climate and Adirondack Lake Ecosystems (SCALE), a long-term water quality monitoring project
- $1.25 million for the Timbuctoo Institute, a joint program of CUNY Medgar Evers College and SUNY ESF where New York City teens are introduced to green careers, environmental issues, and the history of the Adirondack Park
- $420,000 for the Adirondack Diversity Initiative
- $250,000 each for the Visitor Interpretive Centers in Newcomb and Paul Smiths
- Passage of the **Open Water Data Act**, which mandates that all water quality data collected in New York be openly shared through a single online database

- Successfully urged the Adirondack Park Agency to **drop a provision** which could have allowed motor vehicles in wilderness areas
- Through earned media and interviews, successfully encouraged millions of voters to **approve a constitutional amendment** for the Mount Van Hoevenberg Olympic Complex
- Activated the public and our members to submit more than 900 comments to the Adirondack Park Agency to hold its first formal adjudicatory hearing in 14 years in response to a **ballistics testing proposal** within the Adirondack Park

None of these wins for the Adirondack Park would have been possible without the support of people who are passionate about this national treasure. Join us **as a member** or **give a gift to support** our work for a better Adirondacks for all.

Clean Water

Protecting the pristine waters of the Adirondacks and safeguarding the health of both our natural world and human communities.

- **Survey of Climate and Adirondack Lake Ecosystems (SCALE)**: Secured $2 million in 2025 budget and $6.5 million over the last 4 years to fund scientific monitoring that will track the response of Adirondack lakes to climate change.



- **Road Salt Reduction Council Legislation:** During the 2025 NY Legislative session, the Council led efforts to develop, introduce, and advocate for legislation ((A.4481-A (Jones)/S.6976-A (Harckham) that will advance critical road salt reduction efforts in the Park and across the state.
- **Clean Water Infrastructure:** Council advocacy played a crucial role in increasing the matching caps on clean water infrastructure grants from 25% to 50%, significantly reducing the costs for rural communities to undertake otherwise unaffordable water quality improvement projects. Since 2016, approximately $194 million in clean water funding has been allocated to Adirondack towns and villages, leveraging more than $350 million.

Wildlands

Championing Adirondack Park conservation and advocating for a sustainable future for our most

wild places.

- **Funding Secured for Saranac Chain of Lakes Study:** The Council helped secure $1 million to fund an inaugural state-funded waterbody carrying capacity study that will provide guidance to the state on data-informed best management practices for Adirondack waterbodies.



- **Increased the State's Environmental Protection Fund (EPF):** The Council helped secure a record $425 million for the EPF, which provides tens of millions for open space protection and invasive species prevention each, as well as $60 million for the management of state lands, including visitor safety and wilderness protection.
- **Adirondack Park State Land Master Plan Protections:** The Adirondack Council successfully worked to block proposed changes to the State Land Master Plan that would have permitted motorized vehicle access in Wilderness areas, where it is currently prohibited. To achieve this end, the Council mobilized a broad coalition of stakeholders, including the accessibility community, state agencies, and the public, generating over 1,000 comments that urged the state to uphold wilderness protections while ensuring appropriate public access.

Clean Air & Climate

Advancing bold clean air and climate solutions to preserve our globally significant landscape and protect Adirondack communities.

- **Federal Deregulation:** The Council is a member of a coalition of 60 national and regional environmental organizations working to defend existing Environmental Protection Agency (EPA) pollution reduction and monitoring programs, as well as protect standards that limit public health hazards, such as mercury contamination and ozone exposure at high elevations.
- **Renewable Energy Infrastructure:** The Council conditionally supported permit approval for a 40 MW solar project in the southern region of the Park. This project demonstrates how utility-scale renewable energy and agricultural uses can be feasible without compromising crucial ecological functions.

Working Lands & Strong Communities

Promoting practical solutions for farming and forestry that sustain our lands and strengthen Adirondack communities

- **Green Jobs:** The Council has helped secure an additional $1.7 million in funds ($7.1 million total over four years) for the Timbuctoo Institute. This multi-organization effort brings students from urban communities to the Adirondacks to learn about jobs in wilderness preservation, forest management, and clean energy.



- **Essex Farm Institute:** After a decade, the Council has concluded its agricultural micro-grants program, which awarded over $265,000 to farmers and producers across the Adirondacks. A **final report**, released in April 2025, highlights its impact on advancing climate-friendly farming and promoting energy-efficient infrastructure.
- **Adirondack Park Agency Appointments:** The Council worked aggressively to secure a full slate of appointments to the Adirondack Park Agency. New additions include environmental attorney Jose Almanzar and scientist and former Congressman Rush Holt. This is the first full slate of appointments to the Agency in over five years.

*To close out our 50th anniversary year, a long-time supporter has **pledged a giving match of $250,000**. If you donate from now until the end of 2025, your gift will be automatically doubled. And if you're a first-time donor or increase your donation, your gift will be tripled!*

NEW YORK STATE | Adirondack Park Agency

KATHY HOCHUL
Governor
BARBARA RICE
Executive Director

January 21, 2026

(By E-Mail: mnorfolk@norfolkbeier.com)

Matthew D. Norfolk, Esq.
Norfolk Beier PLLC
The Outpost
55 Barn Road, Suite 201
Lake Placid, New York 12946

(By E-Mail: david.greenwood@dec.ny.gov)

Honorable David Greenwood
Administrative Law Judge
NYS Department of Environmental Conservation
Office of Hearing and Mediation Services
625 Broadway, First Floor
Albany, NY 12233-1550

Re: APA Project 2021-0276
Challenge to the Appointment of Administrative Law Judge Greenwood

Dear Mr. Norfolk and Judge Greenwood:

I am in receipt of the attached qualification challenge raised by Mr. Norfolk, dated January 20, 2026, pursuant to 9 NYCRR 580.8 and State Administrative Procedure Act (SAPA) § 303.

Agency regulations at 9 NYCRR 580.8(b) require that any issue concerning the qualification of a hearing officer be resolved by pre-hearing conference, if possible. For any issues not resolved in such conference, all parties shall have the opportunity to challenge the designation of the hearing officer.

Further, upon receipt of any challenging affidavit, the hearing officer and the other parties to the hearing may submit responding affidavits. 9 NYCRR 580.8(c).

I am informed that a pre-hearing conference is scheduled to occur today at 1:00PM. Attendees to this pre-hearing conference include the Agency hearing staff, all named parties to the proceeding thus far, and the designated hearing officer.

Accordingly, any issues parties would like to raise concerning the disqualification of Judge Greenwood should be raised and resolved, if possible, at the scheduled pre-hearing conference today. If issues remain, then all parties shall have an opportunity to file a challenging affidavit and/or responding affidavits under a timeframe acceptable to all parties and the hearing officer.

Further, I note that, on November 24, 2025, Mr. Norfolk previously requested the recusal of ALJ Greenwood. The Agency considered this recusal request as a challenge pursuant to 9 NYCRR 580.8(b), provided Mr. Norfolk an opportunity to supplement his

request with any specific disqualifying connection or relationship between ALJ Greenwood and the Adirondack Council's public comments on the proposed project, and rendered a decision on December 3, 2025, determining that no disqualification existed that prevented ALJ Greenwood from acting as hearing officer.

Since then, additional entities have been granted party status. Allowing all parties, including Mr. Norfolk, the opportunity to submit challenging affidavits, provides all parties a full and fair opportunity to provide all relevant information.

Based on the foregoing, the previously scheduled pre-hearing conference should be used to discuss any disqualification issues. If any issues remain unresolved, then all parties shall be given an opportunity to submit either a challenging affidavit, or any responding affidavits under a schedule agreeable to all parties.

Sincerely,

Barbara Rice
Executive Director

cc: See attached service list

Public Hearing Service List
P2021-0276

Recipient	Address
Project Sponsor – Michael Hopmeier, Unconventional Concepts LLC Authorized Representatives: Matthew D. Norfolk Shane Kelly	Matthew D. Norfolk, Esq. Norfolk Beier, PLLC 1936 Saranac Ave, Suite 106 Lake Placid, NY 12946 mnorfolk@norfolkbeier.com Shane Kelly, Esq. Norfolk Beier, PLLC 1936 Saranac Ave, Suite 106 Lake Placid, NY 12946 skelly@norfolkbeier.com
Administrative Law Judge: David Greenwood	New York State Department of Environmental Conservation Office of Hearing and Mediation Services 625 Broadway, First Floor Albany, NY 12233-1550 david.greenwood@dec.ny.gov
Agency Hearing Staff: Grace Sullivan	Adirondack Park Agency P.O. Box 99 1133 NYS Route 86 Ray Brook, NY 12977 grace.sullivan@apa.ny.gov
Protect the Adirondacks!	Christopher A. Amato, Esq. conservationdirector@protectadks.org P.O. Box 48 North Creek, NY 12853 Claudia Braymer, Esq. deputydirector@protectadks.org P.O. Box 48 North Creek, NY 12853
Adirondack Wild: Friends of the Forrest Preserve	David Gibson dgibson@adirondackwild.org P.O. Box 9247 Niskayuna, NY 12309
Sierra Club Atlantic Chapter	Todd Ommen tommen@law.pace.edu 78 North Broadway, White Plains, NY 10603

Recipient	Address
Adirondack Council	Philip H. Gitlen, Esq. pgitlen@woh.com Whiteman Osterman & Hanna LLP 1 Commerce Plaza, Albany, New York, 12260 Paul Van Cott PVanCott@woh.com Whiteman Osterman & Hanna LLP 1 Commerce Plaza, Albany, New York, 12260 Anna V. Seitelman, Esq. ASeitelman@woh.com Whiteman Osterman & Hanna LLP 1 Commerce Plaza, Albany, New York, 12260

This service list includes all parties to the abovementioned proceeding as of January 21, 2026. This list will be updated as parties join the proceeding. Please continue to check the Agency's website for the most updated list of parties.

PROTECT THE ADIRONDACKS!

Board of Directors

Charles Clusen
Chair

Barbara Rottier
James McMartin Long
Vice-Chairs

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Patricia Morrison
John Nemjo
Charlie Olsen
Peter O'Shea
Philip Terrie

Staff

Claudia K. Braymer, Esq.
Executive Director

Christopher Amato, Esq.
Conservation Director and Counsel

Peter Bauer
Fundraising Coordinator

Via Email

January 22, 2026

Barbara Rice
Executive Director
Adirondack Park Agency
P.O. Box 99
Ray Brook, NY 12977

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

Dear Executive Director Rice:

Attached please find an Affidavit submitted on behalf of Protect the Adirondacks in opposition to the request by counsel for the applicants in the above-referenced proceeding that Administrative Law Judge David N. Greenwood be disqualified from presiding over the adjudicatory hearing.

Respectfully submitted,



Christopher A. Amato, Esq.
Conservation Director and Counsel

Cc: Hon. David N. Greenwood
Matthew Norfolk, Esq.
Shane Kelly, Esq.
Grace Sullivan, Esq.
Jennifer Hubbard, Esq.
Philip H. Gitlen, Esq.
Anna V. Seitelman, Esq.

Protect the Adirondacks
PO Box 48, North Creek, NY 12853 518.251.2700
www.protectadks.org info@protectadks.org
Like Us on Facebook and on Instagram/Threads @ProtectAdkPark

Paul Van Cott, Esq.
Todd Ommen, Esq.
Roger Downs
David Gibson

STATE OF NEW YORK
ADIRONDACK PARK AGENCY

In the Matter of the Application of

UNCONVENTIONAL CONCEPTS, INC.
and MICHAEL HOPMEIER

AFFIDAVIT

For a Permit Pursuant to Section 809 of the
Adirondack Park Agency Act and
9 NYCRR Parts 573 and 574

Project No. 2021-0276

STATE OF NEW YORK)

COUNTY OF ALBANY) SS.:

CHRISTOPHER A. AMATO, being duly sworn, deposes and says:

1. I am Conservation Director and Counsel for Intervenor Protect the Adirondacks! Inc. (PROTECT). I respectfully submit this affidavit pursuant to 9 NYCRR § 580.8(b) and Section 303 of the State Administrative Procedure Act (SAPA) in further response to the January 20, 2026 submission from Matthew Norfolk, Esq., counsel for the applicants in the above-referenced proceeding, which purports to challenge the qualifications of Administrative Law Judge (ALJ) David N. Greenwood.
2. Although Mr. Norfolk has now resubmitted his challenge in affidavit form, the submission remains fatally deficient. It is untimely and fails to present any evidence that ALJ Greenwood is affected by personal bias. Because both a timely filing and a showing of bias are required under Part 580.8(b) and SAPA § 303 before an ALJ may be disqualified, Mr. Norfolk's demand that ALJ Greenwood be removed must be denied.
3. Moreover, Mr. Norfolk's latest submission is nearly identical to the challenge he filed in November 2025—one that you have already denied. He offers no grounds, new facts, or

justification for revisiting or overturning that prior determination. Accordingly, this attempt to revive a previously disallowed challenge should be rejected.

The Latest Challenge is Untimely

4. Mr. Norfolk acknowledges in his affidavit that he initially challenged ALJ Greenwood's designation as hearing officer and requested his recusal by letter to you dated November 24, 2025. He omits, however, that you responded by letter dated November 26, 2025, explaining that his submission failed to comply with the requirements of Part 580.8 and SAPA § 303; failed to identify any disqualifying relationship or connection between ALJ Greenwood and the Adirondack Council; failed to offer evidence that ALJ Greenwood was involved in the Adirondack Council's submissions to the Adirondack Park Agency regarding the proposed project; and that, "without more," the challenge was therefore "insufficient to create an appearance of bias." Your letter nevertheless afforded Mr. Norfolk additional time to cure these deficiencies, or raise any other issues. A copy of your November 26, 2025 letter is annexed hereto as **Exhibit A**.
5. Mr. Norfolk also fails to acknowledge his November 26, 2025 response to your letter, in which he rejected your offer of additional time, characterizing it as "an abuse of discretion" and asserting that it demonstrated bias against his clients. He further stated that, "I will not be filing papers at this time to challenge ALJ Greenwood's designation as the hearing officer and I object to and reject your unauthorized, extra-jurisdictional attempt to convert my letter of November 24, 2025, to ALJ Greenwood to a challenge of his designation as the hearing officer pursuant to 9 NYCRR § 580.8." A copy of Mr. Norfolk's November 26, 2025 letter is annexed as **Exhibit B**.

6. Despite expressly declining to pursue a challenge at that time, Mr. Norfolk waited nearly two months—until the day before the pre-hearing issues conference scheduled by ALJ Greenwood—to renew his request. He offers no explanation for this delay. Filing a renewed challenge on the eve of the issues conference, after expressly refusing the opportunity to supplement the earlier submission, renders this challenge untimely. On this basis alone, it must be denied.

The Challenge is Unsupported by Any Evidence of Bias

7. Mr. Norfolk's affidavit also omits the fact that, by letter dated December 1, 2025, ALJ Greenwood advised you and counsel that he had "considered potential parties or intervenors to the Agency's hearing on the project application and ensured that I have no current or recent professional or financial connections that might raise an issue of bias or other disqualification." A copy of ALJ Greenwood's letter is annexed as **Exhibit C**.
8. Mr. Norfolk offers no evidence to rebut this representation by the ALJ. Instead, he merely asserts that ALJ Greenwood has an "inherent conflict of interest" based solely on prior employment with the Adirondack Council more than twenty years ago. He cites no legal authority for the proposition that past employment in the remote past, without more, constitutes a *per se* conflict requiring disqualification.
9. The cases cited by counsel do not support his position. In *Johnson v. Hornblass*, 93 AD2d 732 (1st Dept. 1983), the presiding judge personally visited a criminal defendant during a pending proceeding to assess compliance with court orders. Although the Appellate Division denied the requested writ of prohibition, it suggested recusal to avoid an appearance of impropriety based on the judge's direct, case-specific involvement. Mr.

Norfolk has shown no comparable involvement by ALJ Greenwood in the Adirondack Council's review of or opposition to this project. *Johnson* is therefore readily distinguishable.

10. In addition, *Janczewski v. Janczewski*, 169 AD3d 773 (2d Dept. 2019), is inapposite. That case concerned disqualification of opposing counsel based on prior representation of an adversary and turned on attorney-ethics rules, not judicial disqualification standards. It has no bearing here.

11. By contrast, controlling authority makes clear that disqualification requires record evidence of actual bias or a demonstrable conflict of interest. The Court of Appeals has held that "[t]o establish Hearing Officer bias as a matter of fact, there must be support in the record for bias and proof that the outcome flowed from the alleged bias." *Hughes v. Suffolk Cty. Dep't of Civil Serv.*, 74 NY2d 833, 834 (1989) (allegation that hearing officer was respondent's employee held insufficient). *See also Flores v. N.Y. State Educ. Dep't*, 146 AD2d 881, 881 (3d Dept. 1989) (holding that member of Health Department hearing panel's prior employment by Department of Health was insufficient to establish bias due to "absence of proof of a personal or financial conflict of interest"); *Grant v. Senkowski*, 146 AD2d 949, 950 (3d Dept. 1989) (rejecting challenge to administrative tribunal "absent a demonstrable conflict of interest or record evidence of real bias").

12. Mr. Norfolk has offered no such proof here, and his bald assertion of an "inherent conflict" finds no support in law or fact.

No Grounds Exist for Revisiting the Prior Ruling

13. Counsel attempts to draw a distinction between his November 2025 request for recusal and his present demand for disqualification, but this is a distinction without a difference. Both

submissions rest on the same allegations of "implicit bias," "inherent conflict," and an asserted "appearance of impropriety." Indeed, the third paragraph of Mr. Norfolk's January 20, 2026 affidavit seeking disqualification is identical to the second paragraph of his November 24, 2025 letter seeking recusal.

14. You have already ruled that these allegations are insufficient to warrant disqualification. *See* Exhibit A. Mr. Norfolk's renewed submission presents no new facts, no new legal authority, and no basis for reconsideration. Accordingly, there are no grounds to revisit, let alone reverse, your prior determination.

WHEREFORE, Intervenor Protect the Adirondacks respectfully requests that the applicants' demand that ALJ Greenwood be disqualified be denied.

CHRISTOPHER A. AMATO

Sworn to Before Me
This 22nd Day of January 2026

Notary Public

Nathan S. Carlson
Notary Public, State of New York
Qualified in Albany County
No. 01CA6342135
Commission Expires May 16, 2028

EXHIBIT A

NEW YORK STATE | Adirondack Park Agency

KATHY HOCHUL
Governor

BARBARA RICE
Executive Director

November 26, 2025

(By E-Mail: mnorfolk@norfolkbeier.com)

Matthew D. Norfolk, Esq.
Norfolk Beier PLLC
The Outpost
55 Barn Road, Suite 201
Lake Placid, New York 12946

Re: APA Project 2021-0276
Recusal Request

Dear Mr. Norfolk,

I am in receipt of your letter dated November 24, 2024 to Administrative Law Judge David Greenwood requesting his voluntary recusal for the above project.

While your letter does not follow the requirements set out in section 508.8 of the Agency's regulations, including the form and standard required under Section 303 of the State Administrative Procedure Act, I am deeming your November 24th letter as a challenge under section 580.8 to my decision to appoint Judge Greenwood as hearing officer. As set out below, please submit any additional materials you wish me to consider in reviewing Judge Greenwood's selection by November 28, 2025 at 3 P.M. Responding affidavits, if any, including any submitted by Judge Greenwood, must be received by Monday, December 1, 2025 at 3 P.M. I shall issue my decision thereafter pursuant to 580.8(d).

I note that your letter suggests Judge Greenwood be disqualified because he was employed with the Adirondack Council from 1993 to 2000, and that the Adirondack Council has taken public positions on your client's proposed project. Further, you state that "applicable judicial ethical standards" require his disqualification, however, none of those standards are cited.

Even accepting your unsworn statements as true, they do not appear to identify a disqualifying connection or relationship to the Adirondack Council's public comments on the project, nor any fact upon which to suggest that Judge Greenwood was involved in the Council's submissions to the Agency about the project. Without more, prior employment with an organization that has taken a position – one way or the other – on an adjudicatory hearing would appear insufficient to create an appearance of bias. Your

letter also does not seem to include any specific information that challenges Judge Greenwood's impartiality.

Accordingly, as noted above, I am providing you with additional time to submit any information you believe might address these deficiencies, or to raise any other issues you wish to address, so I have a complete record upon which to render my decision. Please submit any additional materials you wish me to consider in reviewing Judge Greenwood's selection by November 28, 2025 at 3 P.M. Responding affidavits, if any, including any submitted by Judge Greenwood, must be received by Monday, December 1, 2025 at 3 P.M. I shall issue my decision thereafter pursuant to 580.8(d).

Sincerely,



Barbara Rice
Executive Director

cc: Hon. David Greenwood (By E-Mail)
Chief Administrative Law Judge Michele M. Stefanucci (By E-Mail)
Damion K. L. Stodola, Counsel (By E-Mail)

EXHIBIT B

NORFOLK BEIER PLLC
ATTORNEYS AT LAW

November 26, 2025

Via Email Only
N.Y.S. Adirondack Park Agency
Attn: Ms. Barbara Rice, Executive Director
1133 NYS Route 86
Ray Brook, New York 12977
barbara.rice@apa.ny.gov

Re: APA Project 2021-0276
Request for Recusal of David Greenwood as Hearing Officer

Dear Ms. Rice:

I am in receipt of your letter of November 26, 2025, in response to mine of November 24, 2025, *which is addressed to Administrative Law Judge ("ALJ") David Greenwood* wherein I request he voluntarily recuse himself as the hearing officer to preside over the public hearing to be scheduled in the above-referenced proceeding. I did not submit a request to you or anyone at the Adirondack Park Agency. I had no obligation to even copy you on the letter. ALJ Greenwood has been directly asked to recuse himself. He is the one that my clients and I expect to respond to the request for his recusal. ALJ Greenwood has an independent duty as an administrative law judge and attorney to assess whether he should recuse himself.[1] In light of the foregoing, I will not withdraw my request to ALJ Greenwood that he voluntarily recuse himself. If ALJ Greenwood voluntarily recuses himself, my clients will have no need to consider filing a challenge of his designation as the hearing officer pursuant to 9 NYCRR §580.8.

Furthermore, I stated in my November 24, 2025, letter that the request sent to ALJ Greenwood seeking his voluntary recusal is not a challenge of ALJ Greenwood's designation as the hearing officer pursuant to 9 NYCRR §580.8 or State Administrative Procedure Act ("SAPA") §303. Indeed, I have not filed a challenge or application of any kind to date, nor do I wish to do so at the moment. You have no authority to convert my request to ALJ Greenwood to voluntarily recuse himself to a challenge pursuant to 9 NYCRR §580.8 or SAPA §303, or otherwise. You cannot compel me to file challenges and other applications of any kind. That would be unlawful, as is the case now. Accordingly, I object to your attempt to do so and repeat that I have not filed a challenge on my clients' behalf.

Additionally, even if you had the authority to unilaterally convert my November 26, 2025, letter to ALJ Greenwood to a challenge under 9 NYCRR §580.8, to do so now would prejudice my

1 I will not waste my clients' financial resources citing to the ethical standards ALJ Greenwood must follow. I am sure he is well-aware of them, and the APA should have competent legal counsel that can provide you with the standards I reference above and in my letter of November 24, 2025.

clients and be contrary to the procedural structure for challenging a hearing officer's designation under 9 NYCRR §580.8. Pursuant to 9 NYCRR §580.8(a), ALJ Greenwood is required to "make full disclosure, as part of the record, of all information he deems relevant to the issue of bias or other disqualification." ALJ Greenwood has yet to make such disclosure. To file a challenge of his designation before he makes full disclosure of all information he deems relevant to the issue of bias or other disqualification, frankly, would be a stupid thing to do. Any challenge of ALJ Greenwood's designation will not be submitted until after ALJ Greenwood's disclosure of all information he deems relevant to the issue of bias or other disqualification; that is, if he does not recuse himself.

Also, pursuant to 9 NYCRR §580.8(b), "any issue concerning the disqualification of the hearing officer shall be resolved in a pre-hearing conference, if possible." Notably, the filing of a challenge is not needed to have a pre-hearing conference. Here, it is undoubtedly possible to have a pre-hearing conference to address issues concerning ALJ Greenwood's disqualification – if, of course, ALJ Greenwood does not voluntarily recuse himself as I have requested on behalf of my clients. Notwithstanding the foregoing, if ALJ Greenwood does not voluntarily recuse himself, a conference should not be had until he complies with 9 NYCRR §580.8(a) and makes "full disclosure, as a part of the record, of all information he deems relevant to the issue of bias or other disqualification."

Finally, 9 NYCRR §580.8(b) states, in pertinent part, "[a]ll parties *shall be given sufficient opportunity to challenge* his [the hearing officer's] designation by the filing the affidavit referred to in section 303 of the State Administrative Procedure Act with the executive director, on notice to the hearing officer and other parties." (Emphasis added.) For you to direct me to submit papers in support of a challenge, notably which I did not file, in just two days, one of which is Thanksgiving, is absurd. It is an abuse of discretion, seriously prejudices my clients, demonstrates a bias in general, and gives the appearance that you are punishing my clients for requesting ALJ Greenwood voluntarily recuse himself, or, perhaps for filing the application for an APA permit in the first place. I am certain the NYS Supreme Court would agree with me on all fronts.

In closing, I will not be filing papers at this time to challenge ALJ Greenwood's designation as the hearing officer and I object to and reject your unauthorized, extra-jurisdictional attempt to convert my letter of November 24, 2025, to ALJ Greenwood to a challenge of his designation as the hearing officer pursuant to 9 NYCRR §580.8. If and when I file such a challenge, I will follow the rules and regulations governing such an application, and I expect you, as the Executor Director, to do the same.

Kindly include this letter in the official record of the above-referenced project application.

Nothing in this letter is intended to waive any claim or defense Mr. Hopmeier and Unconventional Concepts, Inc. possess or may possess in the future.

[SIGNATURE ON FOLLOWING PAGE]

Sincerely,

Norfolk Beier PLLC



By: Matthew D. Norfolk, Esq.

cc: Michael Hopmeier

EXHIBIT C

December 1, 2025
(Via Email Only)

Barbara Rice
Executive Director
Adirondack Park Agency
1133 State Route 86
Ray Brook, NY 12977

Re: APA Project 2021-0276
Sponsor/Applicant: Michael Hopmeier/Unconventional Concepts, Inc.

Dear Executive Director Rice,

By letter dated November 20, 2025, I was appointed to serve as hearing officer for the Agency's hearing on the above referenced project application pursuant to section 580.8(a) of the Agency's regulations. By this letter I make full disclosure, as part of the record, of all information relevant to the issue of bias or disqualification. Prior to accepting the appointment as hearing officer in this matter I ensured that I had no professional or financial connection with Michael Hopmeier, Unconventional Concepts, Inc., Diversified Upstate Enterprises, LLC, Pulsifer Logging, LLC and James Pulsifer and determined that there was no issue of bias or other disqualification pursuant to 9 NYCRR 580.8 of the Agency Regulations. Additionally, I considered potential parties or intervenors to the Agency's hearing on the project application and ensured that I have no current or recent professional or financial connections that might raise an issue of bias or other disqualification.

The role of hearing officer in this matter, as set forth in APA Project Order 2021-0276 issued November 14, 2025, is to develop an evidentiary hearing record on the three issues identified in the Order. The Agency is not requesting that the hearing officer make findings of fact or conclusions of law and reserves to itself the exclusive right to make its own findings of fact and conclusions of law as part of its final Agency determination and order pursuant to 9 NYCRR 580.18. I am confident that I can fulfil the duties of hearing officer in this matter impartially and without any bias to any current or future party with respect to any determination I may make during the hearing.

Sincerely,

Hon. David Greenwood
Administrative Law Judge

cc: Mattew D. Norfolk, Attorney for the applicant
Michele M. Stefanucci, Chief Administrative Law Judge
Damion K. L. Stodola, APA Counsel
Shane Kelly, Norfolk Beier PLLC
Angela Bates, APA

.....

In the matter of the application of

Unconventional Concepts, Inc., and Michael Hopmeier

ORDER PURSUANT TO 9 NYCRR 580.8

APA Project Order 2021-0276

.....

Facts and Background

This proceeding concerns the issuance of a permit to develop a weapons range for testing the internal ballistics of 155 mm howitzer cannon barrels over a 5-year period in the Town of Lewis, Essex County (Project).

On November 14, 2025, the Adirondack Park Agency (APA or Agency) ordered the Project to public hearing. The APA later designated Administrative Law Judge David Greenwood (ALJ Greenwood) to act as hearing officer. Unconventional Concepts, Inc. and Michael Hopmeier (Applicant) subsequently requested ALJ Greenwood recuse himself based on prior employment with the Adirondack Council. On December 1, 2025, ALJ Greenwood indicated that he did not have any current or recent professional or financial connections that might raise an issue of bias or other disqualification. ALJ Greenwood also stated that the purpose of this hearing is to develop an evidentiary record, rather than make findings of fact or law, and that he is confident he is able to fulfil the duties of hearing officer in this matter impartially and without any bias to any current or future party with respect to any determination he may make during the hearing.

On January 20, 2026, the Applicant submitted a challenge to ALJ Greenwood's appointment. On January 21, 2026, I advised all parties that any concerns regarding disqualification should be raised at the previously scheduled pre-hearing conference.

The matter was not resolved during the pre-hearing conference, and a briefing schedule was established for further submissions. In considering the materials before me, I am unable to identify a direct, personal, substantial or pecuniary interest sufficient to disqualify ALJ Greenwood.

Relevant Laws and Regulations

Agency Regulations section 580.8 establishes the process by which any party may challenge the designation of a hearing officer. As discussed, section 580.8(b) states that any issue concerning the qualification of the hearing officer shall be resolved in a pre-hearing conference if possible. Further, all parties shall be given sufficient opportunity to challenge such designation by filing the affidavit referred to in section 303 of the State Administrative Procedure Act with the Executive Director, on notice to the hearing officer and the other parties.

Section 580.8(d) requires that the Executive Director shall decide the challenge within two business days of receipt of the affidavit and any responding affidavits. If the Executive Director deems the

challenging affidavit insufficient, he or she may either allow the party filing it to submit further written evidence, or may order that the proceedings continue.

Discussion

The Applicant requests disqualification because ALJ Greenwood was previously employed by the Adirondack Council for seven years and that the organization has taken a public position in opposition to the project and is now a party to the administrative hearing. The Applicant alleges that there is "an undeniable appearance of impropriety and ALJ Greenwood's impartially is reasonably being questioned."

Protect the Adirondacks!, also a party to this matter, filed an affidavit in opposition to the Applicant's request arguing that the issue of disqualification was previously addressed and that the challenge is untimely and unsupported by any evidence of bias.

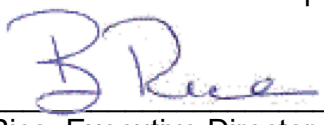
A review of the materials before me shows an absence of facts demonstrating bias or prejudgment by ALJ Greenwood. I do not find any specific, current or recent disqualifying relationship, whether personal, professional, or pecuniary. The Applicant has identified a prior employment connection with the Adirondack Council. It is undisputed, however, that that relationship ended 26 years ago and 22 years before comments were issued on the Project by the Adirondack Council. No facts have been alleged that support that ALJ Greenwood's prior employment would have informed the comments submitted by the Adirondack Council 22 years later; nor any facts concerning current membership, an ongoing employment relationship, or any other personal, professional or pecuniary relationship with the Adirondack Council or any other party. No specific evidence was offered to show that ALJ Greenwood has or had any relationship with the Adirondack Council outside of this proceeding, or that ALJ Greenwood's conduct or actions was in any way biased.

The Applicant states that disqualification is required because there is an "appearance of bias." ALJ Greenwood has previously stated that he believes that he is able to conduct this proceeding in a fair and impartial manner. There is an insufficient basis to disqualify ALJ Greenwood, especially where the relationship which allegedly creates an appearance of bias is now decades removed and where the Agency Board has reserved to itself the exclusive right to make its own findings of fact and conclusions of law as part of its final Agency determination and order.

NOW, THEREFORE, based upon the foregoing and the materials before me, it is

ORDERED that, pursuant to Agency Regulations section 508.8(b), the above-described application to disqualify ALJ Greenwood is denied, and it is

FURTHER ORDERED that this proceeding be remanded for further proceedings consistent with this ruling.



Barbara Rice, Executive Director

TO: See Attached Service List

Public Hearing Service List
P2021-0276

Recipient	Address
Project Sponsor – Michael Hopmeier, Unconventional Concepts LLC Authorized Representatives: Matthew D. Norfolk Shane Kelly	Matthew D. Norfolk, Esq. Norfolk Beier, PLLC 1936 Saranac Ave, Suite 106 Lake Placid, NY 12946 mnorfolk@norfolkbeier.com Shane Kelly, Esq. Norfolk Beier, PLLC 1936 Saranac Ave, Suite 106 Lake Placid, NY 12946 skelly@norfolkbeier.com
Administrative Law Judge: David Greenwood	New York State Department of Environmental Conservation Office of Hearing and Mediation Services 625 Broadway, First Floor Albany, NY 12233-1550 david.greenwood@dec.ny.gov
Agency Hearing Staff: Grace Sullivan	Adirondack Park Agency P.O. Box 99 1133 NYS Route 86 Ray Brook, NY 12977 grace.sullivan@apa.ny.gov
Protect the Adirondacks!	Christopher A. Amato, Esq. conservationdirector@protectadks.org P.O. Box 48 North Creek, NY 12853 Claudia Braymer, Esq. executivedirector@protectadks.org P.O. Box 48 North Creek, NY 12853
Adirondack Wild: Friends of the Forrest Preserve	David Gibson dgibson@adirondackwild.org P.O. Box 9247 Niskayuna, NY 12309

Recipient	Address
Sierra Club Atlantic Chapter	Todd Ommen tommen@law.pace.edu 78 North Broadway, White Plains, NY 10603 David Ramirez Dramirez2@law.pace.edu 78 North Broadway, White Plains, NY 10603
Adirondack Council	Philip H. Gitlen, Esq. pgitlen@woh.com Whiteman Osterman & Hanna LLP 1 Commerce Plaza, Albany, New York, 12260 Paul Van Cott PVanCott@woh.com Whiteman Osterman & Hanna LLP 1 Commerce Plaza, Albany, New York, 12260 Anna V. Seitelman, Esq. ASeitelman@woh.com Whiteman Osterman & Hanna LLP 1 Commerce Plaza, Albany, New York, 12260

This service list includes all parties to the abovementioned proceeding as of January 21, 2026. This list will be updated as parties join the proceeding. Please continue to check the Agency's website for the most updated list of parties.

5. Motions and Letter Requests

NORFOLK BEIER PLLC
ATTORNEYS AT LAW

January 14, 2026

Via Email
Hon. David Greenwood
Administrative Law Judge
NYS Department of Environmental Conservation
Office of Hearings and Mediation Services
625 Broadway
Albany, New York 12233-1550
david.greenwood@dec.ny.gov

Re: APA Project 2021-0276
Sponsor/Applicant: Michael Hopmeier/Unconventional Concepts, Inc.
Second Request for Voluntary Recusal as Hearing Officer

Dear Judge Greenwood:

From the date the Adirondack Park Agency Board voted to hold an adjudicatory hearing, the instant administrative proceeding has progressed in disorderly fashion. My firm cannot continue to represent and further the interests of the Sponsor in a competent and effective manner with the proceeding being mismanaged the way it has been and is presently by the Adirondack Park Agency (hereinafter referred to as the "APA").

With respect to the administrative proceeding record as it relates to the adjudicatory hearing (hereinafter referred to as the "Record"), it is not identifiable and its location is unknown. I acknowledge that *some* documents and things submitted to the APA in connection with the application leading up to it being deemed complete are available at the APA's website, as well as *some* documents related to the administrative proceeding as it involves the public hearing, such as your orders, the petitions to intervene, and letters sent to and from you. However, the Sponsor's opposition to Adirondack Wild: Friends of the Forest Preserve's intervention petition, a record of which Board members voted and how, and most, if not all, the communications sent to you by the APA and the parties are nowhere to be found. There is no information on the APA's website that allows the public and the parties to locate the Record. The public and the parties are left guessing whether that which is available on the APA's website is, indeed, the Record. The Record must be identified, easily accessible and regularly updated in a timely manner.

Rules or standards also must be put in place to govern what is and what is not to be included in the Record and how. Each and every business day I receive a high volume of emails collectively from you, APA counsel, and counsel for Adirondack Wild: Friends of the Forest Preserve, Adirondack Council and Protect the Adirondacks!, as the case may be. It is a burdensome, arduous task to

keep track of the many emails exchanged daily – especially for a small law firm such as Norfolk Beier. The use of emails is inefficient and unreliable and forces the parties to independently maintain their own record. In short, submissions to be included in the Record should not be served and stored via email exclusively. A cloud-based file hosting and synchronization service, such as Dropbox, that lets you, the APA and the parties submit and store documents or files online, access them from any device (computer, phone, tablet), and share them easily with each other must be implemented and utilized.

Until a Record is identified and readily accessible, rules or standards implemented to govern what shall be included in the Record, and a reliable method to serve and submit documents and things are established, my firm, as counsel to the Sponsor, is at a disadvantage and cannot represent the Sponsor to the best of its ability. Indeed, the Sponsor is being prejudiced by the disorganization and mismanagement of this administrative proceeding.

Finally, commencement of the hearing should not be scheduled at this stage of the administrative proceeding. Discovery must be completed well in advance of the commencement of the hearing. The outcome of this proceeding will rely heavily on expert witness testimony. No party can adequately and thoroughly prepare for the hearing without expert witness disclosure. The same may be said about fact-witness disclosure. Such disclosure must be made in advance of the commencement of the hearing.

I acknowledge that at our last conference, with you, Attorney Sullivan and I in attendance, suggestions were made that the hearing could be opened on February 4, 2026, and a schedule agreed upon for the parties to do that what is necessary to further prepare for the hearing, and then the hearing would be adjourned without further action. However, respectfully, I am of the opinion that the hearing commencement date of February 4, 2026, should be adjourned now. To keep the hearing on for February 4, 2026, to then only adjourn it so the parties may pursue discovery or otherwise continue to prepare for the hearing is inefficient and will unnecessarily cause the parties to expend monetary resources. Furthermore, I am sure the public will be in an uproar to have put time aside to attend the first day of the hearing, only to have it adjourned and little accomplished.

I request that you put the issues I raise above on the agenda to be discussed at next week's pre-hearing conference. Thank you for your attention to this matter.

Respectfully,

Norfolk Beier PLLC



By:
Matthew D. Norfolk, Esq.

cc: Barbara Rice, APA Executive Director
Grace Sullivan, Esq.
Attorneys of Record

Board of Directors

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Peter O'Shea
Philip Terrie

Staff

Claudia K. Braymer, Esq.
Executive Director

Christopher Amato, Esq.
Conservation Director and Counsel

Peter Bauer
Fundraising Coordinator

Via Email

January 16, 2026

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 of Unconventional Concepts, Inc. and Michael Hopmeier
APA Project No. 2021-0276

Dear Judge Greenwood:

On behalf of the four intervenor parties in the above-referenced proceeding (Protect the Adirondacks, Adirondack Council, Adirondack Wild: Friends of the Forest Preserve, and Sierra Club), please find attached a proposed Scheduling Order. We respectfully request that the proposed Scheduling Order be added to the agenda for the January 21, 2026 pre-hearing issues conference.

Please note that the proposed dates in the draft Scheduling Order are based on the assumption that the Order would be issued on or before the first hearing date of February 4, 2026. In the event that the Scheduling Order is not issued by that date, we would appreciate the opportunity to propose revised scheduling dates for those set forth in the draft Order.

Thank you for your consideration of this request.

Respectfully submitted,



Christopher A. Amato, Esq.
Conservation Director and Counsel

Protect the Adirondacks
PO Box 48, North Creek, NY 12853 518.251.2700
www.protectadks.org info@protectadks.org
Like Us on Facebook and on Instagram/Threads @ProtectAdkPark

Cc: Matthew Norfolk, Esq.
Shane Kelly, Esq.
Grace Sullivan, Esq.
Jennifer Hubbard, Esq.
Philip H. Gitlen, Esq.
Anna V. Seitelman, Esq.
Paul Van Cott, Esq.
Todd Ommen, Esq.
Roger Downs
David Gibson

STATE OF NEW YORK
ADIRONDACK PARK AGENCY

In the Matter of the Application of

UNCONVENTIONAL CONCEPTS, INC. and MICHAEL HOPMEIER

SCHEDULING ORDER

For a Permit Pursuant to Section 809 of the Adirondack Park Agency Act and 9 NYCRR Parts 573 and 574

Project No. 2021-0276

The adjudicatory hearing in the above-captioned matter shall commence on **February 4, 2026** at **10:00 A.M**. at Adirondack Park Agency headquarters located at 1133 NYS Route 86, Ray Brook, New York 12977 and such additional dates as determined to be necessary.

Witness Lists and APA Staff Statement
All parties shall file and serve a list of the witnesses they intend to present on or before **March 4, 2026**. The list should be served on the ALJ and the parties by email by 5:00 p.m. on that date. In addition, APA staff shall file and serve on or before 5:00 p.m. **on March 4, 2026** a statement concerning the development considerations and other required findings it considers pertinent to the project and outline the evidence it intends to present, as required by 9 NYCRR § 580.6(b).

Preliminary Discovery
Any preliminary interrogatories and requests for productions of documents shall be served on or before **March 4, 2026**. Copies of discovery requests shall be served on all parties by 5:00 p.m. on that date. Discovery requests shall not be filed with the ALJ.

Responses to discovery requests shall be served on all parties by 5:00 p.m. on **April 6, 2026**, unless otherwise mutually agreed between the parties or upon an Order of the ALJ following a motion for extension of time to respond.

Pre-filed Direct Testimony
Pursuant to 9 NYCRR § 580.14(f), the Administrative Law Judge (ALJ) may require the submission of pre-filed written testimony for witnesses. Unless otherwise ordered, all testimony shall be written and pre-filed in accordance with the schedule established in this Order, and service on the ALJ and the parties shall be by email. Each witness offered as an expert must provide either a resume or curriculum vitae as an exhibit to the pre-filed direct testimony and must provide all information and data supporting the statements offered in the pre-filed direct testimony, as well as a bibliography of reports or other documents relied upon in the preparation of the pre-filed direct testimony.

The pre-filed submissions will be limited to direct testimony with the associated exhibits. The pre-filed direct testimony will be prepared in question and answer format. Each line on every page will

be numbered, and each page of the pre-filed testimony must be numbered. Errata will not be accepted after the filing date. During the hearing, the witnesses will have the opportunity to correct any typographical errors of their written pre-filed direct testimony before cross-examination. In the alternative, the witness may file an affidavit in advance of the hearing session describing any changes or corrections to the pre-filed direct testimony and associated exhibits.

Subsequent to the submission and service of pre-filed written testimony, but no later than ten (10) business days after service of such testimony, any party may serve upon the party making the submission interrogatories and requests for production of documents concerning the facts or data supporting any conclusion offered in the pre-filed testimony. Responses to interrogatories and document requests shall be provided no later than thirty (30) days after service of such interrogatories and document requests, unless otherwise mutually agreed between the parties or upon an Order of the ALJ following a motion for extension of time to respond.

The applicant will file and serve pre-filed testimony of witnesses and related exhibits on or before 5:00 p.m. on **May 22, 2026.**

APA staff and the intervenors shall file and serve pre-filed rebuttal testimony and related exhibits on or before 5:00 p.m. on **June 22, 2026**.

At the hearing, the sponsoring party will ask the witness to attest to the pre-filed testimony. The parties will have the opportunity to cross-examine each witness unless the parties stipulate otherwise. If a party intends to introduce any exhibits during cross-examination, copies of the exhibits must be provided to each party and the ALJ at that time. The sponsoring party may ask its witness questions on re-direct, followed by recross-examination.

The hearing will continue, as needed, until each party has presented their direct case and the other party has exercised its right to cross-examine the witnesses.

Any requests to modify or amend this Scheduling Order must be filed in writing at least 10 calendar days before the established due date. Prior to filing the request, the parties must confer and attempt to resolve the conflict before filing the request with the ALJ.

SO ORDERED.

David N. Greenwood
Administrative Law Judge
Dated: _____, 2026

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Roger Gray
Sidney Harring
Michala Hendrick
Sheila Hutt
Patricia Morrison
John Nemjo
Charlie Olsen
Peter O'Shea
Philip Terrie

Staff

Claudia K. Braymer, Esq.
Executive Director

Christopher Amato, Esq.
Conservation Director and Counsel

Peter Bauer
Fundraising Coordinator

Via Email

January 20, 2026

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 of Unconventional Concepts, Inc. and Michael Hopmeier
APA Project No. 2021-0276

Dear Judge Greenwood:

I write on behalf of the four intervenor parties in the above-referenced proceeding (Protect the Adirondacks, Adirondack Council, Adirondack Wild: Friends of the Forest Preserve, and Sierra Club) in response to the January 14, 2026 letter from Matthew Norfolk, Esq. counsel for the applicants.

We believe that a critical threshold matter is the need for a single, updated project application to be placed in the administrative record that incorporates the numerous modifications and revisions to the application that have occurred over the past four years. As the record currently stands, the numerous revisions and differing versions of the application and supporting documents renders it unduly burdensome to parse out what exactly is being proposed and what the applicants are claiming the impacts of the project will be. We therefore respectfully request that the applicants be required to submit an updated, comprehensive application along with updated supporting documentation.

In addition, we agree with Mr. Norfolk that it would be helpful for an administrative docket, such as those used in adjudicatory proceedings of the Public Service Commission and the Office of Renewable Energy Siting, to be established for this proceeding.

Thank you for your consideration of these requests.

Respectfully submitted,



Christopher A. Amato, Esq.
Conservation Director and Counsel

Cc: Matthew Norfolk, Esq.
Shane Kelly, Esq.
Grace Sullivan, Esq.
Jennifer Hubbard, Esq.
Philip H. Gitlen, Esq.
Anna V. Seitelman, Esq.
Paul Van Cott, Esq.
Todd Ommen, Esq.
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Paul VanCott
Of Counsel
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January 20, 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 of Unconventional Concepts, Inc. and Michael Hopmeier
APA Project No. 2021-0276

Dear Judge Greenwood:

On behalf of the Adirondack Council, Inc. and the other three intervenor parties in the above-referenced proceeding (Protect the Adirondacks, Adirondack Wild: Friends of the Forest Preserve, and Sierra Club), please find attached proposed revisions and suggested additions to the issues identified for adjudication by the Adirondack Park Agency ("APA") Board in its November 14, 2025 project order ("APA Project Order 2021-0276") for the above-referenced matter ("Project 2021-0276"). We respectfully request that discussion of these proposed revisions be included in the agenda for the January 21, 2026 pre-hearing issues conference.

The proposed revisions to APA Project Order 2021-0276 are based upon the APA Act and applicable law. They are presented in a logical order that we believe will ensure the most efficient adjudication of the issues identified by the APA Board. The issues proposed to be added are intended to provide information missing from the Project Sponsor's application that we believe the APA Board should have for its consideration as part of the record. Briefly, the rationale for the proposed revisions and additions to APA Project Order 2021-0276 is as follows:

Proposed Issue #1

In Issue #3 of APA Project Order 2021-0276, the APA Board identified the question of whether the proposed howitzer testing range is a commercial use for adjudication as part of the issue of whether the proposal is compatible in the land use area where it is proposed to be

located. We respectfully submit that this is a threshold jurisdictional issue that must be addressed in order to establish the basis for APA's review of Project 2021-0276. Determination of this jurisdictional predicate is also relevant to the adjudication of the other hearing issues identified by the APA Board.

APA Act § 809(2)(a) subjects applications for Class A and Class B regional projects to APA review, including any required adjudicatory hearing. APA Act § 810 defines by lists what the Class A and Class B regional projects are in each land use area, paralleling the lists of primary and secondary compatible uses provided in APA Act § 805. APA's jurisdiction to review applications requires a specific predicate of jurisdiction from one of those Section 810 lists to trigger its jurisdiction to review an application pursuant to Executive Law § 809. If a proposed application does not involve a listed use, Section 810 provides a "catch-all" predicate for jurisdiction. Establishing this statutory predicate of jurisdiction is routinely done by APA in its jurisdictional determinations, permits and orders, and enforcement orders.

Here, APA Project Order 2021-0276 seeks additional information in order to establish this statutory predicate for APA review jurisdiction under Section 809. The APA Board has determined that Project 2021-0276 involves a Class B regional project but seeks further information on whether the proposed project is a commercial use, for which the statutory predicate of jurisdiction in Rural Use is APA Act § 810(2)(c)(16). If it is not a commercial use, then another 810(2)(c) predicate for a Class B regional project jurisdiction must be established to provide the basis for APA's review of Project 2021-0276 under Section 809.

For discussion at the pre-hearing conference, we respectfully submit that the proposed howitzer testing range is not a commercial use as defined in the APA Act and properly is subject to APA permitting review under Section 809 under the "catch-all" provision of APA Act § 810(2)(c)(15) as an unlisted use. Since this is a threshold jurisdictional issue, we respectfully ask that it be made Issue #1 for adjudication.

We would also ask the Project Sponsor to consider a stipulation that the proposed howitzer testing range is an unlisted use and subject to APA review as a Class B Regional Project pursuant to APA Act § 810(2)(c)(15). Separate from the substantive issues that need to be adjudicated with respect to Project 2021-0276, classifying the proposed howitzer testing range as a commercial use for APA jurisdictional purposes would create a very negative precedent that must be challenged. For the efficiency of the adjudicatory hearing on the merits of Project 2021-0276, we submit that a stipulation is appropriate in order to avoid the unnecessary expenditure of time and resources by the parties on this threshold jurisdictional issue.

Proposed Issues #2 and #3

These issues are proposed to be added in order to provide important evidence about Project 2021-0276 that is not included in the Project Sponsor's application for the APA Board's consideration.

Proposed Issue #4

Proposed Issue #4 is proposed to provide for adjudication of issues identified by APA Project Order 2021-0276 pertaining to the potential adverse impacts of Project 2021-0276 on the resources of the Adirondack Park and nearby land uses, all of which evidence is relevant to the

three ultimate legal determinations the APA Board must make as to whether Project 2021-0276: (1) is consistent with the Adirondack Park Land Use and Development Plan ("APLUDP") pursuant to APA Act § 809(10)(a); (2) is compatible in the Rural Use land use area where the project is proposed to be located pursuant to APA Act § 809(10)(b); and (3) would not have an undue adverse impact pursuant to APA Act § 809(10)(e). Fundamentally, the evidence about Project 2021-0276's potential adverse impacts is relevant to the development considerations provided in APA Act § 805(4) that must be considered by the APA Board in making each of those three legal determinations. Thus, until all evidence about potential adverse impacts is in the record, it is not possible for the parties to provide any additional evidence that may be relevant to the APA's consideration of the Section 809(10) legal determinations the Board must make with respect to Project 2021-0276.

To separate the hearing's evidence gathering about potential adverse impacts from the eventual legal determinations the APA Board must make, in Issue #4 we accordingly propose to revise APA Project Order 2021-0276 to delete any references to the "undue adverse impact" legal determination and to only provide for adjudication of the potential adverse impacts of Project 2021-0276. This will avoid having technical experts make legal conclusions without all of the evidence necessary to do so. Once, and only after all of the evidence on the project's potential adverse impacts is in the record, consistent with APA Project Order 2021-0276, our proposed revisions would allow for the parties to provide any additional evidence relevant to the three Section 809(10) legal determinations the APA Board must make through adjudication of Issues #5, #6 and #7 as discussed below.

Proposed Issues #5, #6 and #7

Consistent with APA Project Order 2021-0276, these revised issues would provide for adjudication of any additional evidence relevant to the three legal determinations the APA Board must make pursuant to APA Act § 809(10)(a),(b) and (e). For the reasons discussed above, they are proposed to be reordered from APA Project Order 2021-0276 Issues #1, #2 and #3.

For proposed Issue #5 pertaining to consistency with the APLUDP (APA Act § 809(10)(a)), we propose to revise the issue to require adjudication of whether the project is consistent as opposed to compatible with the APLUDP in order to follow the express statutory language of that Section 809(10) criterion. Proposed Issue #6 regarding compatibility is consistent with Issue #3 from APA Project Order #2021-0276, with the exception that the question of whether the howitzer testing range is a commercial use would become Issue #1 as discussed above. Proposed Issue #7 is consistent with Issue #2 from APA Project Order 2021-0276.

The proposed ordering of revised Issues #5, #6 and #7 follows the sequence provided for these legal determinations in APA Act § 809(10) and is consistent with the Appellate Division, Third Department's articulation of the Section 809(10) "undue adverse impact" approval criterion in *Protect v APA*, 121 AD3d at 67 (2014) with respect to the Adirondack Club & Resort project in Tupper Lake:

Significantly, before new development is undertaken, the APA must "consider those factors contained in the development considerations of the plan which are pertinent to the project under review" and determine that the proposed project "would not have an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or

*open space resources of the park" (Executive Law § 809 [10] [e]; see also Executive Law § 805 [4]). In considering whether any adverse impact is undue, Executive Law § 809 (10) (a) and (b) require the APA to determine that a project is "consistent with the land use and development plan" and "compatible with the character {**121 AD3d at 71}description and purposes, policies and objectives of the land use area wherein it is proposed to be located." In doing so, the APA must also consider the burden that development will place on public services, as well as any "commercial, industrial, residential, recreational or other benefits that might be derived from the project" (Executive Law § 809 [10] [e]); see Executive Law § 805 [4]).*

While APA Act § 809(10) requires compliance with each of the statutory criteria for which legal determinations must be made, the Appellate Division's decision plainly requires that the APA Board's legal determination as to "whether any adverse impact is undue" also depends upon whether the project is consistent with the APLUDP and compatible in the land use area where it is proposed to be located. Accordingly, in addition to requiring the prior adjudication of Project 2021-0276's potential adverse impacts as discussed above, before any evidence on the Section 809(10) criterion concerning "whether any adverse impact is undue" is provided by the parties, evidence regarding Project 2021-0276's consistency with the APLUDP and compatibility in Rural Use must necessarily already be in the record consistent with the Appellate Division's decision.

For all of the foregoing reasons, it is respectfully submitted that adjudication of whether Project 2021-0276 is a commercial use must occur first in the adjudicatory hearing for this matter, followed by adjudication of any potential adverse impacts of the project, followed finally by adjudication of whether Project 2021-0276 complies with the statutory criteria provided in APA Act § 809(10)(c) consistent with the Appellate Division's decision in *Protect v APA.* We look forward to discussion of this proposal for the issues to be adjudicated in the hearing for Project 2021-0276 at the pre-hearing conference tomorrow.

Very truly yours,



Paul Van Cott

Attachment

Cc: Attached Service List

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

Project Sponsor / Applicant Representatives

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1936 Saranac Ave, Suite 106
Lake Placid, NY 12946

Shane Kelly
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Petitioners for Party Status

Roger Downs
Conservation Director
Sierra Club Atlantic Chapter
Care of Todd D. Ommen
Managing Attorney
Pace Environmental Litigation Clinic
78 North Broadway
White Plains, NY 10603

David Gibson
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Adirondack Wild: Friends of the Forest Preserve
P.O. Box 9247
Niskayuna, NY 12309

Philip H. Gitlen, Esq.
Paul Van Cott, Esq.
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Conservation Director and Counsel
Protect the Adirondacks
P.O. Box 48
North Creek, NY 12853

David N. Greenwood
Administrative Law Judge
NYS DEC
Office of Hearings and Mediation Services
625 Broadway, 1st Floor
Albany, New York 12233-1550

Proposed Hearing Issues for APA Project 2021-0276

January 20, 2026

Issue #1: Whether the proposed howitzer testing range is subject to APA permitting jurisdiction under APA Act § 809 as a commercial use (APA Act § 810(2)(c)(16)), another use in APA Act § 810(2)(c), or as a use that is not "included on either the list of primary uses or the list of secondary uses for rural use areas" (APA Act § 810(2)(c)(16)).

Issue #2 Whether the applicant has contractual or other legal arrangements with persons or other legal entities for testing howitzers on the proposed range and substantiation of national security concerns, if any, with respect to such proposed testing.

Issue #3 Whether the applicant has conducted activities at and surrounding the project site that are not authorized by and violate the APA Act and the applicant's existing APA permit, APA Permit 2023-0111, and the relevance of such noncompliance to any reasonable expectation that the applicant will comply with permit conditions in the event the howitzer testing range is approved by APA.

Issue #4: Whether the howitzer testing range would have any adverse impacts upon the natural, scenic, ecological, wildlife, recreational or open space resources of the park [APA Act § 809(10)(e)], considering the development considerations contained in APA Act § 805(4) and 9 NYCRR 574.5, including, but not limited to the following:

i. Whether the howitzer testing range involves any potential discharges, residues, or other pollutants that may adversely affect water resources, land resources, or air resources. [APA Act § 805(4)(a)(1) – (3)]

ii. Whether the howitzer testing range would have any adverse impacts to land resources within the park, such as soils, forest and open space resources, including the quality and availability of nearby lands for outdoor recreational purposes. [APA Act § 805(4)(a)(1) and (2)]

iii. Whether the applicant has provided a reliable, comprehensive and accurate modeling of the noise that would be produced by the howitzer testing range and whether such noise will have any adverse impacts upon the Park's resources or nearby uses. [APA Act § 805(4)(a)(1)]

iv. Whether noise mitigation measures exist that are feasible to implement that would minimize or avoid any adverse impacts to the Park's resources from the howitzer testing range. [APA Act § 805(4)(a)(1)]

v. Whether the howitzer testing range would create any ecological impacts or disruption to native or migrating wildlife and their habitats at or near the howitzer testing range, considering species' sensitivities. [APA Act § 805(4)(a)(5) and (6)]

vi. Whether the howitzer testing range could have adverse health and safety impacts relating to the operation, storage, and transport of military equipment. [APA Act § 805(4)(c)(2)(a)]

vii. Whether the howitzer testing range would adversely impact nearby Wilderness and Wild Forest areas or their use and enjoyment. [APA Act § 805(4)(c)(2)(a)]

viii. Whether the howitzer testing range would have an adverse economic impact on adjoining and nearby land uses, such as property values. [APA Act § 805(4)(c)(2)(a)]

Issue #5: Whether the howitzer testing range would be consistent with the Adirondack Park land use and development plan, including, but not limited to, whether the howitzer testing range would be consistent with the purpose of insuring overall conservation, protection, preservation, development and use of the unique scenic, wildlife, recreational, open space, ecological, and natural resources of the Adirondack Park? [APA Act § 809(10)(a)]

Issue #6: Whether the howitzer testing range would be compatible within the Rural Use land area classification, and whether it would be compatible with the character description and purposes, policies and objectives of the Rural Use land area classification? [APA Act § 809(10)(b)]

Issue #7: Whether the howitzer testing range would have any undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the park or upon the ability of the public to provide supporting facilities and services made necessary by the project? [APA Act § 809(10)(e)]

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Christopher Amato, Esq.
Conservation Director and Counsel

Peter Bauer
Fundraising Coordinator

Via Email

January 20, 2026

Barbara Rice
Executive Director
Adirondack Park Agency
P.O. Box 99
Ray Brook, NY 12977

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

Dear Executive Director Rice:

Protect the Adirondacks (PROTECT) is in receipt of the letter of today's date from Matthew Norfolk, Esq., counsel for the applicants in the above-referenced proceeding, purporting to challenge the qualifications of Administrative Law Judge (ALJ) David N. Greenwood and demanding that the pre-hearing issues conference scheduled by ALJ Greenwood for tomorrow, January 21, at 1:00 p.m. be adjourned without date.

Both requests must be denied because Mr. Norfolk's purported qualification challenge fails to comply with the APA regulations governing such challenges, and Mr. Norfolk thus has no ground demanding that tomorrow's pretrial issues conference be adjourned without date.

Mr. Norfolk states that his challenge to the qualifications of ALJ Greenwood is submitted pursuant to 9 NYCRR § 580.8(b). That regulation specifies that a challenge to an ALJ's qualifications can only be made "by filing the affidavit referred to in section 303 of the State Administrative Procedure Act." Section 303 of the State Administrative Procedure Act, in turn, provides that a challenge to designation of an ALJ requires "the filing in good faith by a party of *a timely and sufficient affidavit of personal bias or disqualification of a presiding officer*." (Emphasis added).

Mr. Norfolk has failed to submit the affidavit required by the Agency's regulations and the State Administrative Procedure Act. His purported challenge is therefore fatally defective and must be denied. There is thus no basis for adjourning tomorrow's pretrial issues conference pending resolution of Mr. Norfolk's procedurally improper challenge.

Respectfully submitted,



Christopher A. Amato, Esq.
Conservation Director and Counsel

Cc: Hon. David N. Greenwood
Matthew Norfolk, Esq.
Shane Kelly, Esq.
Grace Sullivan, Esq.
Jennifer Hubbard, Esq.
Philip H. Gitlen, Esq.
Anna V. Seitelman, Esq.
Paul Van Cott, Esq.
Todd Ommen, Esq.
Roger Downs
David Gibson

State of New York Adirondack Park Agency

In the Matter of the Application of

UNCONVENTIONAL CONCEPTS, INC. and MICHAEL HOPMEIER,

the Project Sponsors,

pursuant to section 809 of the Adirondack Park Agency Act.

NOTICE OF MOTION

APA Project No. 2021-0276

PLEASE TAKE NOTICE that upon the attached affirmation of Paul Van Cott, Esq., sworn to on January 20, 2026, and the exhibits attached thereto, the Adirondack Council, Inc. will move presiding Administrative Law Judge David Greenwood on February 4, 2026 at 10:00 a.m., or as soon thereafter as counsel may be heard, at the hearing in this matter to be held in the APA Boardroom at the Adirondack Park Agency ("APA") offices located at 1133 NYS Route 86 in Ray Brook, New York, for an Order disqualifying the law firm of Norfolk Beier PLLC from continued representation of the Project Sponsor in this matter in the absence of demonstrated compliance with 22 NYCRR Section 1200.1.11 of the Rules of Professional Conduct for New York attorneys pertaining to conflicts, including a conflict waiver from APA, and for such other and further relief as may be appropriate to protect the integrity of the hearing process in this matter and the interests of the Adirondack Council, Inc.

Dated: January 20, 2026

WHITEMAN OSTERMAN & HANNA LLP

BY: *Philip H. Gitlen*

Philip H. Gitlen, Esq.
Paul Van Cott, Esq.
Anna V. Seitelman, Esq.
Attorneys for Adirondack Council, Inc.

TO: Attached Service List

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

Project Sponsor / Applicant Representatives

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Petitioners for Party Status

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Conservation Director
Sierra Club Atlantic Chapter
Care of Todd D. Ommen
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Adirondack Wild: Friends of the Forest Preserve
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David N. Greenwood
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625 Broadway, 1st Floor
Albany, New York 12233-1550

State of New York Adirondack Park Agency

In the Matter of the Application of

AFFIRMATION

UNCONVENTIONAL CONCEPTS, INC. and MICHAEL HOPMEIER,

the Project Sponsors,

pursuant to section 809 of the Adirondack Park Agency Act.

APA Project No. 2021-0276

PAUL VAN COTT, having been duly sworn, deposes and says:

1. I am *Counsel* to the law firm of Whiteman, Osterman & Hanna LLP, attorneys representing the Adirondack Council, Inc., which has been granted party status as an intervenor in the adjudicatory hearing in this matter pursuant to 9 NYCRR Part 580, and I have duly filed a notice of appearance for my involvement in the representation of the Adirondack Council, Inc. in this matter.

2. I have personal knowledge of the facts relevant to this motion, except as to those alleged upon information and belief, and make this affidavit in support of the relief requested in order to protect the rights and interests of the Adirondack Council, Inc., as a party in the Adirondack Park Agency ("APA") adjudicatory hearing in this matter, to reasonably expect that the integrity of the hearing has not been and will not be compromised by a conflict involving the Project Sponsor's attorneys, Norfolk Beier PLLC. Absent demonstrated compliance by Norfolk Beier PLLC with its ethical responsibilities under New York's Rules of Professional Conduct for attorneys in 9 NYCRR Part 1200, including APA's waiver of the conflict, disqualification of

Norfolk Beier PLLC from continued representation of the Project Sponsor in this adjudicatory hearing is warranted.

Background

3. By letter dated January 2, 2026, I advised the law firm of Norfolk Beier PLLC of a conflict in the firm's continued representation of the Project Sponsor in this matter and provided a copy of the letter to APA's executive director. A copy of our letter and its attachment are included as Exhibit A to this affidavit and made a part hereof.

4. This conflict arose from Norfolk Beier PLLC's having as a Senior Counsel to the firm a former APA attorney, Sarah Reynolds, who was personally involved in the APA's review of the Project Sponsor's application before joining Norfolk Beier PLLC.

5. According to a May 21, 2025 news story in the Adirondack Daily Enterprise, a copy of which is attached hereto as Exhibit B and made a part hereof, Sarah Reynolds had joined Norfolk Beier PLLC as of or before that date and had previously "spent nearly 20 years as an attorney with New York state's Adirondack Park Agency, where she managed the interpretation and administration of the park's environmental and land-use laws. Reynolds was responsible for guiding applicants, employees and board members through the review process for the most complex subdivision and development proposals presented to the Agency."

6. Ms. Reynolds work as an APA attorney included her direct and extensive involvement in APA's review of the Project Sponsor's application, as reflected in the 20-page, May 8, 2024 memorandum submitted by her to the APA Board's Regulatory Programs Committee in opposition to a February 2024 appeal to the APA Board of a staff request for information in this matter. The appeal, a copy of which is attached hereto as Exhibit C and made a part hereof, was

submitted by Norfolk Beier PLLC on behalf of the Project Sponsor Ms. Reynolds made a presentation to the Regulatory Programs Committee in furtherance of APA staff's opposition to the appeal submitted by Norfolk Beier PLLC. A video of this presentation is found on the APA's website at: https://vimeo.com/showcase/11632607?video=1065189837.

7. Notwithstanding Ms. Reynolds having joined Norfolk Beier PLLC as Senior Counsel in May 2025 after her direct participation as an APA attorney in the agency's review of the Project Sponsor's application in this matter, which created this conflict with respect to Norfolk Beier PLLC's continued representation of the Project Sponsor, Norfolk Beier PLLC has continued that representation.

8. Upon information and belief, Norfolk Beier PLLC has never complied with its ethical responsibilities for resolving this conflict under the New York Rules of Professional Conduct for attorneys provided in 22 NYCRR § 1200.1.11 (hereafter, "Rule 1.11"), entitled "Special Conflicts of Interest for Former and Current Government Officers and Employees," by obtaining a required waiver from APA for its continued representation of the Project Sponsor in this matter.

9. Our firm's January 2, 2026 letter to Norfolk Beier, PLLC provided notice of this conflict, as well as an opportunity for Norfolk Beier PLLC to demonstrate its compliance with its ethical duties under New York's Rules of Professional Conduct by providing or obtaining a waiver of the conflict from APA. Our letter sought a response from Norfolk Beier PLLC by January 9, 2026 regarding how the firm intended to resolve this conflict and noted that, absent a response, a motion might follow in the adjudicatory hearing in order to protect the integrity of the hearing process and our client's interests in that regard.

10. To date, Norfolk Beier PLLC has not provided any substantive response to our firm's January 2, 2026 letter, nor has APA, copied on our letter, indicated that it has waived the conflict, unfortunately leading to the necessity of our making this motion in order to seek resolution of Norfolk Beier PLLC's conflict involving its continued representation of the Project Sponsor in this matter prior to the scheduled February 4, 2026 start of the adjudicatory hearing.

The Norfolk Beier PLLC Conflict

11. Pursuant to Public Officer's Law § 73(8)(a) and Rule 1.11(a) of New York's Rules of Professional Conduct for attorneys, Sarah Reynolds is prohibited from any involvement in Norfolk Beier PLLC's representation of the Project Sponsor in this matter due to her having been an APA attorney. Pursuant to Rule 1.11(b), this prohibition extends to Norfolk Beier PLLC's representation of the Project Sponsor in this matter absent full compliance with the requirements of Rule 1.11, notice of the conflict to the APA, and a waiver of the conflict by APA.

12. Public Officer's Law § 73(8)(a)(ii) imposes post-employment restrictions on Ms. Reynolds, as a former APA attorney, including a lifetime prohibition against any involvement in this matter, as follows:

> *No person who has served as a state officer or employee shall after the termination of such service or employment appear, practice, communicate or otherwise render services before any state agency or receive compensation for any such services rendered by such former officer or employee on behalf of any person, firm, corporation or other entity in relation to any case, proceeding, application or transaction with respect to which such person was directly concerned and in which he or she personally participated during the period of his or her service or employment, or which was under his or her active consideration.*

13. Rule 1.11(a)(ii) of the Rules of Professional Conduct imposes a parallel ethical obligation upon Ms. Reynolds, as a former APA attorney, that separately prohibits her involvement in any representation of the Project Sponsor in this matter:

> *Except as law may otherwise expressly provide, a lawyer who has formerly served as a public officer or employee of the government….shall not represent a client in connection with a matter in which the lawyer participated personally and substantially as a public officer or employee, unless the appropriate government agency gives its informed consent, confirmed in writing, to the representation.*

14. Accordingly, Ms. Reynolds is disqualified by Public Officer's Law § 73(8)(a)(ii) and Rule 1.11(a)(ii) from any representation of the Project Sponsor in this matter.

15. Unless Norfolk Beier PLLC obtained a waiver of the conflict from APA in a timely manner, Rule 1.11(b) of the Rules of Professional Conduct extended this disqualification to Norfolk Beier PLLC's continued representation of the Project Sponsor in this matter after Ms. Reynolds joined that firm on or before May 21, 2025. Rule 1.11(b) provides:

> *When a lawyer is disqualified from representation under paragraph (a), no lawyer in a firm with which that lawyer is associated may knowingly undertake or continue representation in such a matter unless the firm acts promptly and reasonably to: (1) notify, as appropriate, lawyers and nonlawyer personnel within the firm that the personally disqualified lawyer is prohibited from participating in the representation of the current client; (2) implement effective screening procedures to prevent the flow of information about the matter between the personally disqualified lawyer and the others in the firm; (3) ensure that the disqualified lawyer is apportioned no part of the fee therefrom; and (4) give written notice to the appropriate government agency to enable it to ascertain compliance with the provisions of this Rule, except that if the notice would disclose confidential information protected by Rule 1.6, then the notice may be temporarily postponed but shall be sent promptly after such confidential information is known to the government agency or is otherwise no longer protected by Rule 1.6.*

16. Matthew Norfolk, a partner in Norfolk Beier PLCC serving as the Project Sponsor's authorized representative in this matter, had knowledge of Sarah Reynolds's prior involvement in this matter while she was an APA attorney. Although the full extent of their communications regarding this matter during her APA employment are not known, Mr. Norfolk submitted his client's appeal of staff's information request in this matter in February 2024 (attached hereto as Exhibit D and made a part hereof), which Ms. Reynolds responded to by her May 8, 2024 memorandum to the APA Board's Regulatory Programs Committee (See Exhibit C above).

Upon information and belief, Mr. Norfolk then replied directly to that memorandum (See Exhibit E attached hereto and made a part hereof) prior to the May 16, 2024 APA Board meeting (See link to materials provided to the APA Board for the May 16, 2024 meeting: https://apa.ny.gov/meeting/2024/05/regulatory.htm).

17. After hearing from both Ms. Reynolds (on behalf of APA staff) and Mr. Norfolk (on behalf of the Project Sponsor) at the May 16, 2024 APA Board meeting, the APA Board denied the Project Sponsor's appeal of staff's information request. A copy of the draft minutes of the May 16, 2024 APA Board meeting recording that denial is attached as Exhibit F hereto and made a part hereof. The APA Board adopted the May 16, 2024 meeting minutes at the APA Board's June 20, 2024 meeting. See video recording of the June 20, 2024 APA Board meeting at approximately ten minutes and thirty seconds into the meeting: https://vimeo.com/showcase/11632607?video=1065190368.

18. Despite his knowledge of Ms. Reynolds's extensive involvement in APA's review of the Project Sponsor's application, after she joined the firm in May 2025, Mr. Norfolk made at least two submissions to APA on behalf of the Project Sponsor while, upon information and belief, Ms. Reynolds was serving as Senior Counsel to Norfolk Beier PLLC. These submissions were received by APA on June 20, 2025 ("Response to 5th NIPA") and September 11, 2025 ("Response to 6th NIPA") and are attached hereto as Exhibit G. It is unknown whether Ms. Reynolds was involved in any way in these submissions, either directly or indirectly.

19. Notably, Mr. Norfolk's June 2025 Response to 5th NIPA responded to the same APA staff information request he had unsuccessfully appealed and that Ms. Reynolds had opposed on behalf of APA staff in 2024 while she was still employed as an attorney at APA.

20. Knowing Ms. Reynolds's prior involvement in this matter as an APA attorney, Norfolk Beier PLLC had an ethical obligation to timely comply with Rule 1.11 and to obtain APA's informed consent through a waiver of the conflict with respect to any continued representation of the Project Sponsor after Ms. Reynolds joined the firm on or before May 21, 2025.

21. Despite this obligation, there is no indication that Norfolk Beier PLLC ever complied with the "screening" and "notice" requirements of Rule 1.11, or obtained a waiver of the conflict from APA after Ms. Reynolds joined the firm in May 2025, despite the fact that Norfolk Beier PLLC continued its representation of the Project Sponsor in this matter, including but not limited to Norfolk Beier PLLC's response to an APA staff information request, submitted to APA after Ms. Reynolds joined Norfolk Beier PLLC, that Ms. Reynolds had previously been directly involved in defending as an APA attorney.

22. The apparent failure by Norfolk Beier PLLC to comply with Rule 1.11(b) with respect to this conflict is reflected in the lack of any substantive response from Norfolk Beier PLLC to our January 2, 2026 letter. Despite our request for a response by January 9, 2026, Norfolk Beier PLLC has not provided any indication that it has already obtained a waiver from APA or has complied or intends to comply with Rule 1.11 with respect to the firm's conflict in this matter.

23. Instead, the extent of Mr. Norfolk's response to our January 2, 2026 letter was a short email stating: "I'll look at what you sent, but the Council is not a party to the proceeding. It has no standing to raise any perceived conflicts." A copy of Mr. Norfolk's email is attached hereto as Exhibit H and made a part hereof.

24. Pursuant to New York's Rules of Professional Conduct, Norfolk Beier PLLC's ethical obligation to comply with Rule 1.11(b), including obtaining a waiver of the conflict from APA, attached when Sarah Reynolds, a former APA attorney with direct involvement in this matter on

behalf of APA, joined Norfolk Beier PLLC. If Norfolk Beier PLLC had previously complied with its Rule 1.11 ethical obligations and obtained a waiver from APA at any time after Ms. Reynolds joined that firm, Mr. Norfolk's could have simply responded to our January 2, 2026 letter by providing that information, avoiding the necessity of this motion.

25. Raising additional questions, subsequent to the inclusion in our January 2, 2026 letter of a link to the Norfolk Beier PLLC website that demonstrated Sarah Reynolds's status as a member of the firm, which I had personally observed prior to sending the letter, any reference to Sarah Reynolds has been eliminated from the firm's website, so it is not clear whether Ms. Reynolds is still even associated with the firm.

26. Even if Ms. Reynolds has recently left Norfolk Beier PLLC, the conflict pursuant to Rule 1.11(b) remains for the firm based on her having been there for whatever period of time she was there while the firm was still continuing its representation of the Project Sponsor in this matter without, upon information and belief, any compliance with the requirements of Rule 1.11 or waiver of the conflict by APA.

Need for Relief to Address the Norfolk Beier, PLLC Conflict

27. The potential for harm to the Adirondack Council, Inc.'s interests in this matter from Norfolk Beier LLC's conflict are substantial. Demonstrated compliance by Norfolk Beier PLLC with Rule 1.11 and APA's waiver of the conflict are required in order to protect the integrity of the adjudicatory hearing process in this matter.

28. The risk of harm to the Adirondack Council's interests and the integrity of the hearing in this matter is that other attorneys from Norfolk Beier PLLC may have gained or may gain factual, legal or other information from Ms. Reynolds, either directly or indirectly, based upon her prior involvement in APA staff's review of this matter during her tenure as an APA attorney.

This could even include information about the opinions of APA staff, APA executive staff or even APA Board members or designees regarding the Project Sponsor's application. Any such information gained by lawyers at Norfolk Beier PLLC regarding this matter, without other parties to the hearing having the same information, has the potential to undermine the integrity of the hearing because the parties would not all have the information gained by Norfolk Beier PLLC through its Senior Counsel, Ms. Reynolds. The potential risks for this to have occurred or to occur are exemplified by Ms. Reynolds having been a lawyer at Norfolk Beier PLLC at the time Mr. Norfolk responded to the same APA staff information request that both lawyers had worked on while Ms. Reynolds was still an APA attorney.

29. While we have no specific knowledge of any such information having been gained by any of the lawyers at Norfolk Beier LLC, Rule 1.11(b) requires firms with conflicts like Norfolk Beier PLLC's to undertake timely, proactive and effective measures when the conflict first arises to avoid the risks present here by effectively screening the former government attorney from any involvement, direct or indirect, intentional or otherwise, in the conflicted representation. The challenges of implementing and ensuring compliance with the requirements of Rule 1.11(b) for a smaller law firm like Norfolk Beier PLLC are noted in the comments accompanying the rule. There is no indication that Norfolk Beier PLLC undertook those measures in relation to this matter when Ms. Reynolds joined the firm or that they are even in place now.

30. Here, in order to avoid disqualification and to remedy its' apparently not having obtained a waiver from APA, Norfolk Beier PLLC must demonstrate full compliance with Rule 1.11 during the time of Ms. Reynolds's association with the firm to ensure, retroactively, that Norfolk Beier PLLC fully complied with those requirements. Further, if Ms. Reynolds is still associated with Norfolk Beier PLLC, compliance with the screening measures required by Rule 1.11(b)

would also apply for the duration of the firm's representation of the Project Sponsor in this matter.

31. Critically, even if the salutary measures required by Rule 1.11(b) are in place within a firm with a conflicted representation like Norfolk Beier PLLC's, Rule 1.11(b) also requires the former government attorney's agency, here APA, to consent to the firm's continued representation of the client in the matter where the conflict exists. APA's decision on Norfolk Beier PLLC's conflict in this matter would indicate whether or not APA is satisfied that Norfolk Beier PLLC has complied with and has measures in place to comply with Rule 1.11, and that as a result the risks of harm from the conflicted representation as noted above or otherwise have been and will be avoided.

32. The need for demonstrated compliance with Rule 1.11 and an APA decision on whether or not to grant a waiver of Norfolk Beier PLLC's conflict in this matter is even more critical because it does not appear that a waiver from APA was obtained in a timely manner before or after Ms. Reynolds joined Norfolk Beier PLLC or even as of the date of my January 2, 2026 letter. The elimination from the Norfolk Beier PLLC website of any reference to Ms. Reynolds after our firm's January 2, 2026 letter further underscores the need for a transparency and full disclosure by Norfolk Beier PLLC in this regard and justifies the reasonable relief sought through this motion.

33. Based upon the foregoing, it is respectfully submitted that disqualification of Norfolk Beier PLLC from continued representation of the Project Sponsor in this matter is warranted unless it can demonstrate full compliance with the requirements of Rule 1.11 and obtain a waiver from APA as required by Rule 1.11(b).

34. I affirm, this 20th day of January 2026, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.



PAUL VAN COTT, ESQ.

EXHIBIT A

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January 2, 2026

Via Email and Regular Mail

Matthew D. Norfolk, Esq.
Norfolk Beier, PLLC
1936 Saranac Ave, Suite 106
Lake Placid, NY 12946

Re: Representation Conflict for APA Project # 2021-0276 (Hopmeier)

Dear Matt:

We represent the Adirondack Council, Inc. in relation to the above matter and have advised our client that it is our responsibility as its attorneys to bring an apparent conflict in your firm's continued representation of the applicant in this matter to your and the Adirondack Park Agency's ("APA") attention.

In reviewing the record, we have learned that Sarah Reynolds, who is now Senior Counsel to your firm (https://norfolkbeier.com/firm) worked directly on this matter in her former role as an APA attorney. Specifically, this work included drafting a detailed memorandum (copy attached) to APA's Regulatory Programs Committee in response to your client's appeal of an APA staff information request, as well as a presentation by Ms. Reynolds to the Committee at its May 2024 meeting. See https://vimeo.com/showcase/11632607?video=1065189837.

There is no question that Ms. Reynolds is prohibited from involvement in your firm's representation of the applicant in this matter, given her past work on the matter as an APA attorney. This follows from her disqualification pursuant to both Public Officer's Law § 73(8)(a) and Rule 1.11 of the New York Rules of Professional Conduct for attorneys. Rule 1.11 further imputes that prohibition to your firm unless it has taken required measures to:

> (1) Notify, as appropriate, lawyers and nonlawyer personnel within the firm that the personally disqualified lawyer is prohibited from participating in the representation of the current client;
> (2) Implement effective screening procedures to prevent the flow of information about the matter between the personally disqualified lawyer and the others in the firm;
> (3) Ensure that the disqualified lawyer is apportioned no part of the fee therefrom; and

(4) Give written notice to APA to enable it to ascertain compliance with the provisions of Rule 1.11.

There is a substantial real or perceived risk to the integrity of the hearing process from the continued representation of the applicant in this matter by your firm which "screening procedures" cannot fully or effectively[1] resolve. This stems from Ms. Reynolds's direct and in-depth participation in this matter as an APA attorney as reflected above. Also, in addition to her work on this matter, Ms. Reynolds served in a management-confidential position at APA and was very involved in the day-to-day interpretation and application of APA's laws and regulations in her role. Even if screening procedures are implemented by your firm, there is no way that the public can be certain of their effectiveness.

Since you represented the applicant in the same 2024 appeal to the APA Board that Ms. Reynolds worked on, you are obviously aware of her former involvement in this matter. We bring this issue to your firm's attention at the earliest opportunity and before your firm makes any formal submissions as part of the adjudicatory hearing record to provide you with an opportunity to resolve it. At this point, we are aware of the following options for your firm to avoid disqualification from its continued representation of the applicant in this matter:

- Withdrawing from your representation of the applicant; or
- Providing a written waiver from APA with respect to your firm's continued representation of the applicant based upon its determination that your firm has satisfactorily complied with the requirements of Rule 1.11(b).

Please let us know how you intend to resolve this issue by January 9, 2026, so that we can avoid potentially unnecessary motion practice or other actions to protect our client's interests. We reserve all of our client's rights to seek appropriate relief to ensure that the risks of this apparent conflict are properly and fully addressed.

Very truly yours,



Paul Van Cott

Attachment

Cc: Barbara Rice, Executive Director

[1] The Comment to Rule 1.11 recognizes the difficulty that a small firm may have in instituting and maintaining effective screening, requiring "special care and vigilance."

NEW YORK STATE | Adirondack Park Agency

KATHY HOCHUL
Governor

BARBARA RICE
Executive Director

MEMORANDUM

TO: Regulatory Programs Committee

FROM: Sarah Reynolds, Associate Counsel SR

DATE: May 8, 2024

RE: Unconventional Concepts, Inc./Hopmeier
Permit Application 2021-0276
Appeal of Agency staff's January 2024 request for information

Summary

Unconventional Concepts, Inc. (UCI) seeks a permit from the Adirondack Park Agency to allow for the establishment of a commercial use involving the installation of a firing range for the testing of artillery on Rural Use lands in the Town of Lewis, Essex County. On January 2, 2024, Agency staff forwarded a fifth request for information regarding the application. On February 29, 2024, the applicant submitted an appeal of this request.

Since receipt of the initial application on November 21, 2021, the applicant's submissions have provided incomplete and conflicting information regarding the proposal. The type of weapon proposed for testing, the charge proposed for use with the weapon, specifics on the target and any other equipment proposed for use on the site, the proposed firing and target locations, and the number of shots proposed per day, month, and year, have all remained uncertain or changed. Even more significantly, the decibel level for the impulse noise source – the noise level produced at the moment of firing and the basis for any noise analysis – has changed with every response to staff's requests for information. In addition, none of the applicant's submissions have been stamped with the seal of a New York State-licensed professional engineer, as required under State professional standards for projects involving engineering principles and data.

The first four Notices of Incomplete Permit Application (NIPAs), along with numerous follow-up letters and meetings with the applicant, reflect staff's efforts to confirm the specifics of the proposed project and the resulting analysis of potential impacts. The fifth NIPA constitutes a further attempt to determine the information necessary for a complete application, with questions addressing previously submitted information that has changed or has remained unclear or unanswered.

The applicant's February 29, 2024, appeal of the fifth NIPA includes new information that has not been previously provided to the Agency. Staff analysis of this new information indicates that the record now contains sufficient documentation to allow for review of the proposal in relation to Questions 3 and 5 of the fifth NIPA. However, Questions 1, 2, 4, 6, 7, 8, and 9 remain unanswered.

Given the continuing inconsistencies in the record and the potential for impacts from the proposal, staff request that the Agency members affirm the need for the information requested in Questions 1, 2, 4, 6, 7, 8, and 9 of the fifth NIPA.

Legal Background and Review Process

The proposal at issue involves a new commercial use on Rural Use lands, and requires an Agency permit under the Adirondack Park Agency Act (APA Act). Prior to approving this project, the Agency must find that the proposal:

- will be consistent with the land use and development plan;
- will be compatible with the character description and purposes, policies, and objectives of the Rural Use land use area;
- will be consistent with the overall intensity guidelines for the Rural Use land use area;
- will comply with the shoreline restrictions of § 806 of the Act; and
- will not have an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the Park or upon the ability of the public to provide supporting facilities and services made necessary by the project, taking into account the commercial, industrial, residential, recreational or other benefits that might be derived from the project.

Staff analyze any proposal that requires an Agency permit to ensure that the application is "complete for the purpose of commencing review," as set forth in §809(2)(b) of the APA Act. To do this, staff request information from applicants as necessary to allow for Agency consideration of the findings listed above. For any project not approved pursuant to the Agency's Delegation Resolution, staff make a recommendation to the Agency board as to whether the proposal appears approvable under the required findings, based on staff's analysis of the application materials. The Board may choose to follow or not follow staff's recommendation.

When a complete permit application contains sufficient information to allow the Agency to make the required findings, the Agency may approve the project, with conditions as necessary. When a complete permit application contains disputed facts or insufficient documentation to support approval, the Agency may require an adjudicatory-style public hearing on the proposal. The Agency may only deny a proposal after holding an adjudicatory-style hearing.

Relevant Facts and Project Review History

Project Site

The project site is a 197±-acre parcel of land located on Hale Hill Lane in the Town of Lewis, Essex County, in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 38.1 Block 1, Parcel 31, and is currently owned by Pulsifer Logging, LLC.

The eastern portion of the project site contains two mountains, Little Church Mountain and Big Church Mountain, which are approximately 1,500 to 1,600 feet in height. A 50±-acre parcel of State lands included in the Taylor Pond Wild Forest adjoins the northeastern portion of the project site; the remainder of the site borders large tracts of Rural Use lands. The closest residence to the site is located approximately 5,800 feet to the northeast, and is currently owned by James Pulsifer. Additional residences are located along Hale Hill Road to the north and east of the site, along State Route 9 to the east of the site, and along Pulsifer Road to the south of the site.

A pre-existing missile silo, currently used as a commercial use, is owned by Diversified Upstate Enterprises, LLC, and located just over a mile to the east of the site. In addition, a sawmill subject to Agency permits is located just under a mile to the north of the site, and the "Oak Hill" mine, also subject to Agency permits, is located approximately a mile and a half to the south. Additional State lands in the Taylor Pond Wild Forest are located to the east and west, and the Jay Mountain Wilderness Area is located approximately two miles to the north and west of the site.

The project site is accessed by an existing drive used for timber harvesting. The site is currently improved by a cabin. A trail traverses the northwestern portion of the site and connects to adjacent Rural Use parcels.

Jurisdictional Inquiry and Permit Application

On August 26, 2021, the Agency received a Jurisdictional Inquiry Form from Michael Hopmeier for the installation of a ballistic testing range on the project site. The Agency responded to this inquiry on September 22, 2021, advising that the proposal involved the establishment of a new commercial use, and that an Agency permit would be required.

On November 19, 2021, the Agency received a permit application from Michael Hopmeier as Project Sponsor and James Pulsifer as representative for landowner Pulsifer Logging, LLC, for the establishment of a new commercial use. Specifically, the application proposed leasing a portion of the project site for the establishment of a "firing range" to:

> be developed and used to assess the internal ballistics of various kinetic systems used by the United States. The focus is to determine the effectiveness of various manufacturing approaches and techniques used in the manufacture of cannon barrels. The goal of the overall project is to decrease the weight of these systems to ensure the most efficient means of manufacturing and recuring cost of ownership, thereby reducing waste and cost, as well as improving performance... In effect, we are building a shooting range and will fire non-toxic, inert, steel projectiles over a distance of approximately 300 yards [or 900 feet].

The testing of artillery would occur in coordination with work occurring at the missile silo facility located to the east of the project site.

The application stated that "no more than three tests per month are anticipated," with operations occurring in "all seasons" and each test consisting of 1-3 shots over 1-2 days between 10am and 4pm on weekdays, and "an average of no more than 30 shots per year." Impulse noise from each shot was "not expected to exceed 180dB." The application also explained that "a small grouping of mountains" on the site would "act as a projectile backstop... thereby allowing for the reflection/deflection of noise away from more populated areas and into a large open space that can absorb and dampen any impact."

The application stated that approximately 100 tons of gravel from the Oak Hill mine would be used to construct an approximately 100-foot by 100-foot firing platform structure; other site work would include "clearing brush and a limited number of trees," using "herbicides to control unrestricted undergrowth," and using the existing access road to bring in materials for each test, including "a mobile power supply such as a generator on a trailer, portable instrumentation carriers, a trailer, a porta potty, and other mobile support equipment." The application noted that "a portable steel cargo container... filled with sand or other aggregate" might be brought on the site as "a projectile-catcher," but was "not expected to be necessary." The application did not offer any further specifics on the type of equipment or weapons that would be used on the project site.

Maps included with the application showed the location of the existing cabin on the property and the general location of the proposed firing pad and range.

First Notice of Incomplete Permit Application and Response

On December 6, 2021, Agency staff issued a first NIPA for the project. This first NIPA included requests for:

- A site map depicting the lease subdivision lines to allow for confirmation of potential subdivision jurisdiction, and documentation of the location of the other proposed activities;

- A noise impact evaluation using the NYS DEC Program Policy for Assessing and Mitigating Noise Impact (DEC Noise Policy)[1];
- Confirmation as to whether any contaminants would be used on site;
- Confirmation as to whether improvements to the existing access road would be required;
- Additional plans, including a plan for removal of spent projectiles, a design guide, a stormwater management plan, an unexploded ordnance plan, and a decommissioning plan;
- An alternatives analysis; and
- Information regarding coordination with other federal, state, and local agencies.

On December 15, 2021, Agency staff attended a site visit with the applicant. On December 22, 2021, the Agency received from the applicant a response to the first NIPA. This response included an un-scaled aerial photograph overlaid with approximations of the proposed lease and firing range areas. In response to staff's questions regarding contaminants and the removal of spent projectiles, the response stated that the "projectiles used during testing will normally consist of solid bullets of steel" and that, "in the event a target is used... the current design envisions a contained quantity of sand or soil (approximately 8 X 8 X 40 ft) into which projectiles will be fired," but noted that "this design may be modified based on actual operation and empirical data." The response also stated that, "if operations do not require a target, then direct impact into the ground... and projectile recovery will be utilized."

The December 22, 2021, response included a written noise evaluation and overlays of aerial photographs using "a complex non-linear topographic multi-variate inverse square law model for noise distribution that considered propagation over a distance, insertion of a barrier, ground effect, and air absorption" to examine impacts at two receptors: the missile silo located just over a mile to the east of the site, and the Pulsifer residence located just over a mile to the northeast. The evaluation stated that the noise level at the location of firing was "not expected to exceed 185 dB." A noise source of 183 dB was used in the calculations, based on which the applicant stated that "we can anticipate a reduction at both sites to approximately 82 dB centered on 125 Hz peak energy frequency, or a reduction of 101 dB." The evaluation then listed the noise levels of shotguns, rifles, Magnums, chainsaws, and thunder from nearby lightning strikes. For mitigation, the December 22, 2021, response proposed following the blasting notification procedures used by the nearby Oak Hill mine, which would be "part of the [firing range's] site security and operations plan." The noise evaluation was not signed by an engineer or any other New York State licensed professional.

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[1] When reviewing projects, Agency staff regularly require completion of a noise impact evaluation for the proposed activity following the review standards established by the DEC in its Program Policy for Assessing and Mitigating Noise Impact. The DEC Noise Policy is available on the DEC website at Assessing and Mitigating Noise Impacts (ny.gov).

The December 22, 2021, response asserted that no stormwater management plan, unexploded ordnance plan, or decommissioning plan was necessary, and declined to confirm whether the proposal involved any upgrades to the existing access road. The applicant also declined to provide a design guide, stating that, "We will be working closely with the US Army Development Command... they will provide guidance and approval for the range design and operating procedures... All operations will be in accordance with either approved and designated Army protocols, or based on best engineering and technical judgment developed in coordination with relevant Army staff and personnel." In relation to potential alternatives, the response stated that "other sites... were considered," but were not chosen because of the existing natural features of the project site. The response declined to propose any on-site alternatives, such as a berm or other sound barrier as suggested by the DEC Noise Policy.

Second Notice of Incomplete Permit Application and Response

On January 13, 2022, Agency staff issued a second NIPA for the project. This second NIPA included requests for:

- A site map and documentation of the location of the proposed activities, including the lease subdivision lines and other details;
- A revised noise impact evaluation using 185 dB as the maximum anticipated impulse noise level as referenced in the applicant's December 22, 2021, response and analyzing potential noise impacts to additional receptors within a two-mile radius;[2]
- A noise mitigation plan, as well as the "site security and safety operations plan" referenced as providing for noise mitigation in the applicant's December 22, 2021, response;
- Information regarding the existing trail that traverses the project site and connects to adjacent private lands;
- An additional analysis of alternatives to the proposal; and
- Additional coordination between the Agency and other state and federal entities.

On February 11, 2022, the Agency received from the applicant a partial response to the second NIPA. This partial response stated that, according to the landowner, there are no outside parties with the right to access the road/trail that traverses the project site. In relation to staff's request for an additional analysis of alternatives, the partial response stated that "it would be impractical to move the testing to a location farther from" the missile silo to the east of the site and that "any attempt to relocate the testing to a significantly more distant area would be cost prohibitive." Finally, in relation to staff's request for an updated noise impact evaluation, this partial response "revised the numbers in the model to accurately reflect the impulse noise value of 185 dBa."[3] The

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[2] Pursuant to the DEC Noise Policy, noise evaluations require determining and calculating potential impacts from "the maximum amount of sound created at a single point."

results of this updated assessment were shown on a "Noise Map" depicting noise levels overlaid on an aerial photograph of the area.

At the applicant's request, on February 25, 2022, Agency staff attended a meeting with the applicant to discuss the second NIPA and the materials received on February 11, 2022. Following this meeting and a follow-up letter from staff to the applicant on March 1, 2022, confirming that portions of the second NIPA were considered "either satisfied or no longer required," on May 12, 2022, the Agency received from the applicant an additional response to the second NIPA. In relation to staff's request for a scaled site plan, this additional response included two scaled plans showing a portion of the project site. No lease subdivision lines were shown on these plans. In addition, no dimensions or distances were shown, and not all markings were labeled. According to the scale on the plans, the firing pad measured approximately 30 feet by 80 feet, and the distance between the pad and the target measured approximately 571 feet.

The additional response received on May 12, 2022, stated that, "based on recommendation from the APA, further research on the noise source was performed," with the noise source now "assumed to be 166.1 dB." Specifically, in two locations, the May 12, 2022, response described the "Noise Source" as a "M109A5/6; Paladin, 155mm self-propelled Howitzer firing M4A2 zone 7 charges," with a "Noise Level" of 166.1 dB. The reference materials cited for this noise level showed that the 166.1 dB measurement was taken from "in fighting compartment with hatches open except drivers," rather than from open air firings.

The additional response received on May 12, 2022, also stated that the proposal had been updated to use a soft catch system for projectiles, rather than using direct impact into the mountains as the target as previously proposed. Using an "ambient noise level... assumed to be approximately 80 dB at the [Pulsifer] residence," the additional response then included a series of calculations performed by the applicant and concluded that "there is a negligible difference in noise level [at the Pulsifer residence] across an 8-hr day between a day when two shots are fired and [a] day when no shots are fired." No calculations were provided for any other potential noise receptors, and the noise evaluation was not signed by an engineer or any other New York State licensed professional.

In relation to the Agency's request for a noise mitigation plan, the additional response received on May 12, 2022, described "active noise mitigation measures," such as

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[3] This is the first incidence in the record of a reference to dBa (also referred to as dBA or dB(A)). According to the DEC Noise Policy, "perceived loudness is expressed in decibels (dB) or A-weighted decibel scale dB(A) which is weighted towards those portions of the frequency spectrum, between 20 and 20,000 Hertz, to which the human ear is most sensitive." In general, the same impulse noise source level would be expressed as a higher number when measured in decibels (dB) than in A-weighted decibels (dB(A)). The applicant's submissions vary between references to dB and dB(A) in relation to the impulse noise level and noise impact evaluation. Question 9 of the fifth NIPA requests an updated noise impact evaluation documenting both dB and dB(A) measurements for all relevant sound pressure levels.

limiting the number of shots fired annually, limiting the hours of operation, and providing "early warning of the event" pursuant to the procedures used by the nearby Oak Hill Mine as well as "audible warnings (siren) that can be discerned at" the Pulsifer residence, and concluded that the proposal was "not expected to cause any hearing damage or increases in anxiety or stress in nearby residents." The additional response also described "passive noise mitigation measures," such as the distance from the Pulsifer residence to the proposed testing range, the natural vegetation and local topography, and the fact that, because of "the rock structure of the mountains," noise coming from the proposed range "will be reflected back to the west," toward State lands and "away from the residences and populations in the surrounding areas." The response proposed no new noise mitigation measures.

Third Notice of Incomplete Permit Application and Response

On June 6, 2022, Agency staff issued a third NIPA for the project. This third NIPA included requests for:

- An updated site map with all markings labeled that depicted and confirmed the size of the lease area, which remained unknown, and the dimensions and locations of the firing pad and target area, which appeared to have changed from the initial application;
- An updated noise impact evaluation comporting with the DEC Noise Policy, prepared by a NYS licensed professional, and including an explanation of the decrease in proposed maximum noise levels from 185 dB to 166.1 dB;
- An explanation of the assumed ambient noise level of 80 dB at the site and the Pulsifer residence;
- Clarification of the procedures for public notification of tests;
- Inclusion of additional noise mitigation measures;
- Confirmation of the equipment and machinery proposed for use on site; and
- Clarification of numerous other discrepancies between submissions.

The third NIPA noted that "the proposal as presented consists of testing munitions year-round up to 120 times per year with an estimated munitions firing noise source of 185 dB with no noise source mitigation measures proposed," while the U.S. Department of the Army considers any impulse noise greater than 140 dB to be hazardous, and the US Bureau of Mining has documented damage to residential dwelling window glass from over air pressure blasts of greater than 133 dB.

On September 16, 2022, and November 9, 2022, the Agency received from H2H Associates, LLC (now H2H Geoscience Engineering, PLLC; referred to herein as H2H) an initial and revised Scope of Work proposal for performing a noise analysis at the project site. Staff responded to these letters on September 28, 2022, and November 28, 2022. The specific changes to the Scope of Work requested in staff's responses were later incorporated by H2H, though no final approval of the proposed Scope of Work was ever issued by staff.

On February 28, 2023, the Agency received a partial response to the third NIPA from Matthew Norfolk, Esq., as attorney for UCI, which was now described as the applicant. This response stated that the applicant was no longer proposing a lease subdivision, and would instead "have access to the area at certain times to perform ballistic testing in coordination with" the landowner.

In response to staff's request for clarification of the dimensions and locations of the firing pad and target area, the February 28, 2023, response stated that: "The specific placement of instrumentation and test articles will vary within a general range based on test requirements. All instrumentation and test articles are portable and will be emplaced before and after each test. As no permanent structures will be deployed, exact position of placement may vary each time."

In response to staff's request for confirmation as to the equipment and machinery proposed for use on site, the February 28, 2023, response declined to name any specifics, instead stating only that "all vehicles and equipment used on site will not exceed current noise levels created by" vehicles commonly used in sawmill operations. In response to staff's request for clarification of the procedures for public notification of tests, the response stated that, seven days prior to any test, UCI would notify the Town and mail notice to landowners "within a two-mile radius."

On March 1, 2023, the Agency received a document titled "Sound Study Unconventional Concepts, Inc. APA Project #2021-0276," prepared by H2H, and dated February 2023 (February 2023 Sound Study). The Project Background section introducing the February 2023 Sound Study included an explanation of the proposed testing process: "Each test will consist of four-five shots, and each series of shots will last no more than two days. Testing will only occur on weekdays, between 10:00 AM and 4:00 PM local time. No more than two shots will be fired in one day... The Sound Source (system being tested) will be located on a 100 ft. X 100 ft. crushed gravel pad (Firing Pad)... The Target Area is 590 ft. east of the Firing Pad."

The February 2023 Sound Study updated the specific weapon proposed for firing at the project site: an M109A3GN (155 mm) Howitzer. The February 2023 Sound Study also clarified for the first time some of the additional equipment proposed for use: a 40-ton haul truck for transporting the howitzer and other materials to and from and across the site.

The February 2023 Sound Study named 176 dB(A) as the noise level for the howitzer, stating that this "sound level data for the Sound Source is provided in" an older study, titled "Noise emission data for M109, 155 mm field howitzer," prepared by Morten Huseby for the Norwegian Defence Research Establishment, and dated December 5, 2007 (the 2007 Norwegian Study). The 2007 Norwegian Study, which was included with the materials received on March 1, 2023, examined the firing of M109, 155 mm field howitzers with a charge of up to 5 modules DM72, with each module containing 2.44 kilograms propelling charge.

The 2007 Norwegian Study was "conducted at the Norwegian Defence Research Establishment... to estimate noise pollution around military firing ranges." The study stated that the "M109 [Howitzer] is one of the noisiest weapons in the Norwegian defence, and as such represents a limiting factor for activity at firing ranges and training fields." The Study also repeatedly stated that, to the author's knowledge, there existed no "consensus" or "commonly accepted methods" for producing free field emission data to use for analyzing potential sound impact levels from howitzers.

Using 176 dB(A) as the noise source, the February 2023 Sound Study modeled impulse sound levels at five receptors within two miles of the project site: Receptors M-1, M-2, and M-3 located along residential lands to the east and south of the site, and Receptors M-4 and M-5 located on State lands to the west and northeast of the site. The modeled impulse sound levels were calculated as 75, 71, and 73 dB(A) at Receptors M-1, M-2, and M-3; 79 dB(A) at Receptor M-4; and 107 dB(A) at Receptor M-5.

As part of the February 2023 Sound Study, H2H also recorded and modeled ambient noise levels at the receptor sites, and then charted the difference between the ambient sound levels and the modeled impulse sound levels. The study modeled the impulse noise as being between 17.8 dB(A) and 72.3 dB(A) higher than the ambient noise levels.

Finally, the February 2023 Sound Study analyzed the overall change in ambient sound levels that would occur during the six-hour period from 10am to 4pm on a day with two shots fired. This modeling found that, because the impulse noises were so short, the increase in overall ambient noise levels over the six-hour period ranged from 0 to 0.4 dB(A) at Receptors M-1 through M-3, and from 2.0 to 32.0 at Receptors M-4 and M-5. The Study then found that "the proposed project does not pose a potentially significant environmental impact due to an increase in sound levels at receptors in the area."

The February 2023 Sound Study included an overlay of an aerial photograph, labeled Figure 1 – Site Overview Map. Figure 1 is scaled at 1 inch : 1,000 feet, and shows the region of the project site and approximate locations of the firing pad, howitzer, target, and property lines.

The February 2023 Sound Study was not signed by an engineer or any other New York State licensed professional.

Fourth Notice of Incomplete Permit Application and Response

On March 16, 2023, Agency staff issued a fourth NIPA for the project. This fourth NIPA included requests for:

- A revised noise impact evaluation that complies with the DEC Noise Policy, clarifies and documents the method for determining 176 dB(A) as the accurate noise source level for the howitzer, clarifies and documents the modeling used

for sound levels at the receptor sites, and clarifies numerous facts and other discrepancies among the prior submissions, including between the number of shots proposed for each test and the proposed charge for each test; and

- Confirmation of the equipment proposed for use at the site, noting that an "armored tracked vehicle" was documented as transporting the howitzer in the 2007 Norwegian Study.

The fourth NIPA also stated that, "until an acceptable full noise assessment has been provided, the Agency cannot assess whether the currently proposed public notification and mitigation is adequate."

At the applicant's request, on June 26, 2023, Agency staff attended a meeting with the applicant to discuss the fourth NIPA. On August 1, 2023, the Agency received from UCI a partial response to the fourth NIPA. In response to staff's questions regarding the noise source level for the proposed howitzer and the modeling used for sound levels at the receptor sites, the UCI response noted that the applicant had been required "to develop data that could be used to model the attenuation of sound produced by a howitzer due to the previous lack of available information."

In response to staff's request for confirmation of the equipment proposed for use at the site, the August 1, 2023, UCI response reiterated the applicant's earlier assertion that only "a diesel truck similar to what has historically operated on site in support of logging activities will be used to transport the" howitzer around the site. In response to staff's request for clarification of the number of shots proposed for each test, the response stated that no more than two shots are proposed for any given day, with up to three days of shots associated with each test. Finally, in response to staff's question regarding the maximum proposed charge, the response asserted that "the level of sound for all charge sizes employed will not exceed those acceptable levels determined by H2H's assessments and testing." The response concluded that "there are no other practicable means to mitigate noise."

The August 1, 2023, UCI response stated that "the Source sound power level was transcribed incorrectly in the H2H February 2023 Sound Study Report. Source sound power level is 180.8 dB (163.2 dB(A)), not 175.9 dB."

An updated Sound Study, prepared by H2H, dated July 2023, and included with the partial response (the July 2023 Sound Study), explained that the 180.8 dB sound power level was determined by using a Table in the 2007 Norwegian Study that documented a sound pressure level of 130.5 dB at a sensor located 803 feet away and at a 32-degree angle from a howitzer. There is no indication of variables such as terrain, vegetation, or wind and temperature conditions at the time of firing in the 2007 Norwegian Study. Nevertheless, using "industry standard calculations," the applicant used its own model to calculate back to determine the originating sound pressure level for the howitzer in the Norwegian study, and then determined that the sound level would be 127 dB at this same distance and angle from a howitzer on the project site. The July 2023 Sound

Study then asserted that the difference of 3.5 dB between the 130.5 dB recorded sound pressure reading in the Norwegian study and the applicant's modeled sound pressure reading of 127 dB showed "correlation within ISO standards." Therefore, according to the applicant, a level of 180.8 dB at the location of the howitzer should be considered accurate.

The July 2023 Sound Study was not signed by an engineer or any other New York State licensed professional.

On August 16, 2023, Agency staff issued a letter confirming receipt of the August 1, 2023, response, and noting that the Sound Study had not been sufficiently updated as requested and that the response had not confirmed the maximum charge proposed. The letter noted that, using the applicant's modeled potential error discrepancy of 3.5 dB, the application documented a potential for impulse noise levels at nearby State lands above the 133-dB level determined capable of breaking windows as documented by the US Bureau of Mining.

On December 15, 2023, the Agency received from UCI an additional response to the fourth NIPA. For the first time in the application process, this additional response proposed a noise mitigation measure that did not rely on the natural features of the site or notification to nearby landowners: the applicant now proposed to install a "Sound Mitigation Berm" on the site. The response stated that the berm would be 13 feet in height and "constructed along the northern boundary of the Firing Pad," but gave no specifics on the materials that would be used for construction or the location of the berm in relation to the howitzer. The December 15, 2023, UCI response also included modeling of sound levels by temperature and humidity, noting that "testing is not anticipated to take place" at lower temperatures, as well as additional sound power level and sound pressure level calculations, charts, and conclusions.

An updated Sound Study, prepared by H2H and dated September 2023 (the September 2023 Sound Study), was included with the materials received on December 15, 2023. The September 2023 Sound Study modeled impulse sound levels at Receptors M-1 through M-5 with and without the berm, although the study did not contain the modeling of sound levels by temperature and humidity or the additional sound power level and sound pressure level calculations, charts, and conclusions submitted with the UCI response.

The September 2023 Sound Study included a new color-coded model of sound pressure levels. This model is labeled "Image 1," and is described by the September 2023 Sound Study as "demonstrat[ing] the accuracy of the sound propagation model." "Image 1" appears to be an overlay of an aerial photograph of the site, although the locations of the firing pad, howitzer, target, and property lines are not visible. The September 2023 Sound Study also included the aerial photograph overlay labeled Figure 1 – Site Overview Map that had been included with the prior sound studies; this map shows the region of the project site with the locations of the firing pad, howitzer,

target, and property lines approximated, but without the color-coded sound pressure level modeling distinct to "Image 1."

The September 2023 Sound Study was not signed by an engineer or any other New York State licensed professional.

On January 2, 2024, Agency staff issued a fifth NIPA for the project. On January 18, 2024, the Agency received a request for an extension to the deadline for filing an appeal of the fifth NIPA pursuant to 9 NYCRR § 572.22(c). On January 18, 2024, staff responded by letter agreeing to the extension. On February 29, 2024, the Agency received the applicant's appeal of the fifth NIPA.

Appeal

Pages 1-12 of the appeal contain a summary by the applicant of the history of project submissions and Agency staff responses regarding the proposed firing range. Staff disagree with a number of the factual and other statements made in this summary. The applicant's summary, along with all other submissions and staff correspondence, are part of the record for this appeal.

The matter presented for review and action by the Agency members at this time is a challenge to the questions included by staff in the fifth NIPA. However, staff analysis of new information included in the appeal indicates that the application now contains sufficient information to allow for analysis of the proposal in relation to Questions 3 and 5. Accordingly, the remaining challenges to the fifth NIPA involve Questions 1, 2, 4, 6, 7, 8, and 9.

Responses Considered Sufficient

- Question 3 of the fifth NIPA

Since receipt of the initial application on November 21, 2021, the applicant's submissions have provided incomplete and conflicting information regarding the impulse noise level and location of proposed noise source. The maximum impulse noise level was stated as 180 dB in the initial application on November 21, 2021, 185 dB in the response to the first NIPA, 185 dB and then 166.1 dB in response to the second NIPA, 176 dB(A) in response to the third NIPA, and 180.8 dB (163.2 dB(A)) in response to the fourth NIPA. The proposed size and location of the firing pad has also been inconsistent throughout the applicant's submissions. Staff have continually noted that, due to the potential for impacts based on the impulse noise level and location of proposed noise source, additional noise mitigation measures may be required.

Until December 15, 2023, the applicant's responses to these comments regarding mitigation centered on the mitigation measures described in the initial application: that notification to nearby landowners of upcoming tests would not cause hearing damage or

increase anxiety or stress in nearby residents, and that the natural features of the site would reflect noise away from residences and towards uninhabited State lands to the west. On December 15, 2023, in a response to the fourth NIPA, the applicant proposed installing a berm as a new mitigation measure.

Question 3 of the fifth NIPA recommended additional potential mitigation measures, and requested an evaluation of whether any could be added to further limit noise impacts from the proposal. The applicant responded to this question on page 15 of the appeal, explaining that these additional measures would be unacceptable.

For the purpose of commencing review, staff have no additional questions regarding this issue. The applicant's response, along with staff's technical review and analysis, will be included as part of the permit application for future Agency review.

- Question 5 of the fifth NIPA

Since receipt of the initial application on November 21, 2021, the applicant's submissions have provided incomplete and conflicting information regarding the proposed timing and number of shots. Specifically, the initial application stated that there would be an average of 30 total shots per year under the proposal, but according to later submissions, there would be up to 10 shots per month, year-round. In addition, the applicant's December 15, 2023, written response suggested that no testing would occur at times of the year with lower temperatures, despite earlier indications that testing would occur in all months.

Question 5 of the fifth NIPA requested confirmation of the proposed maximum number of shots per week, month, and year, and whether there were any atmospheric conditions under which testing would not occur. The applicant responded to this question on pages 16-17 of the appeal, confirming that testing is proposed to occur year-round, with a maximum of 10 shots per month, and with no atmospheric restrictions.

For the purpose of commencing review, staff have no additional questions regarding this issue. The applicant's response, along with staff's technical review and analysis, will be included as part of the permit application for future Agency review.

Questions Remaining

- Question 1 of the fifth NIPA

Since receipt of the initial application on November 21, 2021, the applicant's submissions have provided incomplete and conflicting information regarding the proposed location of the noise source and the distance between the noise source and the private and State land receptor sites used in the noise analysis. As noted in the first paragraph of Question 1 of the fifth NIPA, in a submission received on February 28,

2023, the applicant stated that the location and distance would vary from test to test: "The specific placement of instrumentation and test articles will vary within a general range based on test requirements. All instrumentation and test articles are portable and will be emplaced before and after each test. As no permanent structures will be deployed, exact position of placement may vary each time." Noise impact evaluations depend on calculations using precise locations and distances; accordingly, the exact locations and distances must either be confirmed and used in the noise analysis, or the analysis must account for the worst-case-scenario for these factors.

> Staff request: *"Please provide cross-section sheet(s) depicting the proposed typical M109 155 mm howitzer and assembly set up to be utilized on site, including all proposed instrumentation and test articles, that is drawn to scale and depicts howitzer barrel and assembly dimensions and muzzle location. Please label the location of the noise source and its associated sound pressure level source height as measured from the finished grade of the pad."*

This request attempts to document the size of the proposed howitzer in face view. In particular, the requested sheet(s) would document the distance of the muzzle – which was the noise source location used in the 2007 Norwegian Study – from the rest of the artillery, and the height of the muzzle from the ground or firing pad.

> Staff request: *"To allow for review of worst-case scenario noise impacts, please provide scaled cross-section plan sheet(s) depicting the distance between the closest point of the proposed gravel pad or the noise source, whichever is closer, to each of M1-M5, and between the closest point of the proposed gravel pad and the receptor located at the southwest corner of the nearest state land parcel. Please depict the proposed berm on each of these plan sheets."*

This request attempts to document the location of the proposed howitzer in plan view. In particular, the requested sheet(s) would document and confirm the distance of the noise source from the receptor sites used in the noise impact evaluation. In addition, as the only indication in the record of the location for the proposed berm is that it would be "constructed along the northern boundary of the Firing Pad," this request also requires a scaled depiction of the berm in plan view.

The appeal states that "previous submissions" show that the "howitzer barrel assembly" will be "located in the center of the 100-foot by 100-foot firing pad;" however, a search of the record by staff finds no evidence that this information has been previously submitted. The appeal also supplies calculations not previously in the record purporting to model sound pressure levels at Receptors M-1 through M-5 with the sound source at "the edge of the firing pad;" however, these calculations were not provided and stamped by a NYS-licensed engineer and, in any event, do not account for the possibility of the noise source extending beyond the edge of the pad toward the receptor sites. Finally, the appeal points to the fact that the H2H Sound Studies use "a Sound Source height of

6.5 feet;" however, there remains no documentation in the record that 6.5 feet is or will be the accurate height of the noise source from the ground or firing pad.

As noise impact evaluations depend on calculations using precise locations and distances, the exact locations and distances must either be confirmed and used in the noise analysis, or the analysis must account for the worst-case-scenario for these factors. Therefore, given the importance of documenting and confirming the exact location of the proposed noise source in relation to the receptor sites, staff request that the Agency members affirm the need for the plan sheets requested in Question 1 of the fifth NIPA.

- Question 2 of the fifth NIPA

  Staff request: *"Please clarify what materials the berm will be constructed with, and any associated stabilization measures and other erosion and sediment controls."*

Despite numerous requests and suggestions for potential noise mitigation measures, no on-site mitigation was proposed until December 15, 2023, in the additional response to the fourth NIPA, when the applicant proposed installation of a berm "along the northern boundary of the Firing Pad." The record contains no specifics on the materials that would be used for construction, the location of the berm in relation to the noise source, or even whether the berm would be permanent or temporary and subject to movement or re-construction for individual tests.

As noted in the DEC Noise Policy, installation of a berm can be helpful in reducing potential noise impacts. However, any reduction in noise would depend on the type, size, and location of the berm in relation to the noise source; these factors must be known to allow for calculations of the angle of reflection and barrier attenuation. In addition, stabilization measures and erosion and sediment controls are sometimes necessary to protect nearby resources from berms, depending on the materials and method used for construction.

Given the importance of documenting the details related to the proposed berm, staff request that the Agency members affirm the need for the information requested in Question 2 of the fifth NIPA.

- Question 4 of the fifth NIPA

  Staff request: *"Please explain why there are separate tables, calculations and conclusions made in the UCI written response received on December 7, 2023, that are not included in the [September 2023 Sound Study by H2H]."*

UCI's December 15, 2023, additional response to the fourth NIPA included modeling of sound levels by temperature and humidity and other sound power level and sound

pressure level calculations, charts, and conclusions that are not included or reflected in the September 2023 Sound Study completed by H2H. Question 4 of the fifth NIPA attempts to reconcile these differences, to ensure that the record for Agency review and decision reflects consensus on the final proposal and modeled impacts.

Given the importance of documenting the details related to potential noise impacts, staff request that the Agency members affirm the need for the information requested in Question 4 of the fifth NIPA.

- Question 6 of the fifth NIPA

  Staff request: *"Please revise Image 1 to depict the location of the 100-foot by 100-foot pad, all state land boundaries, the southwest corner of the nearest state land parcel located approximately 300 feet from the northeast corner of the firing pad, the nearest dwellings (including the Pulsifer residence), receptor locations M1 – M4, and the closest point of the proposed gravel pad or the noise source, whichever is closer, to each receptor."*

H2H's September 2023 Sound Study modeled impulse sound levels at Receptors M-1 through M-5 with and without the berm. The study then asserted that "the accuracy of th[is] sound propagation model" was demonstrated in "Image 1."

"Image 1" is a color-coded model of sound pressure levels that was first submitted to the Agency with the September 2023 Sound Study, received on December 15, 2023. "Image 1" appears to be an overlay of an aerial photograph of the site; the locations of the firing pad, howitzer, target, and property lines are illegibly hidden beneath the color-coding of sound pressure levels.

In the appeal, the applicant states that Question 6 has been "asked and answered," because "UCI has already supplied Agency Staff with the requested information in Figure 1, 'Site Overview Map,' provided in H2H's September 2023 Sound Study." However, while Figure 1 in the September 2023 Sound Study does approximate the locations of the firing pad, howitzer, target, and property lines on an aerial photograph, Figure 1 does not contain the color-coded sound pressure level modeling distinct to "Image 1."

Given the importance of documenting the accuracy of the sound propagation model used in the sound studies in the record and the applicant's insistence that "Image 1" provides this documentation, staff request that the Agency members affirm the need for the revision to "Image 1" requested in Question 6 of the fifth NIPA.

- Question 7 of the fifth NIPA

In response to the request in the fourth NIPA for information as to how the decibel level of the noise source was determined by the applicant, the July 2023 Sound Study and

the September 2023 Sound Study both state that the level was calculated using a Table in the 2007 Norwegian Study. Specifically, the sound studies explain that this table showed a documented sound pressure level of 130.5 dB at a sensor located 803 feet away and at a 32-degree angle from a howitzer. There is no indication of variables such as terrain, vegetation, or wind and temperature conditions at the time of firing in the 2007 Norwegian Study. Nevertheless, using "industry standard calculations," the applicant used its own model to calculate back to determine the originating sound pressure level for the howitzer in the Norwegian study, and then determined that the sound level would be 127 dB at this same distance and angle from a howitzer on the project site. The July 2023 Sound Study then asserted that the difference of 3.5 dB between the 130.5 dB recorded sound pressure reading in the Norwegian study and the applicant's modeled sound pressure reading of 127 dB showed "correlation within ISO standards." Therefore, according to the applicant's response to the fourth NIPA, a sound power level of 180.8 dB at the location of the howitzer should be considered accurate.

> Staff request: *"Please provide an explanation of these ISO standards and the asserted correlation, including a clarification of whether the ISO standards are appropriately used in this context. Please also provide any other available documentation confirming that 3.5 dB is appropriately cited as the maximum limit of error for this proposal.*
>
> *Please confirm through field-verification at an authorized location and through independent third party verifications that 180.8 dB is the noise level produced by M109 155 mm howitzers."*

The DEC Noise Policy requires determining the maximum amount of sound created at a noise source, and then conducting a noise impact evaluation based on this level. Accordingly, it is imperative that the noise level of a noise source is accurately determined, to allow for analysis of potential impacts at receptor locations.

Question 7 of the fifth NIPA requests confirmation of the accuracy of the applicant's assertion of 180.8 dB as the noise level of an M109 155 mm howitzer. Staff remain concerned about the accuracy of this number for several reasons: every prior submission posited a different decibel level for the noise source; the 180.8 dB figure was calculated based a single measurement from one study in 2007 conducted in unknown conditions and with other unknown variables; the only confirmation of the accuracy of the applicant's calculation is based on their finding of a noise level 3.5 decibels lower than was documented in the 2007 Norwegian Study when the distance and angle of the 2007 measurement were inputted in the applicant's model; and the applicant asserts that a discrepancy of 3.5 decibels "show[s] correlation with ISO standards," where ISO standards have not been used in relation to other recent commercial and mining projects within the Park.

Given the importance of documenting the accuracy of the noise level of the noise source used in the sound studies in the record, staff request that the Agency members affirm the need for the information requested in Question 6 of the fifth NIPA.

- Question 8 of the fifth NIPA

  Staff request: *"The 'Noise emission data for M109, 155 mm field howitzer' study referenced in the [December 2023 Sound Study] references a maximum charge of 5 modules DM72 with each module containing 2.44 kilograms propelling charge, while USACHPPM materials referenced in the UCI response received by the Agency [on] July 18, 2022 reference the sound level for a M4A2 zone 7 charge. Please confirm that this will be the maximum charge used. Please also explain how the two charges compare and the effect [the charge] will have on the level of sound produced."*

UCI's May 12, 2022, submission to the Agency in response to the second NIPA described the noise source for the project as M4A2 zone 7 charges. However, the 2007 Norwegian Study, which was submitted on March 1, 2023, in response to the third NIPA and was used to model the decibel level of the proposed noise source for the H2H Sound Studies, involved a charge of up to 5 modules DM72, with each module containing 2.44 kilograms propelling charge.

The charge used in a howitzer may significantly alter the impulse noise level produced from firing. Accordingly, Question 8 of the fifth NIPA was first asked in the fourth NIPA, in response to the differing charges proposed after the second and third NIPAs. UCI's response to the fourth NIPA stated only that "the level of sound for all charge sizes employed will not exceed those acceptable levels determined by H2H's assessments and testing."

Given the importance of confirming that the maximum charge proposed will not result in impulse noise levels above the levels used in the sound studies in the record, staff request that the Agency members affirm the need for the information requested in Question 8 of the fifth NIPA.

- Question 9 of the fifth NIPA

  Staff request: *"Please provide an updated noise analysis that accounts for the confirmed height of the noise source from the gravel pad and the location of the noise source at the closest point of the gravel pad to each receptor. This updated noise analysis must include all tabular, calculated, and conclusory information included in the latest UCI response, Modal Data in Appendix D, and barrier attenuation calculations that account for the most conservative/worst case scenario height and location of the noise source in relation to each receptor. The updated noise analysis must also account for all proposed months of operation and any proposed atmospheric operating restrictions. In addition, the analysis*

must include revised tabular information, Modal Data in Appendix D, and barrier attenuation calculations that account for the height and location of the noise source in relation to each receptor, and must include sound pressure levels expressed as both dB and dBA. This updated analysis must include a cover sheet with the seal of a NYS licensed professional engineer."

Given the continuing inconsistencies in the record and the potential for impacts to Park resources from the proposal, staff request that the Agency members affirm the need for the updated noise impact evaluation requested in Question 9 of the fifth NIPA. In addition, as New York State professional standards require that projects involving the application of engineering principles and data be signed and stamped with the seal of a New York State licensed professional engineer, staff also request that the Agency members affirm the need for the updated noise impact evaluation to include a cover sheet with the appropriate seal.

Conclusion

For the reasons stated above, staff request that the Agency members affirm the need for responses to Questions 1, 2, 4, 6, 7, 8, and 9 of the NIPA.

EXHIBIT B

Adirondack Daily Enterprise

Norfolk Beier announces new senior counsel



Sarah Reynolds (Provided photo)

LAKE PLACID — Norfolk Beier PLLC has announced that Sarah Reynolds has joined the firm as senior counsel.

Reynolds' practice focuses on representing individuals and businesses in matters related to permitting, litigation, dispute resolution, and other aspects of real property, land use and zoning.

Before joining Norfolk Beier PLLC, Reynolds spent nearly 20 years as an attorney with New York state's Adirondack Park Agency, where she managed the interpretation and administration of the park's environmental and land-use laws. Reynolds was responsible for guiding applicants, employees and board members through the review process for the most complex subdivision and development proposals presented to the Agency. When these matters resulted in litigation, Reynolds worked closely with the Office of the Attorney General to develop strategies, draft documents and prepare for court.

During her time at the Agency, Reynolds also wrote and edited countless permits and variances, settlement agreements, policies, press statements, contracts, publications, and legislative and regulatory proposals. She

regularly presented at public meetings and planning conferences on complex land use topics, advised municipalities on interpreting their zoning codes, and collaborated with stakeholders to resolve differences and implement solutions on various issues.

To improve consistency, efficiency and fairness in the agency's review process, Reynolds revised and streamlined numerous documents, including the templates for jurisdictional inquiry responses, subdivision and development permits, area variances, and settlement agreements. Additionally, she developed a program to interpret and explain the agency's laws through internal guidance for employees, informational flyers and public presentations tailored for landowners, local government officials, businesses and contractors.

Reynolds has long been a leading expert on the complicated system of zoning and land use laws that apply within the Adirondack Park. She enjoys challenges and brings sophisticated analytical, writing and communication skills to her work.

Reynolds is actively involved in the community, serving as a board member for the Adirondack Mountain Club and a former member of the North Country SPCA and Dewey Mountain Friends. She is a member of the New York State Bar Association. Since 2017, Reynolds has also taught yoga classes in Saranac Lake and Lake Placid.

Reynolds is originally from Baltimore, Maryland. She received a bachelor's degree from Dartmouth College, a master's degree from the University of

California, Santa Barbara, and a law degree from the Georgetown University Law Center. Before and during law school, Reynolds worked in New York City and Washington, D.C., for the firms Arnold and Porter and DLA Piper.

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EXHIBIT C

NEW YORK STATE | Adirondack Park Agency

KATHY HOCHUL
Governor

BARBARA RICE
Executive Director

MEMORANDUM

TO: Regulatory Programs Committee

FROM: Sarah Reynolds, Associate Counsel SR

DATE: May 8, 2024

RE: Unconventional Concepts, Inc./Hopmeier
Permit Application 2021-0276
Appeal of Agency staff's January 2024 request for information

Summary

Unconventional Concepts, Inc. (UCI) seeks a permit from the Adirondack Park Agency to allow for the establishment of a commercial use involving the installation of a firing range for the testing of artillery on Rural Use lands in the Town of Lewis, Essex County. On January 2, 2024, Agency staff forwarded a fifth request for information regarding the application. On February 29, 2024, the applicant submitted an appeal of this request.

Since receipt of the initial application on November 21, 2021, the applicant's submissions have provided incomplete and conflicting information regarding the proposal. The type of weapon proposed for testing, the charge proposed for use with the weapon, specifics on the target and any other equipment proposed for use on the site, the proposed firing and target locations, and the number of shots proposed per day, month, and year, have all remained uncertain or changed. Even more significantly, the decibel level for the impulse noise source – the noise level produced at the moment of firing and the basis for any noise analysis – has changed with every response to staff's requests for information. In addition, none of the applicant's submissions have been stamped with the seal of a New York State-licensed professional engineer, as required under State professional standards for projects involving engineering principles and data.

The first four Notices of Incomplete Permit Application (NIPAs), along with numerous follow-up letters and meetings with the applicant, reflect staff's efforts to confirm the specifics of the proposed project and the resulting analysis of potential impacts. The fifth NIPA constitutes a further attempt to determine the information necessary for a complete application, with questions addressing previously submitted information that has changed or has remained unclear or unanswered.

The applicant's February 29, 2024, appeal of the fifth NIPA includes new information that has not been previously provided to the Agency. Staff analysis of this new information indicates that the record now contains sufficient documentation to allow for review of the proposal in relation to Questions 3 and 5 of the fifth NIPA. However, Questions 1, 2, 4, 6, 7, 8, and 9 remain unanswered.

Given the continuing inconsistencies in the record and the potential for impacts from the proposal, staff request that the Agency members affirm the need for the information requested in Questions 1, 2, 4, 6, 7, 8, and 9 of the fifth NIPA.

Legal Background and Review Process

The proposal at issue involves a new commercial use on Rural Use lands, and requires an Agency permit under the Adirondack Park Agency Act (APA Act). Prior to approving this project, the Agency must find that the proposal:

- will be consistent with the land use and development plan;
- will be compatible with the character description and purposes, policies, and objectives of the Rural Use land use area;
- will be consistent with the overall intensity guidelines for the Rural Use land use area;
- will comply with the shoreline restrictions of § 806 of the Act; and
- will not have an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the Park or upon the ability of the public to provide supporting facilities and services made necessary by the project, taking into account the commercial, industrial, residential, recreational or other benefits that might be derived from the project.

Staff analyze any proposal that requires an Agency permit to ensure that the application is "complete for the purpose of commencing review," as set forth in §809(2)(b) of the APA Act. To do this, staff request information from applicants as necessary to allow for Agency consideration of the findings listed above. For any project not approved pursuant to the Agency's Delegation Resolution, staff make a recommendation to the Agency board as to whether the proposal appears approvable under the required findings, based on staff's analysis of the application materials. The Board may choose to follow or not follow staff's recommendation.

When a complete permit application contains sufficient information to allow the Agency to make the required findings, the Agency may approve the project, with conditions as necessary. When a complete permit application contains disputed facts or insufficient documentation to support approval, the Agency may require an adjudicatory-style public hearing on the proposal. The Agency may only deny a proposal after holding an adjudicatory-style hearing.

Relevant Facts and Project Review History

Project Site

The project site is a 197±-acre parcel of land located on Hale Hill Lane in the Town of Lewis, Essex County, in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 38.1 Block 1, Parcel 31, and is currently owned by Pulsifer Logging, LLC.

The eastern portion of the project site contains two mountains, Little Church Mountain and Big Church Mountain, which are approximately 1,500 to 1,600 feet in height. A 50±-acre parcel of State lands included in the Taylor Pond Wild Forest adjoins the northeastern portion of the project site; the remainder of the site borders large tracts of Rural Use lands. The closest residence to the site is located approximately 5,800 feet to the northeast, and is currently owned by James Pulsifer. Additional residences are located along Hale Hill Road to the north and east of the site, along State Route 9 to the east of the site, and along Pulsifer Road to the south of the site.

A pre-existing missile silo, currently used as a commercial use, is owned by Diversified Upstate Enterprises, LLC, and located just over a mile to the east of the site. In addition, a sawmill subject to Agency permits is located just under a mile to the north of the site, and the "Oak Hill" mine, also subject to Agency permits, is located approximately a mile and a half to the south. Additional State lands in the Taylor Pond Wild Forest are located to the east and west, and the Jay Mountain Wilderness Area is located approximately two miles to the north and west of the site.

The project site is accessed by an existing drive used for timber harvesting. The site is currently improved by a cabin. A trail traverses the northwestern portion of the site and connects to adjacent Rural Use parcels.

Jurisdictional Inquiry and Permit Application

On August 26, 2021, the Agency received a Jurisdictional Inquiry Form from Michael Hopmeier for the installation of a ballistic testing range on the project site. The Agency responded to this inquiry on September 22, 2021, advising that the proposal involved the establishment of a new commercial use, and that an Agency permit would be required.

On November 19, 2021, the Agency received a permit application from Michael Hopmeier as Project Sponsor and James Pulsifer as representative for landowner Pulsifer Logging, LLC, for the establishment of a new commercial use. Specifically, the application proposed leasing a portion of the project site for the establishment of a "firing range" to:

> be developed and used to assess the internal ballistics of various kinetic systems used by the United States. The focus is to determine the effectiveness of various manufacturing approaches and techniques used in the manufacture of cannon barrels. The goal of the overall project is to decrease the weight of these systems to ensure the most efficient means of manufacturing and recuring cost of ownership, thereby reducing waste and cost, as well as improving performance... In effect, we are building a shooting range and will fire non-toxic, inert, steel projectiles over a distance of approximately 300 yards [or 900 feet].

The testing of artillery would occur in coordination with work occurring at the missile silo facility located to the east of the project site.

The application stated that "no more than three tests per month are anticipated," with operations occurring in "all seasons" and each test consisting of 1-3 shots over 1-2 days between 10am and 4pm on weekdays, and "an average of no more than 30 shots per year." Impulse noise from each shot was "not expected to exceed 180dB." The application also explained that "a small grouping of mountains" on the site would "act as a projectile backstop... thereby allowing for the reflection/deflection of noise away from more populated areas and into a large open space that can absorb and dampen any impact."

The application stated that approximately 100 tons of gravel from the Oak Hill mine would be used to construct an approximately 100-foot by 100-foot firing platform structure; other site work would include "clearing brush and a limited number of trees," using "herbicides to control unrestricted undergrowth," and using the existing access road to bring in materials for each test, including "a mobile power supply such as a generator on a trailer, portable instrumentation carriers, a trailer, a porta potty, and other mobile support equipment." The application noted that "a portable steel cargo container... filled with sand or other aggregate" might be brought on the site as "a projectile-catcher," but was "not expected to be necessary." The application did not offer any further specifics on the type of equipment or weapons that would be used on the project site.

Maps included with the application showed the location of the existing cabin on the property and the general location of the proposed firing pad and range.

First Notice of Incomplete Permit Application and Response

On December 6, 2021, Agency staff issued a first NIPA for the project. This first NIPA included requests for:

- A site map depicting the lease subdivision lines to allow for confirmation of potential subdivision jurisdiction, and documentation of the location of the other proposed activities;

- A noise impact evaluation using the NYS DEC Program Policy for Assessing and Mitigating Noise Impact (DEC Noise Policy)[1];
- Confirmation as to whether any contaminants would be used on site;
- Confirmation as to whether improvements to the existing access road would be required;
- Additional plans, including a plan for removal of spent projectiles, a design guide, a stormwater management plan, an unexploded ordnance plan, and a decommissioning plan;
- An alternatives analysis; and
- Information regarding coordination with other federal, state, and local agencies.

On December 15, 2021, Agency staff attended a site visit with the applicant. On December 22, 2021, the Agency received from the applicant a response to the first NIPA. This response included an un-scaled aerial photograph overlaid with approximations of the proposed lease and firing range areas. In response to staff's questions regarding contaminants and the removal of spent projectiles, the response stated that the "projectiles used during testing will normally consist of solid bullets of steel" and that, "in the event a target is used... the current design envisions a contained quantity of sand or soil (approximately 8 X 8 X 40 ft) into which projectiles will be fired," but noted that "this design may be modified based on actual operation and empirical data." The response also stated that, "if operations do not require a target, then direct impact into the ground... and projectile recovery will be utilized."

The December 22, 2021, response included a written noise evaluation and overlays of aerial photographs using "a complex non-linear topographic multi-variate inverse square law model for noise distribution that considered propagation over a distance, insertion of a barrier, ground effect, and air absorption" to examine impacts at two receptors: the missile silo located just over a mile to the east of the site, and the Pulsifer residence located just over a mile to the northeast. The evaluation stated that the noise level at the location of firing was "not expected to exceed 185 dB." A noise source of 183 dB was used in the calculations, based on which the applicant stated that "we can anticipate a reduction at both sites to approximately 82 dB centered on 125 Hz peak energy frequency, or a reduction of 101 dB." The evaluation then listed the noise levels of shotguns, rifles, Magnums, chainsaws, and thunder from nearby lightning strikes. For mitigation, the December 22, 2021, response proposed following the blasting notification procedures used by the nearby Oak Hill mine, which would be "part of the [firing range's] site security and operations plan." The noise evaluation was not signed by an engineer or any other New York State licensed professional.

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[1] When reviewing projects, Agency staff regularly require completion of a noise impact evaluation for the proposed activity following the review standards established by the DEC in its Program Policy for Assessing and Mitigating Noise Impact. The DEC Noise Policy is available on the DEC website at Assessing and Mitigating Noise Impacts (ny.gov).

The December 22, 2021, response asserted that no stormwater management plan, unexploded ordnance plan, or decommissioning plan was necessary, and declined to confirm whether the proposal involved any upgrades to the existing access road. The applicant also declined to provide a design guide, stating that, "We will be working closely with the US Army Development Command… they will provide guidance and approval for the range design and operating procedures… All operations will be in accordance with either approved and designated Army protocols, or based on best engineering and technical judgment developed in coordination with relevant Army staff and personnel." In relation to potential alternatives, the response stated that "other sites… were considered," but were not chosen because of the existing natural features of the project site. The response declined to propose any on-site alternatives, such as a berm or other sound barrier as suggested by the DEC Noise Policy.

Second Notice of Incomplete Permit Application and Response

On January 13, 2022, Agency staff issued a second NIPA for the project. This second NIPA included requests for:

- A site map and documentation of the location of the proposed activities, including the lease subdivision lines and other details;
- A revised noise impact evaluation using 185 dB as the maximum anticipated impulse noise level as referenced in the applicant's December 22, 2021, response and analyzing potential noise impacts to additional receptors within a two-mile radius;[2]
- A noise mitigation plan, as well as the "site security and safety operations plan" referenced as providing for noise mitigation in the applicant's December 22, 2021, response;
- Information regarding the existing trail that traverses the project site and connects to adjacent private lands;
- An additional analysis of alternatives to the proposal; and
- Additional coordination between the Agency and other state and federal entities.

On February 11, 2022, the Agency received from the applicant a partial response to the second NIPA. This partial response stated that, according to the landowner, there are no outside parties with the right to access the road/trail that traverses the project site. In relation to staff's request for an additional analysis of alternatives, the partial response stated that "it would be impractical to move the testing to a location farther from" the missile silo to the east of the site and that "any attempt to relocate the testing to a significantly more distant area would be cost prohibitive." Finally, in relation to staff's request for an updated noise impact evaluation, this partial response "revised the numbers in the model to accurately reflect the impulse noise value of 185 dBa."[3] The

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[2] Pursuant to the DEC Noise Policy, noise evaluations require determining and calculating potential impacts from "the maximum amount of sound created at a single point."

results of this updated assessment were shown on a "Noise Map" depicting noise levels overlaid on an aerial photograph of the area.

At the applicant's request, on February 25, 2022, Agency staff attended a meeting with the applicant to discuss the second NIPA and the materials received on February 11, 2022. Following this meeting and a follow-up letter from staff to the applicant on March 1, 2022, confirming that portions of the second NIPA were considered "either satisfied or no longer required," on May 12, 2022, the Agency received from the applicant an additional response to the second NIPA. In relation to staff's request for a scaled site plan, this additional response included two scaled plans showing a portion of the project site. No lease subdivision lines were shown on these plans. In addition, no dimensions or distances were shown, and not all markings were labeled. According to the scale on the plans, the firing pad measured approximately 30 feet by 80 feet, and the distance between the pad and the target measured approximately 571 feet.

The additional response received on May 12, 2022, stated that, "based on recommendation from the APA, further research on the noise source was performed," with the noise source now "assumed to be 166.1 dB." Specifically, in two locations, the May 12, 2022, response described the "Noise Source" as a "M109A5/6; Paladin, 155mm self-propelled Howitzer firing M4A2 zone 7 charges," with a "Noise Level" of 166.1 dB. The reference materials cited for this noise level showed that the 166.1 dB measurement was taken from "in fighting compartment with hatches open except drivers," rather than from open air firings.

The additional response received on May 12, 2022, also stated that the proposal had been updated to use a soft catch system for projectiles, rather than using direct impact into the mountains as the target as previously proposed. Using an "ambient noise level... assumed to be approximately 80 dB at the [Pulsifer] residence," the additional response then included a series of calculations performed by the applicant and concluded that "there is a negligible difference in noise level [at the Pulsifer residence] across an 8-hr day between a day when two shots are fired and [a] day when no shots are fired." No calculations were provided for any other potential noise receptors, and the noise evaluation was not signed by an engineer or any other New York State licensed professional.

In relation to the Agency's request for a noise mitigation plan, the additional response received on May 12, 2022, described "active noise mitigation measures," such as

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[3] This is the first incidence in the record of a reference to dBa (also referred to as dBA or dB(A)). According to the DEC Noise Policy, "perceived loudness is expressed in decibels (dB) or A-weighted decibel scale dB(A) which is weighted towards those portions of the frequency spectrum, between 20 and 20,000 Hertz, to which the human ear is most sensitive." In general, the same impulse noise source level would be expressed as a higher number when measured in decibels (dB) than in A-weighted decibels (dB(A)). The applicant's submissions vary between references to dB and dB(A) in relation to the impulse noise level and noise impact evaluation. Question 9 of the fifth NIPA requests an updated noise impact evaluation documenting both dB and dB(A) measurements for all relevant sound pressure levels.

limiting the number of shots fired annually, limiting the hours of operation, and providing "early warning of the event" pursuant to the procedures used by the nearby Oak Hill Mine as well as "audible warnings (siren) that can be discerned at" the Pulsifer residence, and concluded that the proposal was "not expected to cause any hearing damage or increases in anxiety or stress in nearby residents." The additional response also described "passive noise mitigation measures," such as the distance from the Pulsifer residence to the proposed testing range, the natural vegetation and local topography, and the fact that, because of "the rock structure of the mountains," noise coming from the proposed range "will be reflected back to the west," toward State lands and "away from the residences and populations in the surrounding areas." The response proposed no new noise mitigation measures.

Third Notice of Incomplete Permit Application and Response

On June 6, 2022, Agency staff issued a third NIPA for the project. This third NIPA included requests for:

- An updated site map with all markings labeled that depicted and confirmed the size of the lease area, which remained unknown, and the dimensions and locations of the firing pad and target area, which appeared to have changed from the initial application;
- An updated noise impact evaluation comporting with the DEC Noise Policy, prepared by a NYS licensed professional, and including an explanation of the decrease in proposed maximum noise levels from 185 dB to 166.1 dB;
- An explanation of the assumed ambient noise level of 80 dB at the site and the Pulsifer residence;
- Clarification of the procedures for public notification of tests;
- Inclusion of additional noise mitigation measures;
- Confirmation of the equipment and machinery proposed for use on site; and
- Clarification of numerous other discrepancies between submissions.

The third NIPA noted that "the proposal as presented consists of testing munitions year-round up to 120 times per year with an estimated munitions firing noise source of 185 dB with no noise source mitigation measures proposed," while the U.S. Department of the Army considers any impulse noise greater than 140 dB to be hazardous, and the US Bureau of Mining has documented damage to residential dwelling window glass from over air pressure blasts of greater than 133 dB.

On September 16, 2022, and November 9, 2022, the Agency received from H2H Associates, LLC (now H2H Geoscience Engineering, PLLC; referred to herein as H2H) an initial and revised Scope of Work proposal for performing a noise analysis at the project site. Staff responded to these letters on September 28, 2022, and November 28, 2022. The specific changes to the Scope of Work requested in staff's responses were later incorporated by H2H, though no final approval of the proposed Scope of Work was ever issued by staff.

On February 28, 2023, the Agency received a partial response to the third NIPA from Matthew Norfolk, Esq., as attorney for UCI, which was now described as the applicant. This response stated that the applicant was no longer proposing a lease subdivision, and would instead "have access to the area at certain times to perform ballistic testing in coordination with" the landowner.

In response to staff's request for clarification of the dimensions and locations of the firing pad and target area, the February 28, 2023, response stated that: "The specific placement of instrumentation and test articles will vary within a general range based on test requirements. All instrumentation and test articles are portable and will be emplaced before and after each test. As no permanent structures will be deployed, exact position of placement may vary each time."

In response to staff's request for confirmation as to the equipment and machinery proposed for use on site, the February 28, 2023, response declined to name any specifics, instead stating only that "all vehicles and equipment used on site will not exceed current noise levels created by" vehicles commonly used in sawmill operations. In response to staff's request for clarification of the procedures for public notification of tests, the response stated that, seven days prior to any test, UCI would notify the Town and mail notice to landowners "within a two-mile radius."

On March 1, 2023, the Agency received a document titled "Sound Study Unconventional Concepts, Inc. APA Project #2021-0276," prepared by H2H, and dated February 2023 (February 2023 Sound Study). The Project Background section introducing the February 2023 Sound Study included an explanation of the proposed testing process: "Each test will consist of four-five shots, and each series of shots will last no more than two days. Testing will only occur on weekdays, between 10:00 AM and 4:00 PM local time. No more than two shots will be fired in one day... The Sound Source (system being tested) will be located on a 100 ft. X 100 ft. crushed gravel pad (Firing Pad)... The Target Area is 590 ft. east of the Firing Pad."

The February 2023 Sound Study updated the specific weapon proposed for firing at the project site: an M109A3GN (155 mm) Howitzer. The February 2023 Sound Study also clarified for the first time some of the additional equipment proposed for use: a 40-ton haul truck for transporting the howitzer and other materials to and from and across the site.

The February 2023 Sound Study named 176 dB(A) as the noise level for the howitzer, stating that this "sound level data for the Sound Source is provided in" an older study, titled "Noise emission data for M109, 155 mm field howitzer," prepared by Morten Huseby for the Norwegian Defence Research Establishment, and dated December 5, 2007 (the 2007 Norwegian Study). The 2007 Norwegian Study, which was included with the materials received on March 1, 2023, examined the firing of M109, 155 mm field howitzers with a charge of up to 5 modules DM72, with each module containing 2.44 kilograms propelling charge.

The 2007 Norwegian Study was "conducted at the Norwegian Defence Research Establishment... to estimate noise pollution around military firing ranges." The study stated that the "M109 [Howitzer] is one of the noisiest weapons in the Norwegian defence, and as such represents a limiting factor for activity at firing ranges and training fields." The Study also repeatedly stated that, to the author's knowledge, there existed no "consensus" or "commonly accepted methods" for producing free field emission data to use for analyzing potential sound impact levels from howitzers.

Using 176 dB(A) as the noise source, the February 2023 Sound Study modeled impulse sound levels at five receptors within two miles of the project site: Receptors M-1, M-2, and M-3 located along residential lands to the east and south of the site, and Receptors M-4 and M-5 located on State lands to the west and northeast of the site. The modeled impulse sound levels were calculated as 75, 71, and 73 dB(A) at Receptors M-1, M-2, and M-3; 79 dB(A) at Receptor M-4; and 107 dB(A) at Receptor M-5.

As part of the February 2023 Sound Study, H2H also recorded and modeled ambient noise levels at the receptor sites, and then charted the difference between the ambient sound levels and the modeled impulse sound levels. The study modeled the impulse noise as being between 17.8 dB(A) and 72.3 dB(A) higher than the ambient noise levels.

Finally, the February 2023 Sound Study analyzed the overall change in ambient sound levels that would occur during the six-hour period from 10am to 4pm on a day with two shots fired. This modeling found that, because the impulse noises were so short, the increase in overall ambient noise levels over the six-hour period ranged from 0 to 0.4 dB(A) at Receptors M-1 through M-3, and from 2.0 to 32.0 at Receptors M-4 and M-5. The Study then found that "the proposed project does not pose a potentially significant environmental impact due to an increase in sound levels at receptors in the area."

The February 2023 Sound Study included an overlay of an aerial photograph, labeled Figure 1 – Site Overview Map. Figure 1 is scaled at 1 inch : 1,000 feet, and shows the region of the project site and approximate locations of the firing pad, howitzer, target, and property lines.

The February 2023 Sound Study was not signed by an engineer or any other New York State licensed professional.

Fourth Notice of Incomplete Permit Application and Response

On March 16, 2023, Agency staff issued a fourth NIPA for the project. This fourth NIPA included requests for:

- A revised noise impact evaluation that complies with the DEC Noise Policy, clarifies and documents the method for determining 176 dB(A) as the accurate noise source level for the howitzer, clarifies and documents the modeling used

for sound levels at the receptor sites, and clarifies numerous facts and other discrepancies among the prior submissions, including between the number of shots proposed for each test and the proposed charge for each test; and

- Confirmation of the equipment proposed for use at the site, noting that an "armored tracked vehicle" was documented as transporting the howitzer in the 2007 Norwegian Study.

The fourth NIPA also stated that, "until an acceptable full noise assessment has been provided, the Agency cannot assess whether the currently proposed public notification and mitigation is adequate."

At the applicant's request, on June 26, 2023, Agency staff attended a meeting with the applicant to discuss the fourth NIPA. On August 1, 2023, the Agency received from UCI a partial response to the fourth NIPA. In response to staff's questions regarding the noise source level for the proposed howitzer and the modeling used for sound levels at the receptor sites, the UCI response noted that the applicant had been required "to develop data that could be used to model the attenuation of sound produced by a howitzer due to the previous lack of available information."

In response to staff's request for confirmation of the equipment proposed for use at the site, the August 1, 2023, UCI response reiterated the applicant's earlier assertion that only "a diesel truck similar to what has historically operated on site in support of logging activities will be used to transport the" howitzer around the site. In response to staff's request for clarification of the number of shots proposed for each test, the response stated that no more than two shots are proposed for any given day, with up to three days of shots associated with each test. Finally, in response to staff's question regarding the maximum proposed charge, the response asserted that "the level of sound for all charge sizes employed will not exceed those acceptable levels determined by H2H's assessments and testing." The response concluded that "there are no other practicable means to mitigate noise."

The August 1, 2023, UCI response stated that "the Source sound power level was transcribed incorrectly in the H2H February 2023 Sound Study Report. Source sound power level is 180.8 dB (163.2 dB(A)), not 175.9 dB."

An updated Sound Study, prepared by H2H, dated July 2023, and included with the partial response (the July 2023 Sound Study), explained that the 180.8 dB sound power level was determined by using a Table in the 2007 Norwegian Study that documented a sound pressure level of 130.5 dB at a sensor located 803 feet away and at a 32-degree angle from a howitzer. There is no indication of variables such as terrain, vegetation, or wind and temperature conditions at the time of firing in the 2007 Norwegian Study. Nevertheless, using "industry standard calculations," the applicant used its own model to calculate back to determine the originating sound pressure level for the howitzer in the Norwegian study, and then determined that the sound level would be 127 dB at this same distance and angle from a howitzer on the project site. The July 2023 Sound

Study then asserted that the difference of 3.5 dB between the 130.5 dB recorded sound pressure reading in the Norwegian study and the applicant's modeled sound pressure reading of 127 dB showed "correlation within ISO standards." Therefore, according to the applicant, a level of 180.8 dB at the location of the howitzer should be considered accurate.

The July 2023 Sound Study was not signed by an engineer or any other New York State licensed professional.

On August 16, 2023, Agency staff issued a letter confirming receipt of the August 1, 2023, response, and noting that the Sound Study had not been sufficiently updated as requested and that the response had not confirmed the maximum charge proposed. The letter noted that, using the applicant's modeled potential error discrepancy of 3.5 dB, the application documented a potential for impulse noise levels at nearby State lands above the 133-dB level determined capable of breaking windows as documented by the US Bureau of Mining.

On December 15, 2023, the Agency received from UCI an additional response to the fourth NIPA. For the first time in the application process, this additional response proposed a noise mitigation measure that did not rely on the natural features of the site or notification to nearby landowners: the applicant now proposed to install a "Sound Mitigation Berm" on the site. The response stated that the berm would be 13 feet in height and "constructed along the northern boundary of the Firing Pad," but gave no specifics on the materials that would be used for construction or the location of the berm in relation to the howitzer. The December 15, 2023, UCI response also included modeling of sound levels by temperature and humidity, noting that "testing is not anticipated to take place" at lower temperatures, as well as additional sound power level and sound pressure level calculations, charts, and conclusions.

An updated Sound Study, prepared by H2H and dated September 2023 (the September 2023 Sound Study), was included with the materials received on December 15, 2023. The September 2023 Sound Study modeled impulse sound levels at Receptors M-1 through M-5 with and without the berm, although the study did not contain the modeling of sound levels by temperature and humidity or the additional sound power level and sound pressure level calculations, charts, and conclusions submitted with the UCI response.

The September 2023 Sound Study included a new color-coded model of sound pressure levels. This model is labeled "Image 1," and is described by the September 2023 Sound Study as "demonstrat[ing] the accuracy of the sound propagation model." "Image 1" appears to be an overlay of an aerial photograph of the site, although the locations of the firing pad, howitzer, target, and property lines are not visible. The September 2023 Sound Study also included the aerial photograph overlay labeled Figure 1 – Site Overview Map that had been included with the prior sound studies; this map shows the region of the project site with the locations of the firing pad, howitzer,

target, and property lines approximated, but without the color-coded sound pressure level modeling distinct to "Image 1."

The September 2023 Sound Study was not signed by an engineer or any other New York State licensed professional.

On January 2, 2024, Agency staff issued a fifth NIPA for the project. On January 18, 2024, the Agency received a request for an extension to the deadline for filing an appeal of the fifth NIPA pursuant to 9 NYCRR § 572.22(c). On January 18, 2024, staff responded by letter agreeing to the extension. On February 29, 2024, the Agency received the applicant's appeal of the fifth NIPA.

Appeal

Pages 1-12 of the appeal contain a summary by the applicant of the history of project submissions and Agency staff responses regarding the proposed firing range. Staff disagree with a number of the factual and other statements made in this summary. The applicant's summary, along with all other submissions and staff correspondence, are part of the record for this appeal.

The matter presented for review and action by the Agency members at this time is a challenge to the questions included by staff in the fifth NIPA. However, staff analysis of new information included in the appeal indicates that the application now contains sufficient information to allow for analysis of the proposal in relation to Questions 3 and 5. Accordingly, the remaining challenges to the fifth NIPA involve Questions 1, 2, 4, 6, 7, 8, and 9.

Responses Considered Sufficient

- Question 3 of the fifth NIPA

Since receipt of the initial application on November 21, 2021, the applicant's submissions have provided incomplete and conflicting information regarding the impulse noise level and location of proposed noise source. The maximum impulse noise level was stated as 180 dB in the initial application on November 21, 2021, 185 dB in the response to the first NIPA, 185 dB and then 166.1 dB in response to the second NIPA, 176 dB(A) in response to the third NIPA, and 180.8 dB (163.2 dB(A)) in response to the fourth NIPA. The proposed size and location of the firing pad has also been inconsistent throughout the applicant's submissions. Staff have continually noted that, due to the potential for impacts based on the impulse noise level and location of proposed noise source, additional noise mitigation measures may be required.

Until December 15, 2023, the applicant's responses to these comments regarding mitigation centered on the mitigation measures described in the initial application: that notification to nearby landowners of upcoming tests would not cause hearing damage or

increase anxiety or stress in nearby residents, and that the natural features of the site would reflect noise away from residences and towards uninhabited State lands to the west. On December 15, 2023, in a response to the fourth NIPA, the applicant proposed installing a berm as a new mitigation measure.

Question 3 of the fifth NIPA recommended additional potential mitigation measures, and requested an evaluation of whether any could be added to further limit noise impacts from the proposal. The applicant responded to this question on page 15 of the appeal, explaining that these additional measures would be unacceptable.

For the purpose of commencing review, staff have no additional questions regarding this issue. The applicant's response, along with staff's technical review and analysis, will be included as part of the permit application for future Agency review.

- Question 5 of the fifth NIPA

Since receipt of the initial application on November 21, 2021, the applicant's submissions have provided incomplete and conflicting information regarding the proposed timing and number of shots. Specifically, the initial application stated that there would be an average of 30 total shots per year under the proposal, but according to later submissions, there would be up to 10 shots per month, year-round. In addition, the applicant's December 15, 2023, written response suggested that no testing would occur at times of the year with lower temperatures, despite earlier indications that testing would occur in all months.

Question 5 of the fifth NIPA requested confirmation of the proposed maximum number of shots per week, month, and year, and whether there were any atmospheric conditions under which testing would not occur. The applicant responded to this question on pages 16-17 of the appeal, confirming that testing is proposed to occur year-round, with a maximum of 10 shots per month, and with no atmospheric restrictions.

For the purpose of commencing review, staff have no additional questions regarding this issue. The applicant's response, along with staff's technical review and analysis, will be included as part of the permit application for future Agency review.

Questions Remaining

- Question 1 of the fifth NIPA

Since receipt of the initial application on November 21, 2021, the applicant's submissions have provided incomplete and conflicting information regarding the proposed location of the noise source and the distance between the noise source and the private and State land receptor sites used in the noise analysis. As noted in the first paragraph of Question 1 of the fifth NIPA, in a submission received on February 28,

2023, the applicant stated that the location and distance would vary from test to test: "The specific placement of instrumentation and test articles will vary within a general range based on test requirements. All instrumentation and test articles are portable and will be emplaced before and after each test. As no permanent structures will be deployed, exact position of placement may vary each time." Noise impact evaluations depend on calculations using precise locations and distances; accordingly, the exact locations and distances must either be confirmed and used in the noise analysis, or the analysis must account for the worst-case-scenario for these factors.

> Staff request: *"Please provide cross-section sheet(s) depicting the proposed typical M109 155 mm howitzer and assembly set up to be utilized on site, including all proposed instrumentation and test articles, that is drawn to scale and depicts howitzer barrel and assembly dimensions and muzzle location. Please label the location of the noise source and its associated sound pressure level source height as measured from the finished grade of the pad."*

This request attempts to document the size of the proposed howitzer in face view. In particular, the requested sheet(s) would document the distance of the muzzle – which was the noise source location used in the 2007 Norwegian Study – from the rest of the artillery, and the height of the muzzle from the ground or firing pad.

> Staff request: *"To allow for review of worst-case scenario noise impacts, please provide scaled cross-section plan sheet(s) depicting the distance between the closest point of the proposed gravel pad or the noise source, whichever is closer, to each of M1-M5, and between the closest point of the proposed gravel pad and the receptor located at the southwest corner of the nearest state land parcel. Please depict the proposed berm on each of these plan sheets."*

This request attempts to document the location of the proposed howitzer in plan view. In particular, the requested sheet(s) would document and confirm the distance of the noise source from the receptor sites used in the noise impact evaluation. In addition, as the only indication in the record of the location for the proposed berm is that it would be "constructed along the northern boundary of the Firing Pad," this request also requires a scaled depiction of the berm in plan view.

The appeal states that "previous submissions" show that the "howitzer barrel assembly" will be "located in the center of the 100-foot by 100-foot firing pad;" however, a search of the record by staff finds no evidence that this information has been previously submitted. The appeal also supplies calculations not previously in the record purporting to model sound pressure levels at Receptors M-1 through M-5 with the sound source at "the edge of the firing pad;" however, these calculations were not provided and stamped by a NYS-licensed engineer and, in any event, do not account for the possibility of the noise source extending beyond the edge of the pad toward the receptor sites. Finally, the appeal points to the fact that the H2H Sound Studies use "a Sound Source height of

6.5 feet;" however, there remains no documentation in the record that 6.5 feet is or will be the accurate height of the noise source from the ground or firing pad.

As noise impact evaluations depend on calculations using precise locations and distances, the exact locations and distances must either be confirmed and used in the noise analysis, or the analysis must account for the worst-case-scenario for these factors. Therefore, given the importance of documenting and confirming the exact location of the proposed noise source in relation to the receptor sites, staff request that the Agency members affirm the need for the plan sheets requested in Question 1 of the fifth NIPA.

- Question 2 of the fifth NIPA

  Staff request: *"Please clarify what materials the berm will be constructed with, and any associated stabilization measures and other erosion and sediment controls."*

Despite numerous requests and suggestions for potential noise mitigation measures, no on-site mitigation was proposed until December 15, 2023, in the additional response to the fourth NIPA, when the applicant proposed installation of a berm "along the northern boundary of the Firing Pad." The record contains no specifics on the materials that would be used for construction, the location of the berm in relation to the noise source, or even whether the berm would be permanent or temporary and subject to movement or re-construction for individual tests.

As noted in the DEC Noise Policy, installation of a berm can be helpful in reducing potential noise impacts. However, any reduction in noise would depend on the type, size, and location of the berm in relation to the noise source; these factors must be known to allow for calculations of the angle of reflection and barrier attenuation. In addition, stabilization measures and erosion and sediment controls are sometimes necessary to protect nearby resources from berms, depending on the materials and method used for construction.

Given the importance of documenting the details related to the proposed berm, staff request that the Agency members affirm the need for the information requested in Question 2 of the fifth NIPA.

- Question 4 of the fifth NIPA

  Staff request: *"Please explain why there are separate tables, calculations and conclusions made in the UCI written response received on December 7, 2023, that are not included in the [September 2023 Sound Study by H2H]."*

UCI's December 15, 2023, additional response to the fourth NIPA included modeling of sound levels by temperature and humidity and other sound power level and sound

pressure level calculations, charts, and conclusions that are not included or reflected in the September 2023 Sound Study completed by H2H. Question 4 of the fifth NIPA attempts to reconcile these differences, to ensure that the record for Agency review and decision reflects consensus on the final proposal and modeled impacts.

Given the importance of documenting the details related to potential noise impacts, staff request that the Agency members affirm the need for the information requested in Question 4 of the fifth NIPA.

- Question 6 of the fifth NIPA

  Staff request: *"Please revise Image 1 to depict the location of the 100-foot by 100-foot pad, all state land boundaries, the southwest corner of the nearest state land parcel located approximately 300 feet from the northeast corner of the firing pad, the nearest dwellings (including the Pulsifer residence), receptor locations M1 – M4, and the closest point of the proposed gravel pad or the noise source, whichever is closer, to each receptor."*

H2H's September 2023 Sound Study modeled impulse sound levels at Receptors M-1 through M-5 with and without the berm. The study then asserted that "the accuracy of th[is] sound propagation model" was demonstrated in "Image 1."

"Image 1" is a color-coded model of sound pressure levels that was first submitted to the Agency with the September 2023 Sound Study, received on December 15, 2023. "Image 1" appears to be an overlay of an aerial photograph of the site; the locations of the firing pad, howitzer, target, and property lines are illegibly hidden beneath the color-coding of sound pressure levels.

In the appeal, the applicant states that Question 6 has been "asked and answered," because "UCI has already supplied Agency Staff with the requested information in Figure 1, 'Site Overview Map,' provided in H2H's September 2023 Sound Study." However, while Figure 1 in the September 2023 Sound Study does approximate the locations of the firing pad, howitzer, target, and property lines on an aerial photograph, Figure 1 does not contain the color-coded sound pressure level modeling distinct to "Image 1."

Given the importance of documenting the accuracy of the sound propagation model used in the sound studies in the record and the applicant's insistence that "Image 1" provides this documentation, staff request that the Agency members affirm the need for the revision to "Image 1" requested in Question 6 of the fifth NIPA.

- Question 7 of the fifth NIPA

In response to the request in the fourth NIPA for information as to how the decibel level of the noise source was determined by the applicant, the July 2023 Sound Study and

the September 2023 Sound Study both state that the level was calculated using a Table in the 2007 Norwegian Study. Specifically, the sound studies explain that this table showed a documented sound pressure level of 130.5 dB at a sensor located 803 feet away and at a 32-degree angle from a howitzer. There is no indication of variables such as terrain, vegetation, or wind and temperature conditions at the time of firing in the 2007 Norwegian Study. Nevertheless, using "industry standard calculations," the applicant used its own model to calculate back to determine the originating sound pressure level for the howitzer in the Norwegian study, and then determined that the sound level would be 127 dB at this same distance and angle from a howitzer on the project site. The July 2023 Sound Study then asserted that the difference of 3.5 dB between the 130.5 dB recorded sound pressure reading in the Norwegian study and the applicant's modeled sound pressure reading of 127 dB showed "correlation within ISO standards." Therefore, according to the applicant's response to the fourth NIPA, a sound power level of 180.8 dB at the location of the howitzer should be considered accurate.

> Staff request: *"Please provide an explanation of these ISO standards and the asserted correlation, including a clarification of whether the ISO standards are appropriately used in this context. Please also provide any other available documentation confirming that 3.5 dB is appropriately cited as the maximum limit of error for this proposal.*
>
> *Please confirm through field-verification at an authorized location and through independent third party verifications that 180.8 dB is the noise level produced by M109 155 mm howitzers."*

The DEC Noise Policy requires determining the maximum amount of sound created at a noise source, and then conducting a noise impact evaluation based on this level. Accordingly, it is imperative that the noise level of a noise source is accurately determined, to allow for analysis of potential impacts at receptor locations.

Question 7 of the fifth NIPA requests confirmation of the accuracy of the applicant's assertion of 180.8 dB as the noise level of an M109 155 mm howitzer. Staff remain concerned about the accuracy of this number for several reasons: every prior submission posited a different decibel level for the noise source; the 180.8 dB figure was calculated based a single measurement from one study in 2007 conducted in unknown conditions and with other unknown variables; the only confirmation of the accuracy of the applicant's calculation is based on their finding of a noise level 3.5 decibels lower than was documented in the 2007 Norwegian Study when the distance and angle of the 2007 measurement were inputted in the applicant's model; and the applicant asserts that a discrepancy of 3.5 decibels "show[s] correlation with ISO standards," where ISO standards have not been used in relation to other recent commercial and mining projects within the Park.

Given the importance of documenting the accuracy of the noise level of the noise source used in the sound studies in the record, staff request that the Agency members affirm the need for the information requested in Question 6 of the fifth NIPA.

- Question 8 of the fifth NIPA

  Staff request: *"The 'Noise emission data for M109, 155 mm field howitzer' study referenced in the [December 2023 Sound Study] references a maximum charge of 5 modules DM72 with each module containing 2.44 kilograms propelling charge, while USACHPPM materials referenced in the UCI response received by the Agency [on] July 18, 2022 reference the sound level for a M4A2 zone 7 charge. Please confirm that this will be the maximum charge used. Please also explain how the two charges compare and the effect [the charge] will have on the level of sound produced."*

UCI's May 12, 2022, submission to the Agency in response to the second NIPA described the noise source for the project as M4A2 zone 7 charges. However, the 2007 Norwegian Study, which was submitted on March 1, 2023, in response to the third NIPA and was used to model the decibel level of the proposed noise source for the H2H Sound Studies, involved a charge of up to 5 modules DM72, with each module containing 2.44 kilograms propelling charge.

The charge used in a howitzer may significantly alter the impulse noise level produced from firing. Accordingly, Question 8 of the fifth NIPA was first asked in the fourth NIPA, in response to the differing charges proposed after the second and third NIPAs. UCI's response to the fourth NIPA stated only that "the level of sound for all charge sizes employed will not exceed those acceptable levels determined by H2H's assessments and testing."

Given the importance of confirming that the maximum charge proposed will not result in impulse noise levels above the levels used in the sound studies in the record, staff request that the Agency members affirm the need for the information requested in Question 8 of the fifth NIPA.

- Question 9 of the fifth NIPA

  Staff request: *"Please provide an updated noise analysis that accounts for the confirmed height of the noise source from the gravel pad and the location of the noise source at the closest point of the gravel pad to each receptor. This updated noise analysis must include all tabular, calculated, and conclusory information included in the latest UCI response, Modal Data in Appendix D, and barrier attenuation calculations that account for the most conservative/worst case scenario height and location of the noise source in relation to each receptor. The updated noise analysis must also account for all proposed months of operation and any proposed atmospheric operating restrictions. In addition, the analysis*

must include revised tabular information, Modal Data in Appendix D, and barrier attenuation calculations that account for the height and location of the noise source in relation to each receptor, and must include sound pressure levels expressed as both dB and dBA. This updated analysis must include a cover sheet with the seal of a NYS licensed professional engineer."

Given the continuing inconsistencies in the record and the potential for impacts to Park resources from the proposal, staff request that the Agency members affirm the need for the updated noise impact evaluation requested in Question 9 of the fifth NIPA. In addition, as New York State professional standards require that projects involving the application of engineering principles and data be signed and stamped with the seal of a New York State licensed professional engineer, staff also request that the Agency members affirm the need for the updated noise impact evaluation to include a cover sheet with the appropriate seal.

Conclusion

For the reasons stated above, staff request that the Agency members affirm the need for responses to Questions 1, 2, 4, 6, 7, 8, and 9 of the NIPA.

EXHIBIT D

NORFOLK BEIER PLLC
ATTORNEYS AT LAW

February 29, 2024

Via Email and Hand Delivery

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Re: Project Sponsor: Michael Hopmeier, Unconventional Concepts, Inc.
APA Project No. 2021-0276

Dear Sirs:

Please find enclosed the Project Sponsor's appeal of the Fifth Notice of Incomplete Permit Application in connection with the above-referenced matter. The appeal is being filed pursuant to 9 N.Y.C.R.R. §572.22.

If you have any comments or questions please do not hesitate to contact me.

Sincerely,

Norfolk Beier PLLC

By:
Matthew D. Norfolk, Esq.
MDN:klm
Enc.

cc: Mr. Michael Hopmeier (Via Email Only)
Lori Settle (Via Email Only)
Erin Burns, Deputy Regional Permit Administrator NYDEC (Via First Class Mail Only)

NORFOLK BEIER PLLC
ATTORNEYS AT LAW

RECEIVED
ADIRONDACK PARK AGENCY
FEB 29 2024

February 29, 2024

Via Email and Hand Delivery

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Re: Project Sponsor: Michael Hopmeier, Unconventional Concepts, Inc.
APA Project No. 2021-0276

Dear Sirs:

Please find enclosed the Project Sponsor's appeal of the Fifth Notice of Incomplete Permit Application in connection with the above-referenced matter. The appeal is being filed pursuant to 9 N.Y.C.R.R. §572.22.

If you have any comments or questions please do not hesitate to contact me.

Sincerely,

Norfolk Beier PLLC

By:
Matthew D. Norfolk, Esq.
MDN:klm
Enc.

cc: Mr. Michael Hopmeier (Via Email Only)
Lori Settle (Via Email Only)
Erin Burns, Deputy Regional Permit Administrator NYDEC (Via First Class Mail Only)

NEW YORK STATE ADIRONDACK PARK AGENCY

In the Matter of APA Project No. 2021-0276,
Commercial Use – Ballistics Testing Facility
Project Sponsor: Michael Hopmeier of Unconventional Concepts, Inc.

APPEAL OF FIFTH NOTICE OF INCOMPLETE APPLICATION

Please take notice that, pursuant to 9 NYCRR §572.22(a), Project Sponsor Michael Hopmeier of Unconventional Concepts, Inc. (hereinafter referred to as "UCI") appeals, in part, *Fifth Notice of Incomplete Application*, dated January 2, 2024 (hereinafter referred to as the 5th NIPA), an action taken by David J. Plante, Deputy Director of Regulatory Programs of New York State Adirondack Park Agency (hereinafter referred to as the "Agency"); and

Please take further notice that this appeal is being filed on behalf of UCI by the law firm of Norfolk Beier PLLC, with Matthew D. Norfolk, Esq. being of counsel and UCI's Authorized Representative herein; and

Please take further notice that this appeal seeks a determination finding that: (1) all requests for information contained in the 5th NIPA are duplicative, unnecessary or moot as all information required for the project application to be complete has been submitted by UCI; (2) certain requests for information contained in the 5th NIPA are lacking relevancy to attaining a determination of application completion; (3) certain comments contained in the 5th NIPA must be stricken from the administrative record as they are based upon factual errors; (4) certain comments contained in the 5th NIPA must be stricken from the administrative record as they were made by Agency Staff in an unlawful attempt to issue a *de facto* denial of the application; (5) certain comments contained in the 5th NIPA must be stricken from the administrative record as they were made by Agency Staff in an unlawful attempt to alter or change the proposed project or use,

contrary to the intentions of UCI or prejudicial to UCI; (6) UCI's project application is complete; and, (7) pursuant to 9 NYCRR §572.22(h), providing notice of the completeness of the application as required by law and thereafter granting the permit application.

BACKGROUND FACTS AND PROJECT REVIEW HISTORY

Mr. Hopmeier is the President of UCI. UCI is a professional engineering and technical consulting firm specializing in issues related to national security. Typical projects involve high value, time critical programs which do not necessarily fall under the purview of conventional consulting firms or government agencies. Areas of expertise encompass development and transitioning of technologies from and to civilian, commercial, military, and government sectors. UCI does comprehensive strategy and policy reviews to validate concepts of application and operations. UCI has been instrumental in transitioning technologies through cooperative research and development agreements, cooperative agreements and commercial licensing agreements to support university and commercial sector research and development. UCI has also been instrumental in new business development and has supported the transition of explosive ordnance disposal training devices, medical testing equipment and antimicrobial solutions into commercial applications. UCI is a registered vendor in the United Nations Global Marketplace as a supplier to the United Nations.

The United States Army awarded UCI a contract to test and evaluate internal ballistics and kinetic and kinematic effects of various kinetic systems used by the United States military. In 2015, UCI purchased the decommissioned thermonuclear Atlas F missile launch facility located at 87 Hale Hill Lane in the Town of Lewis, New York (Tax Map Parcel No. 38.1-1-29.000).

Neighboring land at 195 Hale Hill Lane (Tax Map No. 38.1-1-31.000) was selected as the test site for its ideal physical attributes suited for kinetic system testing, requirements for minimal

environmental development, noise mitigation and site security. The terrain will act as a natural mitigator of sound. The site's isolation and controlled access also enhances safety and security.

On August 26, 2021, UCI submitted a Jurisdictional Inquiry Form to the Agency regarding development of a ballistic testing range at 195 Hale Hill Lane for purposes of performing under said contract with the United States Army. The Agency issued Jurisdictional Determination J2021-0870 on September 22, 2021, asserting jurisdiction "for any new commercial use on Rural Use lands in the Adirondack Park."

On November 12, 2021, more than two years ago, UCI submitted an application for the ballistics testing project. The project is described in paragraph 8 of the "Detailed Project Description," at pages 25-26 of the project application. Excerpts of the description are the following:

- **The range will have very limited access, be used sporadically throughout the year, and will only be used during daylight hours.**

- **All test equipment and instrumentation will be portable; equipment will be deployed as needed to the site for a test and will then be completely removed at the end of the test. No more than three tests per month are anticipated. Each test will consist of 1-3 shots, and each series of shots will last no more than 2 days. Local property owners who may be impacted (by noise) will be notified a minimum of one week in advance of the anticipated test. Testing will only occur on weekdays, between the hours of 10:00 AM and 4:00 PM local time.**

- **To minimize the impact on the local community and area, we plan to notify all interested parties (a list will be provided by the local town supervisor, consistent with the list used by the local mining operation), and each party will be notified a minimum of one week in advance prior to any firing. In addition, 24 hours prior to any firing, local law enforcement and 911 will also be notified in the event that anyone from the local community expresses concern. Further, we will invite local officials, to include elected representatives and law enforcement, to attend and observe operations as they occur. However, operations will not be open to the public; observation will be limited due to safety and security concerns.**

- **At the completion of each test series, all equipment, residue, and debris will be cleaned up and transported or managed on site appropriately. Debris will principally consist of the steel projectiles and any rubble created from impact with the ground.**

- **Continuous noise, primarily from the generator, is not expected to exceed 65 dB. Impulse noise with durations of less than one half of one second is not expected to exceed 180 dB.** (UCI's Application, "34. Operating Profile: Machinery" p. 29).

First Notice of Incomplete Permit Application

Agency Staff's *First Notice of Incomplete Permit Application* (hereinafter referred to as the "1st NIPA") was issued on December 6, 2021. A copy of the 1st NIPA is annexed hereto as **Attachment A**. In the 1st NIPA, Agency Staff requested "a thorough noise evaluation for all proposed munitions to be fired on site, including an evaluation of the nearest receptors utilizing the NYS DEC's Program Policy for Assessing and Mitigating Noise Impacts." In particular Agency Staff requested "a noise mitigation plan as necessary." (*See* Attachment A, p. 2).

On December 22, 2021, UCI submitted responsive documents (hereinafter referred to as "UCI's Response to 1st NIPA"). UCI explained in its response that "[t]he noise generated during testing is considered to be impulse noise rather than constant noise. It is vital to note that impulse noise affects people and the environment very differently than continuous noise, and is generally considered less annoying and impactful." (*See* UCI's Response to 1st NIPA, p. 3). UCI provided a noise map report based on non-linear topographical multi-variant inverse-square law modeling for the attenuation of the intensity of noise and provided an explanation of the selected values. (*See id.*, pp. 3-4 and Appendix B). This method was chosen as representing existing best practices and state-of-the-art analysis performed by audio engineer experts.

In compliance with New York State Department of Environmental Conservation (hereinafter referred to as the "DEC") *Program Policy for Assessing and Mitigating Noise Impacts*, Section V.B.1.b, the nearest inhabited receptor location of differing use than the proposed noise source was selected, being the Pulsifer residence, 1.22 miles away. (*See id.*, p. 4). In support of the selected 183 dB value for the noise source, UCI cited a reliable and recognized study published in the *Scandinavian Audiology* journal, as well as a list of noise levels of common military

equipment promulgated by the US Army Center for Health Promotion and Preventative Medicine Hearing Conservation Program. (*See DEC Program Policy*, pp. 3-4). UCI also provided comparison values for hunting firearms commonly used in the Adirondack Park and noted "noise at the receptor site is still projected to be at or below a wide array of existing and approved noise sources." (*See* UCI's Response to 1st NIPA, p. 4). In other words, the sound to be made from the ballistics testing, at the testing receptors, was equal to or less than that produced by the firing of a legal big game hunting rifle.

For noise impact mitigation, UCI proposed a procedure similar to that used and approved by the Agency for local mining operations. Furthermore, the result of UCI's studies and research found that "[b]ased on existing data and assessment, noise levels are not anticipated to exceed those produced by blast operations currently occurring one mile from the proposed site of the firing range." (*See* UCI's Response to 1st NIPA, p. 5).

Second Notice of Incomplete Permit Application

The Agency's *Second Notice of Incomplete Permit Application* (hereinafter referred to as the "2nd NIPA") was issued on January 13, 2022. A copy of the 2nd NIPA is annexed hereto as **Attachment B**. Without a coherent, scientific, or factually based rationale, Agency Staff disputed UCI's calculated noise pressure level for the noise source and requested "a more complete noise assessment report" to include all potential noise receptors within a minimum 2.0-mile radius from the munition firing source of 185 dBa. Agency Staff opined that the revised assessment report "should provide a detailed evaluation of the potential noise impacts to these receptors with respect to ambient sound pressure level." (*See* Attachment B, p. 2). In response, on February 11, 2022, UCI submitted a comprehensive response to the 2nd NIPA (hereinafter referred to as "UCI's

Response to 2nd NIPA"). Therein, UCI provided a revised sound map with an increased impulse noise value of 185 dB(A). (*See* UCI's Response to 2nd NIPA, Attachment A).

On March 1, 2022, by letter, Agency Staff requested supplemental information. A copy of this letter is annexed hereto as **Attachment C**. On May 12, 2022, UCI provided supplemental responses to Agency Staff's March 1, 2022 request (hereinafter referred to as "UCI's Supplemental Response"). UCI's Supplemental Response included an updated noise assessment indicating an ambient noise level at the Pulsifer residence of 80 dB based on that receptor's proximity to a sawmill and diesel truck refueling site. (*See* UCI's Supplemental Response, p. 3, Appendix D). The updated noise assessment included a detailed paragraph-by-paragraph breakdown of the computations, reasons for their selection, and explanation of the methodology used to conclude the impulse noise from the ballistic testing will not exceed the ambient noise level at the nearest off-site residence. (*See id.*, pp. 12-33, Appendix D). The supplemental response also provided Agency Staff with UCI's *Sound Mitigation and Control Annex of the Security and Safety Plan* concerning the proposed project. (*See id.*, pp. 4-6).

Third Notice of Incomplete Permit Application

Agency Staff's *Third Notice of Incomplete Permit Application* (hereinafter referred to as the "3rd NIPA") was issued on June 6, 2022. A copy of the 3rd NIPA is annexed hereto as **Attachment D**. Alarmingly, in the 3rd NIPA, Agency Staff expressly stated, with emphasis, that "based on potential noise impacts alone, absent revisions to the project proposal, the project *does not meet the criteria for issuance of a permit under Agency law.*" (*See* Attachment D, p.4.).

First, as a matter of law, Agency Staff lacks the power to decide whether a permit application should be granted or denied. Agency Staff's duty is to review the project application and determine when it is complete and, if appropriate, provide recommendations to the regulatory

committee based on a complete application. Second, Agency Staff made this conclusion before it had even deemed the application complete for review. In contradictory fashion, Agency Staff asserted its disapproval of the project while at the same time taking the position that UCI had not provided enough information to have the application ready for review. Notably, Agency Staff offered no reasoned basis for its conclusion that the "potential noise impacts alone" warrant a denial of the application.

Agency Staff's adverse perception of the project suggested what UCI has long suspected—that Agency Staff has a predisposition toward the proposed ballistic testing that it will produce noise that will cause unacceptable adverse impacts on the environment and neighboring properties. With the issuance of the 3rd NIPA, UCI became increasingly concerned that Agency Staff tended to notice only certain aspects of the project while ignoring other details (details that support approval of the project application) or that Agency Staff did not fully comprehend the science of sound and sound acoustics being presented and relied upon by UCI. In effect, Agency Staff was capriciously and arbitrarily disregarding information provided by UCI, or drawing conclusions divorced from both science and reality.

In response to Agency Staff's inappropriate and premature finding, UCI replied "[t]here is no basis at this stage of the application process for Agency Staff to come to the underscored conclusion that the project does not meet the criteria for issuance of a permit 'based on the potential noise impacts alone' or otherwise. It is apparent from the Third Notice of Incomplete Application that Agency Staff members, themselves, believe more information is needed to properly review and assess UCI's project application. The precipitous conclusion that the application will be denied is a cause for concern that Agency Staff may be straying from the rational and logical model of decision making embodied in Agency regulations to a predisposed decision-making model

where decisions are made based on personal preferences and opinions regardless of the data and whether or not the decision is actually right." (*See* UCI's Response to 3rd NIPA).

In line with Agency Staff's expressed disposition, Agency Staff once again disagreed with UCI's estimation of the sound pressure level for the noise source in the 3rd NIPA. No rationale was provided for this disagreement. In spite of UCI supplying external documents recognized by qualified engineers and scientists supporting the sound pressure level estimations, Agency Staff provided no coherent reason for its rejection of UCI's estimations. Agency Staff again requested a revised sound assessment and noise mitigation plan. (*See* Attachment D, Comment 2.)

On February 28, 2023, UCI supplied responsive documents to the 3rd NIPA (hereinafter referred to as "UCI's Response to 3rd NIPA"). Included in UCI's response was a sound study prepared by H2H Geoscience Engineering, PLLC (hereinafter referred to as "H2H") in accordance with the requirements set forth by Agency Staff and the DEC. H2H is a recognized and respected engineering firm that has regularly presented information to the Agency and other State agencies and has extensive scientific and technical expertise in the science of sound, well in excess of that residing within the Agency. Agency Staff nonetheless was provided the opportunity to review and accept the proposed test plan prepared by H2H. Agency Staff, with minor and irrelevant modifications, approved this plan prior to its implementation. H2H then conducted sound level monitoring on December 20, 2022, and December 21, 2022, at five Agency-approved sound level monitoring locations surrounding the project site to best determine ambient sound level conditions in the area.

H2H's February 2023 Sound Study determined the modeled impulse sound level produced by two test shots per day from the Sound Source (M109, 155mm Field Howitzer) would produce a modeled change in ambient sound level below 3 dB at monitoring locations M-1, M-2, M-3, and

M-4, indicating no appreciable change to ambient sound levels at all identity residential receptors. There were no appreciable changes to the ambient sound levels at four of the five State Land parcels classified as Wild Forest. (*See* February 2023 Sound Study, p. 8). Receptor R-43 in State Wild Forest land, which has no identified public trails or other means of public access and is adjacent to the firing pad, showed a modeled impulse sound level of 107 dB(a). (*See id.*). H2H noted this is 26 dB less than the 133 dB limit for rock mining air blasts measured at the closest structure outside permitted areas that applies to the nearby mining operations during blasting, which are adjacent to lands classified as Wilderness – the most protected and restrictive State land classification. (*See id.*, p. 10). In its February 2023 report, H2H concluded "the proposed project does not pose a potentially significant environmental impact due to an increase in sound levels at receptors in the area." (*See id.*). Agency Staff offered no recognized studies nor technical papers accepted by the science and engineering communities to challenge H2H's conclusion.

Fourth Notice of Incomplete Permit Application

Agency Staff's *Fourth Notice of Incomplete Permit Application* (hereinafter referred to as the "4th NIPA") was issued on March 16, 2023. A copy of the 4th NIPA is annexed hereto as **Attachment E**. Agency Staff again disagreed with UCI's supplied documents and calculations and irrationally, and without explanation, characterized H2H's February 2023 sound study as "unacceptable." (*See* Attachment E, Comment 2). At this juncture, UCI and its project team determined that Agency Staff was requesting immaterial information or repeating its numerous requests for pertinent information simply to make more requests and perhaps prolong the application process, or Agency Staff was making such requests because it did not comprehend the science and did not know what questions to ask.

On July 31, 2023, UCI submitted responsive documents to the 4th NIPA (hereinafter referred to as "UCI's Response to 4th NIPA"). UCI noted that there was a transcription error in H2H's report concerning sound power levels between dB and dB(A) and further explained how the Norwegian Defense Research Establishments study is one of the only detailed sources of information available concerning sound pressure levels from howitzers. (*See* UCI's Response to 4th NIPA, p. 4).

On August 16, 2023, by letter, Agency Staff requested further information concerning noise mitigation measures and sound pressure level calculations. A copy of this letter is annexed hereto as **Attachment F**. On December 15, 2023, UCI submitted responsive documents (hereinafter referred to as "UCI's Second Supplemental Response"). UCI's Second Supplemental Response contained H2H's September 2023 Sound Study.

Although further noise mitigation efforts were not and are not necessary, as explained to Agency Staff by UCI in prior submissions, UCI proposed installation of a semi-permanent 13-feet tall berm along the firing pad and provided H2H's revised sound study to include the effect of the mitigation feature on sound levels at the receptors. (*See* UCI's Second Supplemental Response, p. 1, H2H's September 2023 Sound Study). The purpose of the implementation of a berm in the project design was simply to appease Agency Staff. Agency Staff continued to demand more mitigation without specifying why or the objective. In effect, Agency Staff demanded a burdensome task of making the berm higher without ever stating why or how high, creating a situation where no answer would ever be acceptable, seemingly designed to extend the application process, to delay final review and discourage further action by UCI.

Notwithstanding the foregoing, the modeled change in ambient sound levels at all identified residential receptors (M-1, M-2, M-3 and M-4) with the sound mitigation berm are

below 3 dB(A). (*See* September 2023 Sound Study, pp. 9-10). There were no appreciable changes to the ambient sound levels at four of the five State Land parcels identified as Wild Forest. (*See* September 2023 Sound Study, pp. 9-10). Receptor M-5 at parcel R-45 (State Land identified as Wild Forest) adjacent to the firing pad showed a modeled impulse sound level of 100 dB(A) with the sound mitigation berm. (*See id.*). Based on the information presented in the report, H2H again concluded "the proposed project does not pose a potentially significant environmental impact due to an increase in sound levels at receptors in the area." (*See id.*, p. 12).

UCI also explained in its supplemental response that temperature and humidity create minimal fluctuations on modeled sound levels at the receptors. UCI included a table prepared by H2H which evaluated five different weather condition testing scenarios: the lowest being 41°F at 0% humidity and the highest being 95°F at 95% humidity. Based on the evaluations, 3 dB(A) is the greatest sound pressure variance. The average weather conditions of 68°F at 70% humidity was, thus, used in the Sound Study. (*See* UCI's Second Supplemental Response, pp. 1-2). UCI further explained in the supplemental response, using H2H tables and calculations, how the data supplied was uncorrected and provides worst-case scenario results. UCI also clarified to Agency Staff the DEC Mine Land Reclamation Permit dB pressure level requirements. (*See id.*, pp. 2-6).

On January 2, 2024, Agency Staff issued the *Fifth Notice of Incomplete Permit Application* (hereinafter referred to as the "5th NIPA"). A copy of the 5th NIPA is annexed hereto as **Attachment G**.

ANALYSIS

Below, those portions labeled "Comment" are taken directly from the 5th NIPA (Attachment G). The "Objection" that follows each Comment provides justification for the Agency Board to render a determination that the particular Comment is unnecessary and no response is needed.

A. Comment No. 1 (p. 2):

- Comment: The provided materials include a revised sound study prepared by H2H Geoscience Engineering PLLC (referred to herein as the Revised Noise Analysis). The noise modeling included in the Revised Noise Analysis utilizes receptor distance measurements from the proposed gravel pad, but does not clarify which portion of the 100-foot by 100-foot pad the measurements are made from, e.g. at the nearest edge or corner of the gravel pad, the center, or the furthest edge. Varying the location of the howitzer assembly on the gravel pad and the corresponding receptor distance could result in a discrepancy of 141-feet (hypotenuse of pad), which could skew or reduce the estimated sound pressure level in inverse proportion to the square of the distance or 6 dB at 100 feet. As stated in UCI's February 28, 2023, response to the Agency's Third NIPA, '…the specific placement of instrumentation and test articles will vary within a general range based on test requirements. All instrumentation and test articles are portable and will be emplaced before and after each test. As no permanent structures will be deployed, exact position of placement may vary each time.'

  Objection: **With this comment, Agency Staff ignores previously submitted information and things and wrongfully concludes more information is needed. As put forth in previous submissions, the 155 mm howitzer barrel assembly will be located in the center of the 100-foot by 100-foot firing pad. The center of the 100-foot by 100-foot firing pad was used as the sound source in the sound propagation model. However, moving the sound source to the end of the gravel pad (a maximum of 70 feet toward a receptor) has negligible effects on the projected sound level due to the distance from the sound source to each monitoring location.**

- Comment: Please provide cross-section sheet(s) depicting the proposed typical M109 155 mm howitzer and assembly set up to be utilized on site, including all proposed instrumentation and test articles, that is drawn to scale and depicts howitzer barrel and assembly dimensions and muzzle location. Please label the location of the noise source and its associated sound pressure level source height as measured from the finished grade of the pad."

  Objection: **This request is redundant as UCI has provided the information sought in response to previous NIPAs. For example, UCI has already provided information concerning the height of the sound source, on page 8 of Appendix D to H2H's September 2023 Sound Study. This Study specifies "a Sound Source height of 6.5 feet." Additionally, the request, in part, seeks irrelevant or immaterial information. The sound created by the firing of a howitzer has been established by UCI. A depiction of a 155 mm howitzer and assembly dimensions of its barrel do not need to be known to consider and accept UCI's sound studies. UCI and its Project Team do not understand how having cross-section sheets depicting a "typical howitzer and assembly set up" will assist Agency Staff and the Agency Board in reviewing the application. Again, UCI has repeatedly provided the location of the sound source. The timing of this**

request is also troubling. This application has been pending for years. Agency Staff never requested such information about howitzers. Notwithstanding the foregoing, the information Agency Staff seeks regarding the instrumentation and test articles to be used and the howitzer assembly is information proprietary to UCI as well as sensitive national security information which UCI is not at liberty to release. This had been made known to Agency Staff in previous discussions. Agency Staff noted that they could not protect sensitive information and, therefore, it should not be provided.

Comment: To allow for review of worst-case scenario noise impacts, please provide scaled cross-section plan sheet(s) depicting the distance between the closest point of the proposed gravel pad or the noise source, whichever is closer, to each of M1-M5, and between the closest point of the proposed gravel pad and the receptor located at the southwest corner of the nearest state land parcel. Please depict the proposed berm on each of these plan sheets.

Objection: For the first time, Agency Staff is requesting cross-section plan sheets requiring measurements from five (5) different locations on the firing pad in relation to each receptor. UCI has said over and over again that the sound source (*i.e.*, the howitzer) will be placed in the center of the firing pad. It will not be placed on different locations of the firing pad. Nonetheless, such requested documents, if supplied, would provide negligible new information for Staff Agency to consider. The studies and science UCI has already provided to Agency Staff demonstrate this.

Without waiving this objection, to demonstrate the negligible effect the location of the sound source on the firing pad has on calculated sound levels at receptors, please see Tables 1 and 2 below reflecting sound pressure levels as calculated from the center and edge (70 feet closer to source) of the firing pad using the following formula (previously used in UCI's Second Supplemental Response):

$$L_p = L_W - \left|10 \cdot \log\left(\frac{Q}{4\pi \cdot r^2}\right)\right|$$

Lp = Sound Pressure Level
Lw = Sound Power level = 163.2 dB(A) (barrel of the M109, 155mm howitzer)
Q = Directivity factor = 2 (Hemispherical Sound Propagation)
r = Distance to source (meters)

Table 1: Sound Source Center of Firing Pad

Calculated Sound Pressure Level at Monitoring Locations

Monitoring Location	Distance From center of grave pad to Monitoring Location (ft.)	Calculated Sound Pressure Level dB(A)
M-1	5,955	90.0
M-2	9,925	85.6
M-3	7,726	87.8
M-4	4,908	91.7
M-5	554	110.7
State Land Corner	350	114.7

Table 2: Sound Source Edge of Firing Pad

Calculated Sound Pressure Level at Monitoring Locations

Monitoring Location	Distance From Closest Edge of gravel pad to Monitoring Location (ft.)	Calculated Sound Pressure Level dB(A)
M-1	5,905	90.1
M-2	9,875	85.6
M-3	7,676	87.8
M-4	4,858	91.8
M-5	504	111.5
State Land Corner	400	113.5

Based on the above, moving the sound source 70 feet to the edge of the firing pad has a maximum increase of 1.2 dB(A) at the Wild Forest Property Corner, 0.8 dB(A) at M-5, and less than 0.1 dB(A) at the remaining monitoring locations. Thus, moving the sound source to the edge of the firing pad "to provide a worst-case scenario," does not have a significant effect on results and producing a revised study is trivial.

Finally, the location of the proposed sound mitigation berm is shown on Figure 2 of H2H's September 2023 Sound Study and the height of said berm is 13 feet as indicated on page 8 of the same study. The information requested was previously provided. A request for the information again will not lead to a different response.

B. Comment No. 2 (p. 2):

- Comment: Please clarify what materials the berm will be constructed with, and any associated stabilization measures and other erosion and sediment controls.

Objection: The proposal for providing a berm to mitigate noise was only provided to appease Agency Staff and is proposed without technical necessity or requirement. Lacking specific technical criteria, this question cannot be

answered. Pending the APA providing specific technical data this question is considered irrelevant.

C. Comment No. 3 (p. 2):

- Comment: Please provide an evaluation of other potential noise mitigation measures, including enclosures and/or silencers ([S]challdampfer). Please explain why none of these other noise mitigation measures are included as part of the proposal.

  Objection: **Agency Staff is effectively dictating the design of the project; a design in which UCI has no intention of adopting. Firing of the 155 mm howitzer assembly within an enclosed structure defeats the purpose of testing the equipment in simulated real-use conditions. Furthermore, installation of a silencer is not only cost prohibitive, but such modification will render test results unusable. Agency Staff's request suggests that Agency Staff does not understand the objective of the ballistic testing UCI intends to conduct, which UCI has repeatedly stated in the application and the applicable responses to the first four NIPAs.**

  Agency Staff is also directing an open-ended unanswerable challenge, that being more mitigation, yet will not identify how much more mitigation is needed or when there is enough, nor explain the reasons why more mitigation is needed. Agency Staff has consistently refused to provide any boundaries to its requirements and repeatedly demonstrated its lack of understanding of the underlying science. In one interaction, an Agency Staff member (reputed to be a technical expert) demonstrated their lack of understanding by attempting to compare the impulse noise of the howitzer with the takeoff noise associated with an F-35 aircraft. When an attempt was made to explain that these were two different and unrelated issues, the Staff member treated the response with contempt and blithely moved on to another topic.

  Furthermore, mitigation measures currently proposed include the remote location of the site, the natural topographic rise between the sound source and all residential receptors, and the construction of a sound mitigation berm. No additional mitigative measures are proposed nor are necessary due to the findings on page 12 of H2H's September 2023 Sound Study wherein "the proposed project does not pose a potential significant environmental impact due to an increase in sound levels at receptors in the area." Agency Staff is making a bald assumption that additional mitigation measures are needed without explanation and fails to realize UCI has already met all regulatory requirements. There is no need to implement additional mitigation measures to achieve already extant standards.

D. Comment No. 4 (pp. 2-3):

- **Comment**: Please explain why there are separate tables, calculations and conclusions made in the UCI written response received on December 7, 2023, that are not included in the Revised Noise Analysis. For example, as indicated in the [sic] Appendix D, Model Data, the noise analysis model input of atmospheric absorption utilizes 20°C (68°F), and 70% humidity, and does not include an evaluation of varying weather conditions. However, UCI's written response does include information on varying weather conditions and provides separate tables, including Table 1 that references the modeled sound levels and states that 'testing is not anticipated to take place under these conditions' referencing temperature 41°F/humidity 0%. Another example of this discrepancy is that the UCI response states "(T)he modeled sound pressure level is 130 dB/107 dB(A) at M-5, and 132 dB and 111 dB(A) at State Land classified as Wild Forest property corner;" however this is not discussed or presented in the Revised Noise Analysis. In addition, the UCI response section references the July 2023 Sound Study and not the Revised Noise Analysis.

  Objection: This is a redundant request. UCI has already provided information to Agency Staff on this matter (*see* UCI's Second Supplemental Response). The information is not included in the September 2023 Sound Study because the analysis in UCI's Second Supplemental Response demonstrates that temperature and humidity do not make a significant impact on results and do not change the study's findings. The July 2023 Sound Study is referenced in the written response only to indicate where information requested by Agency Staff had already been provided.

E. Comment No. 5 (p. 3):

- **Comment**: If testing will not be performed in late fall, winter, or spring conditions when the temperature of 41°F/humidity 0% scenario is a seasonal possibility, please explain why the Revised Noise Analysis included noise monitoring conducted on December 21 and 22, 2022, but model inputs included summer conditions of 20°C (68°F), and 70% humidity.

  Objection: Ambient sound monitoring was conducted December of 2022 to avoid delaying the ambient sound study until spring of 2023. Ambient sound levels will be lower during winter months due to the absence of insects and less animal activity. Snow further dampens sound attenuation. Thus, the ambient sound levels collected during December provide a conservative ambient sound assessment for the tests. Using these more conservative ambient sound levels with modeled summer conditions for the sound study results in more pronounced sound levels in "worst-case" scenario conditions since ambient sound levels will be higher in the summer.

- **Comment:** Please clarify the proposed months of operation and any other proposed atmospheric operating restrictions.

Objection: **Asked and answered. UCI has already provided this information to Agency Staff. Agency Staff's request is attempting to unlawfully dictate the design of the project. Testing will occur year-round to simulate real-use scenarios and conditions. In UCI's Second Supplemental Response, UCI stated that "testing is not anticipated to take place" (emphasis added) when temperatures are 41°F with 0% humidity; however testing could occur. Whether or not a test may occur in specific atmospheric conditions is highly dependent on the parameters of the specific experiment to be undertaken. Thus, UCI is unable to provide Agency Staff with any further proposed testing parameters beyond the information already submitted.**

- **Comment**: Additionally, application materials previously stated that there would be a maximum of two shots fired per day fired for a maximum of three consecutive days, with an average of 30 shots per year, and that shots would occur for a period of five years. The UCI Response received December 15, 2023, states that testing was not anticipated to take place at conditions of 41 degrees Fahrenheit and 0% humidity, and that conditions in the first column of Table 1 are typical for the project site during summer months. Please provide the proposed maximum number of firings per week, month, and year of the testing period.

  Objection: Agency Staff's request is attempting to unlawfully design the project. The nature of the testing and design of experiments make it impossible to predict months in advance the exact day, week or month when a shot may be fired. As included in prior submissions, the average number shots in a year will be 30; the anticipated maximum number of shots per month will be 10; firings will not occur on weekends, holidays or between the hours of 4:00pm and 10:00am. UCI will provide neighbors and local officials with a minimum seven (7) day advanced notice of any testing. Any other schedule will prevent UCI from effectively operating the tests to conduct research.

F. **Comment No. 6 (p. 3)**:

- **Comment**: Please revise Image 1 to depict the location of the 100-foot by 100-foot pad, all state land boundaries, the southwest corner of the nearest state land parcel located approximately 300 feet from the northeast corner of the firing pad, the nearest dwellings (including the Pulsifer residence), receptor locations M1 – M4, and the closest point of the proposed gravel pad or the noise source, whichever is closer, to each receptor.

  Objection: Asked and answered. UCI has already supplied Agency Staff with the requested information in Figure 1, "Site Overview Map," provided in H2H's September 2023 Sound Study.

G. **Comment No. 7 (pp. 3-4)**:

- **Comment**: A Norwegian study titled "Noise emission data for M109, 155 mm field howitzer", prepared by the Norwegian Defense Research Establishment (FFI),

and dated 5 December 2007 (the Norwegian study), is the only source of information included in the application providing noise level data from howitzers. This study includes a noise level of 130.5 dB measured at 803 feet from a howitzer. The Revised Noise Analysis appears to use this 130.5 dB measurement from the Norwegian study to calculate a modeled source noise level for an M109 155 mm howitzer of 180.8 dB. The Revised Noise Analysis then uses 180.8 dB to model noise levels at the M5 receptor on State land as 127 dB, and noise levels at the nearest residence as 100 dB. The Noise Analysis then determines that the 3.5-dB difference between the noise level data in the Norwegian Study and the modeled noise levels at the project site show "correlation within ISO standards."

Objection: Asked and answered. Agency Staff is mischaracterizing or misrepresenting data supplied by UCI in prior responses, as well as conflating sound pressure levels measured in dB as falsely equivalent with dB(A). As previously explained, the human ear is not equally sensitive to sounds of all frequencies. Human hearing is much more sensitive to medium pitches (from 500 Hz to 4,000 Hz) than to very low or very high pitches. A tone measuring 80 dB at 500 Hz (medium pitch) sounds louder to humans than a tone measuring 80 dB at 200 HZ (low pitch). To adjust measured sound pressure levels to mimic human hearing response a frequency weighting is applied to measured/calculated sound pressure levels. A-weighting is the standard frequency weighting used in environmental sound assessments. A-weighting attenuates sound with frequencies below 1000 Hz and above 4000 Hz while amplifying sound between 1000 Hz and 4000 Hz where the human ear is most sensitive.

In prior discussions this issue was raised by UCI and explained to Agency Staff. Unfortunately, Agency Staff fails to understand these nuances, nor even the grosser points of sound propagation and energy transfer. Agency Staff stated these issues were irrelevant and to "follow DEC guidelines" which they acknowledged on several occasions they did not understand in the entirety.

Agency Staff is choosing to focus on sound pressure levels without A-weighting which is misleading when referencing measured/calculated sound pressure levels at receptors. Agency Staff has directed UCI to review and provide a noise impact study based upon the DEC's *Program Policy for Assessing and Mitigating Noise Impacts*. According to this policy "noise is likely to be a matter of concern to residents or users of adjacent lands." (*See* p. 2 "II. Background") (Emphasis added.) Only when "a sound level evaluation indicates that receptors may experience sound levels or characteristics that produce significant noise impacts or impairment of property use" will the DEC require mitigation measures. (*See* p. 4, "III. Policy") (Emphasis added.) Crucially, the noise analysis shall be prepared using an A-weighted decibel scale to determine the "environmental effects of sound and human perceptions of sound." (*See* p. 7, "V. Procedure") (Emphasis added.) Thus, analysis of sound pressure levels from the proposed project should be based upon dB(A).

Agency Staff is characterizing noise levels at the M-5 receptor on State Land as 127 dB and 100 dB at the nearest residence. This is incorrect. The modeled impulse sound pressure level at M-5 is 130 dB/107 dB(A). The modeled impulse sound pressure level at State Land classified as Wild Forest, at its relevant corner, is 132 dB and 111 dB(A). With the additional mitigative effects of the Sound Mitigation Bern, the sound pressure level at M-5 is 124 dB / 100 dB(A) and 127 dB / 102 dB(a) at the State Land classified as Wild Forest, at its relevant corner. The closest inhabited structure to the noise source is the Pulsifer residence (R-1), 5,200 feet to the northeast, and has a modeled impulse sound level of 101 dB / 69 dB(A) with the Sound Mitigation Berm.

Crucially, the debate herein between Agency Staff and UCI on estimated impulse sound pressure levels is for a combined noise event that will be less than 7,500 milliseconds (0.45 seconds) in length over a five-year period. *To repeat, the length of time of sound for all anticipated firings combined to occur within a five-year period will be less than 7,500 milliseconds or 7.5 seconds.*

- Comment: Please provide an explanation of these ISO standards and the asserted correlation, including a clarification of whether the ISO standards are appropriately used in this context. Please also provide any other available documentation confirming that 3.5 dB is appropriately cited as the maximum limit of error for this proposal.

  Objection: **Agency Staff is requesting UCI to explain the standards of the International Organization of Standardization (ISO). An applicant's role is not to educate Agency Staff on the scientific or analytical standards Agency Staff is to employ when reviewing an application. With all due respect, it is expected, indeed, imperative that Agency Staff possess the expertise needed when evaluating a project application. Without an understanding of the standardization of the science being utilized and, in turn, reviewed, Agency Staff cannot be relied upon to perform a true, accurate and legitimate review of a project application.**

  Notwithstanding, Agency Staff is directed to page 6 of H2H's September 2023 Sound Study that explains International Standards Organization ISO 9613-1,2,3 standards are applied. UCI also directs Agency Staff to page 13 of the DEC's *Program Policy for Assessing and Mitigating Noise Impacts* concerning thresholds for significant sound pressure level increase. Therein, "increases ranging from 0-3 dB should have no appreciable effect on receptors. Increases from 3-6 dB may have potential for adverse noise impact only in cases where the most sensitive of receptors are present." (Emphasis added.) Accordingly, a sound pressure level variance of 3.5 dB has no or minimally appreciable effect on receptors.

- Comment: Please confirm through field-verification at an authorized location and through independent third party verifications that 180.8 dB is the noise level produced by M109 155 mm howitzers.

Objection: Overly burdensome, an untimely request, and seeks immaterial information. For the first time Agency Staff is requesting this test. Based on three years of Agency Staff's disputation of the asserted noise level of M109 155 mm howitzers from a respected scientific study, as well as official US Government materials, and taking into considering the effect atmospheric and environmental conditions have on sound pressure levels, any data provided by UCI from an independent test at a different locale is anticipated to be rejected by Agency Staff. Moreover, the cost to perform such a test is prohibitively high and inappropriate.

- Comment: Please note that NYSDEC's Program Policy 'Assessing and Mitigating Noise Impacts' dated October 6, 2000 last revised February 2, 2001 states that 'In determining the potential for an adverse noise impact, consider not only ambient noise levels, but also the existing land use, and whether or not an increased noise level or the introduction of a discernable sound, that is out of character with existing sounds, will be considered annoying or obtrusive.' The approximate noise level of 127 dB does not appear to be in character with the recorded ambient noise level of approximately 37.2 dBA, which per NYSDEC's noise policy, is most similar to wilderness noise levels at approximately 35 dBA.

  Objection: Agency Staff's conclusory comment fails to include or consider impulse noise levels from presently authorized noise sources. In UCI's Response to the First NIPA, UCI noted that impulse noise levels from standard hunting weapons ranges from 160 dB (12-gauge shotgun with an 18.5-inch barrel) to 164 dB (.357 Magnum). Additionally, chainsaws produce continuous noise levels between 105 dB and 120 dB. Naturally occurring lightning strikes and thunder produce an approximate noise level of 120 dB. Thus, the approximate impulse noise level of 127 dB from the proposed tests at State Land classified as Wild Forest, at its relevant corner, is 70-80 dB less than common hunting rifles and only 7 dB louder than a lightning strike (thunder). Agency Staff's current position implies that any impulse noise greater than 35 dB(A) in a wilderness area should not be allowed. If Agency Staff's view was adopted that would result in hunting with firearms being prohibited as an impulse noise source greater than acceptable wilderness ambient noise levels.

H. Comment No. 8 (p. 4):

- Comment: The 'Noise emission data for M109, 155 mm field howitzer' study referenced in the Revised Noise Analysis references a maximum charge of 5 modules DM72 with each module containing 2.44 kilograms propelling charge, while USACHPPM materials referenced in the UCI response received by the Agency July 18, 2022 reference the sound level for a M4A2 zone 7 charge. Please confirm that this will be the maximum charge used. Please also explain how the two charges compare and the effect will have on the level of sound produced.

Objection: Agency Staff is attempting to dictate the design of the project. The design Agency Staff seemingly seeks to be implemented is a design in which UCI has no intention of adopting. Agency Staff is also requesting proprietary and sensitive information UCI is not at liberty to release.

I. Comment No. 9 (p. 4):

- **Comment**: Please provide an updated noise analysis that accounts for the confirmed height of the noise source from the gravel pad and the location of the noise source at the closest point of the gravel pad to each receptor. This updated noise analysis must include all tabular, calculated, and conclusory information included in the latest UCI response, Modal Data in Appendix D, and barrier attenuation calculations that account for the most conservative/worst case scenario height and location of the noise source in relation to each receptor. The updated noise analysis must also account for all proposed months of operation and any proposed atmospheric operating restrictions. In addition, the analysis must include revised tabular information, Modal Data in Appendix D, and barrier attenuation calculations that account for the height and location of the noise source in relation to each receptor, and must include sound pressure levels expressed as both dB and dBA. This updated analysis must include a cover sheet with the seal of a NYS licensed professional engineer.

  Objection: This is an unduly burdensome and untimely request which seeks immaterial information. Agency Staff requests new information not before requested although having ample time and opportunities. Furthermore, if UCI were to comply with this request, any new information provided by such revised noise analysis will be nominal or immaterial (*see* responses to Comment 1, *supra*).

CONCLUSION

In summary, UCI has supplied to Agency Staff extensive scientific data supporting a finding that UCI's proposed project (i) will be quieter on surrounding environments than noise generated by the nearby mining operations during blasting, (ii) will create a combined impulse noise event of *7.5 seconds over a five-year period*, and (iii) does not pose a potentially significant environmental impact due to an increase in sound levels in surrounding land, including those designated Wild Forest. Furthermore, if the Agency were to adopt Agency Staff's present opinion that any impulse noise from a ballistic source near Wild Forest land above 35 dB(A) is

impermissible, such position means all hunting firearms, as an impulse noise source greater than the Agency Staff's acceptable wilderness ambient noise level, are also prohibited.

Based upon the foregoing, UCI respectfully requests that the Agency issue a determination finding that: (1) all requests for information contained in the 5th NIPA are duplicative, unnecessary or moot as all information required for the project application to be complete has been submitted by UCI; (2) certain requests for information contained in the 5th NIPA are lacking relevancy or materiality for purposes of completing the application and therefore must be stricken; (3) certain comments contained in the 5th NIPA must be stricken from the administrative record as they are based upon factual errors; (4) certain comments contained in the 5th NIPA must be stricken from the administrative record as they were made by Agency Staff in an unlawful attempt to issue a *de facto* denial of the application; (5) certain comments contained in the 5th NIPA must be stricken from the administrative record as they were made by Agency Staff in an unlawful attempt to alter or change the proposed project or use, contrary to the intentions of UCI or prejudicial to UCI; (6) UCI's project application is complete; and, (7) pursuant to 9 NYCRR §572.22(h), providing notice of the completeness of the application as required by law and thereafter granting the permit application.

Dated: February 29, 2024

Norfolk Beier PLLC

By: _____
Matthew D. Norfolk, Esq.
Authorized Representative

To: Chairman John Ernst
Dan Wilt, Chair – Committee on Regulatory Programs
Barbara Rice, Executive Director
Sarah Reynolds, Esq., General Counsel
David Plant, Deputy Director for Regulatory Programs

EXHIBIT E

Adirondack Park Agency
DRAFT May MEETING MINUTES

Thursday, May 16, 2024

Agency Members, Designees, and Executive Staff Present:

John Ernst, Chairperson

Brad Austin, ESD
Mark Hall, Member
Art Lussi, Member
Ken Lynch, Member
Matt Tebo, Department of State
Dan Wilt, Member
Randy Young, NYS Department of Environmental Conservation

Barbara Rice, Executive Director
Damion Stodola, Counsel

Absent and Excused
Benita Law-Diao, Member
Zoë Smith, Member

Local Government Review Board Present
Gerald Delaney, Executive Director

1. CALL TO ORDER and 2. WELCOMING REMARKS

The meeting was called to order at 9:32 AM. Chairperson Ernst welcomed the public and staff. Chairperson Ernst reported that the Open Space Institute recently celebrated its 50th anniversary where it honored founders and long-time staff member.

3. PUBLIC COMMENT

Kevin Bean, Supervisor, Town of Johnsburg, read the resolution issued by the Town of Johnsburg in support of Barton Mine after a unanimous vote. The permit for this is under review by the DEC and APA.

4. APPROVAL OF APRIL 18, 2024 AGENCY MEETING MINUTES

On motion of Mark Hall, seconded by John Ernst, the April minutes were, with the amendments noted below, unanimously approved with Randy Young abstaining.

- The second sentence regarding General Permit 2024G-1 indicating that John Ernst seconded the motion was removed because that information was already captured in the first sentence.
- The start time for the Regulatory Programs Committee minutes was changed from "1:30 PM" to "9:48 AM."
- The Regulatory Programs Committee minutes were changed from "(1)P2023-0038 –Horseshoe Pond and Deer River Flow Association (Aaron Ziemann) Aaron Ziemann, Associate Adirondack Park Project Analyst Forest Resources, gave a detailed overview and presentation of the project including review of jurisdiction, conclusions of law, a description and slides of the project location and the existing conditions, site history, proposed project details, visual analysis slides, public comment, review by others, and staff's recommendation and permit conditions" to
  "(1) P2023-0038 – Application for the use of herbicide ProcellaCOR EC in Horseshoe Pond and Deer River Flow Association (Aaron Ziemann) Aaron Ziemann, Associate Adirondack Park Project Analyst Forest Resources, gave a detailed overview and presentation of the project including review of jurisdiction, conclusions of law, a description and slides of the project location and the existing conditions, site history, proposed project details, visual analysis slides, public comment, review by others, and staff's recommendation and permit conditions."

5. RECUSALS

None

6. MOTION FOR EXECUTIVE SESSION

General Counsel Damion Stodola indicated an Executive Session would be appropriate to discuss ongoing and pending litigation. On motion of John Ernst, seconded by Mark Hall, the Agency Board unanimously voted to conduct an executive session for purposes of discussing ongoing and pending litigation.

7. EXECUTIVE DIRECTOR'S REPORT

Executive Director Barbara Rice presented the Executive Director Report, highlights of which included:

- Today is bike to workday, which we are re-naming Bike to Board day. Members and staff met up on the Adirondack Rail Trail to bicycle to the agency in time for the meeting.
- Executive Director Rice expressed condolences to the family, friends, and colleagues of Ranger Robbi Mecus, of the New York State Department of Environmental Conservation who passed away last month following a climbing accident in Alaska.
- Welcomed the first of four interns, Emily Pulcini, who will be interning in the GIS division working closely with Molly Jordan. In the next few weeks, we will be adding interns to our legal, science and economic divisions.
- Congratulations to Ariel Lynch on her promotion to Environmental Program Specialist 3. Ariel has been with the agency since 2007 and has most recently been our expert on the issue of cell towers within the Park.
- Our second Adirondack Planning Forum which took place last month at the Hotel Saranac, hosted 220 local government officials, Adirondack Park citizens, consultants and partner agency representatives. Executive Director Rice thanked Gerald Delaney for bringing his community voice to the welcoming address, and now-former Secretary of State Robert Rodriquez for speaking at our reception. Executive Director Rice also acknowledged the incredible effort that went into planning and executing this year's forum particularly by our Local Government Services staff Robyn Burgess and Kate-Lyn Knight.
- Governor Hochul announced big funding wins for Adirondack communities in this year's Smart Growth Grant Program Awards. 36 Adirondack Park projects netted over $4.3 million in funding to be put toward important projects like affordable housing, climate change mitigation, green energy infrastructure and community recreation.
- We welcomed students from Allendale Columbia School in Rochester and North Country Community College to the Agency last month where they learned about the Park and how the APA protects it. Staff, particularly Dave Plante, Deputy Director of Regulatory Programs, went out of their way to provide presentations

to these groups helping the next generation develop a stronger understanding of and connection to the Adirondack Park and our Mission.

- We joined regional agencies, organizations, and business for the first time at Adirondack Day last week, Keith McKeever, Megan Phillips and Ben Brosseau spent the day connecting with legislators and citizens through the legislative office building in Albany allowing for further opportunities for outreach and sharing of our mission with those that may not have engaged with us directly in the past.
- NYS Supreme Court, Appellate Division, Third Judicial Department made a unanimous four to zero decision in favor of the agency in the Lake George ProcellaCOR case. This decision reflected the thoughtful and thorough work completed by the staff and the Board's fair and science-based decision.
- In an effort to improve transparency staff have started a website revamp. We have started to review how we share information through our website and work through challenges utilizing data and best practices to re-align our structure with the content and make it easier to find the information that landowners, communities and other audience need.

8. MOTION TO ADJOURN INTO COMMITTEES

On motion of John Ernst, seconded by Art Lussi, the Agency Board unanimously voted to adjourn to committees at 9:52 AM

State Land Committee

The committee meeting convened at approximately 9:53 AM.

State Land Committee Members Present: Ken Lynch (Chair), Randy Young (DEC) and John Ernst.

Other Members and Designees Present

Brad Austin (ESD), Art Lussi, Matt Tebo (DOS), Dan Wilt

Local Government Review Board Present

Gerald Delaney, Executive Director

Agency Staff Present

Barb Rice, Damion Stodola, Megan Phillips, Kevin Prickett

(1) Planning Division Report (Megan Phillips)

Megan Phillips, Deputy Director for Planning provided an update on recent Planning Division activities to both the state land and park policy and planning committees, highlights of which included:

- The team is very lucky to have Emily Pulcini join the GIS team an intern.
- Congratulated Local Government Services staff, Robyn Burgess, and Kate-Lyn Knight on another successful Adirondack Planning Forum. Attendees also had an opportunity to meet with the North Country Economic Development Council and the Department of State to talk about opportunities in NY Forward and DRI programs.
- 42 Variance referrals have been processed by the Local Government Services team so far in 2024 from local Agency approved land use programs. Staff process approximately 100 variance referrals a year and typically only reverse 2-4 of those.
- There is a new funding opportunity to implement options for strategies for reducing road salt use. The DECs Water Quality Improvement Grant and the Non-Agricultural Non-Point Source Planning Grant opportunities are currently open and the deadline for applications is July 31 by 4:00 PM.
- The DEC released an advanced notice on potential rulemaking to solicit feedback on an update to the State's Water Quality Standards. This is the process by which the DEC will consider setting chloride standards for the protection of aquatic life.
- Phase 2 of the Rail Trail is now closed to the public while it is under construction. Phase 3 is currently out to bid with the bid opening scheduled for May 22, construction slated to start in July.

2. Cranberry Lake Campground Unit Management Plan Amendment (Oliver Miller, DEC, and Kevin Prickett, APA)

   Oliver Miller, Environmental Protection Specialist 1 at the NYS Department of Environmental Conservation presented the proposed plan for a draft amendment to the Unit Management Plan for the campground at Cranberry Lake to allow for the creation of a playground in space previously occupied by an amphitheater. Staff highlighted the multiple options for surfacing and location that were considered for the project.

   Kevin Prickett, Environmental Protection Specialist 2, shared applicable guidelines from the State Land Master Plan for this project, specifically those for intensive use areas and public campgrounds.

On a motion of John Ernst, seconded by Randy Young, the committee unanimously recommended this project be authorized for a joint comment period with DEC.

Old Business

None

New Business

None

Committee Adjourned at 10:27 AM

Park Policy & Planning Committee
The committee meeting convened at approximately 10:28 AM.

Park Policy & Planning Committee Members Present: John Ernst (stepping in for Chair, Benita Law-Diao), Mark Hall and Brad Austin (ESD)

Other Members and Designees Present

Art Lussi, Ken Lynch, Matt Tebo (DOS), Dan Wilt, Randy Young

Local Government Review Board Present

Gerald Delaney, Executive Director

Agency Staff Present

Barb Rice, Damion Stodola, Megan Phillips, Kevin Prickett

1. Housing in the Adirondacks
   Beth Gilles, Executive Director of Lake Champlain-Lake George Regional Planning Board and Crystal Loffler from the NYS Office of Homes and Community Renewal provided presentations of their work to assess housing needs within the region and grant programs available to provide funding in support of mitigating the existing housing shortages.

Old Business

None

New Business

None

Committee Adjourned at 11:34 AM

Executive Session/Lunch

Because no action was taken, no minutes of the executive session were required or taken.

Regulatory Programs Committee

The committee meeting convened at approximately 1:05 PM.

Regulatory Programs Committee Members Present:

Dan Wilt (Chair), Art Lussi, Ken Lynch, Matt Tebo (DOS)

Other Members and Designees Present:

Brad Austin (ESD), John Ernst, Mark Hall, Randy Young

Local Government Review Board

Gerald Delaney, Executive Director

Agency Staff Present:

Sarah Reynolds, Barb Rice, Damion Stodola, David Plante, Aaron Ziemann, John Burth

(1) Regulatory Programs Division Report (David Plante)

David Plante, Deputy Director of Regulatory Programs and Enforcement provided an update on recent Regulatory Programs activities, highlights of which included:

- As of April 30, 2024, 148 applications have been received which is an increase as compared to this time in 2024 by 44 applications.
- 73 permits have been issued which is less than the 82 issued in 2023 during the same time frame.
- 23 Major Projects have been deemed complete and submitted to the Environmental Notice Bulletin for public comment, which is on par with the 27 completion projects at this time in 2023.
- Lastly, 3 emergency permits/emergency recovery authorizations have been issued thus far in 2024.
- The application form for Commercial Solar Generation Facilities has been updated to include a checkbox for the landowner to allow us to track invasive species on their property and report infestations to iMapInvasives, requirements for additional information related to decommissioning, operations & maintenance plans, battery storage components (if applicable) and requirements for additional

threatened/endangered species and historic resources consultations, as well as a reference to the updated solar project section of the Development in the Adirondack Park (DAP) guidance document. The newly completed form has been uploaded to the Agency website for ease of access by the public.

(2) P2021-0276 – Michael Hopmeier, NIPA Appeal

Dan Wilt, as Chair of the Regulatory Programs Committee, called to order an appeal, pursuant to APA Regulation 572.22, asking the Committee to recommend to the full Board that it reject an action taken by Deputy Director of Regulatory Programs, David Plante, seeking additional information to review the permit application.

Chair Wilt identified the representatives, the time limits for their arguments, and indicated that he would then allow the full Board to ask questions of the representatives.

Matthew Norfolk, of Norfolk Beier PLLC represented the applicant and appellant in this matter, Michael Hopmeier of Unconventional Concepts, Inc. Sarah Reynolds, Associate Counsel for the APA, represented David Plante and his determination in issuing the Fifth Notice of Incompletely Permit Application.

Following the presentations, Chair Wilt opened the floor for questions.

Dan Wilt clarified that the appeal is separate from and did not require a decision on the applicant's permit as it was still not complete. The Agency will make a decision on the permit only after all preliminary steps have been completed. The only matter before the Committee today is the appeal of the Deputy Director's fifth notice of incomplete permit application.
Brad Austin, Randy Young, and Ken Lynch respectively asked questions concerning staff expertise and the agency's ability to hire outside experts; clarifications of the size of the charge used in the testing; and the number of shots proposed to be made in the application. Both Sarah Reynolds and Matthew Norfolk provided answers.
After a final call for questions and hearing none, on motion of Ken Lynch, seconded by Art Lussi, the Regulatory Programs Committee voted unanimously to recommend that the Board deny the appeal.

(3) P20220218 – USL Marina, LLC Permit for expansion of existing marina through installation of a new dock system on Fish Creek Pond.
John Burth, Environmental Program Specialist 3 provided a detailed overview and presentation of the permit application by USL Marina, LLC for expansion of the existing marina through installation of a new dock system on Fish Creek Pond. The presentation included a review of the jurisdiction, conclusions of law, a description of slides of the project location, existing condition, site history, proposed project details,

visual analysis slides, public comment, review by others, and staff recommendations and permit conditions.

On motion of Art Lussi, seconded by Matt Tebo, the committee unanimously recommended the approval of the applications with conditions to the Full Agency Board.

(4) P2024-0040 – Permit for application of herbicide ProcellaCOR EC within four treatment zones in East and West Caroga Lakes, to control Eurasian watermilfoil. Aaron Ziemann, Associate Adirondack Park Project Analyst – Forest Resources, gave a detailed overview and presentation of the application for the use of the herbicide ProcellaCOR EC within four treatment zones in East and West Caroga Lakes to control Eurasian watermilfoil, including review of jurisdiction, conclusions of law, a description and slides of the project location and existing conditions, site history, proposed project details, visual analysis slides, public comment, review by others, and staff's recommendations and permit conditions.

On motion of Art Lussi, and seconded by Ken Lynch, the committee unanimously voted to recommend the approval of the application to the Full Agency Board.

Old Business

None

New Business

None

The Board returned to Full Agency at 3:19 PM

9. Committee Reports

a) State Land Committee

The State Land Committee reported that they heard a presentation from DEC and APA staff recommending that a project at the Cranberry Lake DEC Campground which would require an amendment to the UMP for the construction of a playground. On the motion of Ken Lynch, and seconded by John Ernst, the committee unanimously voted to move this project forward toa period of public comment.

b) Park Policy and Planning

The Park Policy and Planning Committee reported that they received a presentation from the Lake Champlain-Lake George Regional Planning Board and the New York State Office of Homes and Community Renewal highlighting their work to assess housing needs within the region as well as grant opportunities that exist within the state for municipalities to help fund housing creation and rehabilitation of existing homes.

c) Regulatory Programs Committee

Chair Wilt reported that the Regulatory Programs Committee recommended the following actions to the full Board.

P2021-0276 – NIPA appeal. On the motion of Dan Wilt, and seconded Matt Tebo, the Board unanimously denied the applicant's appeal from Deputy Director David Plant's Fifth Notice of Incomplete Permit Application.

P2022-0218 – On the motion of Dan Wilt, and seconded by Art Lussi, the Board voted unanimously to approve this permit application from USL Marina for an expansion of the existing marina and new dock system with the noted conditions.

P2024-0040 –On the motion of Dan Wilt, seconded by John Ernst, the Board voted unanimously to approve this permit for application of the herbicide ProcellaCOR EC to locations in East and West Caroga Lakes with the noted conditions.

d) Local Government Review Board Report
Gerald Delaney APA staff that found the before and after ProcellaCOR video of Lake Luzerne that showed the efficacy of the herbicide on Eurasian watermilfoil.

10. Interim Reports

The Administration, Economic Affairs, Enforcement, Legal Affairs, Local Government Services, Park Ecology and Public Awareness committees did not meet this month.

11. Member Comment

None

12. Old Business

None

13. New Business

None

14. Public Comment

Chris Navitsky, Lake George Water Keeper, presented a statement to the Board in opposition of the use of ProcellaCOR EC for use in Lake George citing recent findings of the Minnesota Department of Agriculture which defined a degraded version of the active ingredient as a PFAS or “forever chemical.”

Claudia Braymer, Protect the Adirondacks!, expressed confusion regarding the jurisdictional threshold of a wetlands review as noted in the presentation for the expansion of the USL Marina on Fish Creek Pond. She also expressed her desire for an adjudicatory hearing on the use of ProcellaCOR.

James Monty spoke in support of the project in Lewis, NY being proposed by Michael Hopmeier/Unconventional Concepts, Inc. and criticized the APA for denying the permit. Damion Stodola, General Counsel, clarified for the commentator that the appeal that was heard today was not a determination of the merits of the permit, which remained incomplete. It was an appeal of a fifth Notice of Incomplete Permit Application (NIPA). The project itself has not been and cannot be decided upon until a complete application is received.

Shaun Gilliland, Supervisor of the Town of Willsboro and Essex County Board of Supervisors Chair also spoke in support of the project being proposed by Michael Hopmeier/Unconventional Concepts, Inc. and its importance for the safety of members of the armed forces.

Helena Rice spoke in objection to the use of ProcellaCOR on Lake George, specifically the area known as Sheep’s Meadow Bay.

[Link to video and audio recordings of the full Agency presentation to be added.]

Chairperson Ernst said that the next meeting will be June 20-21, 2024.

The meeting was adjourned without objection at approximately 4:08 pm.

_____

John Ernst, Chairperson

EXHIBIT F

NEW YORK STATE ADIRONDACK PARK AGENCY

In the Matter of APA Project No. 2021-0276,
Commercial Use – Ballistics Testing Facility
Project Sponsor: Michael Hopmeier of Unconventional Concepts, Inc.

REPLY MEMORANDUM IN SUPPORT OF PROJECT SPONSOR'S APPEAL OF FIFTH NOTICE OF INCOMPLETE APPLICATION

Please take notice that, pursuant to 9 NYCRR §572.22(a), Project Sponsor Michael Hopmeier of Unconventional Concepts, Inc. (hereinafter referred to as "UCI") submits this reply memorandum in support of its appeal of *Fifth Notice of Incomplete Application*, dated January 2, 2024 (hereinafter referred to as the 5th NIPA), an action taken by David J. Plante, Deputy Director of Regulatory Programs of New York State Adirondack Park Agency; and

Please take further notice that this appeal is being filed on behalf of UCI by the law firm of Norfolk Beier PLLC, with Matthew D. Norfolk, Esq. being of counsel, UCI's Authorized Representative herein.

Please take further notice that this appeal seeks a determination finding that: (1) all requests for information contained in the 5th NIPA are duplicative, unnecessary or moot as all information required for the project application to be complete has been submitted by UCI; (2) certain requests for information contained in the 5th NIPA are lacking relevancy to attaining a determination of application completion; (3) certain comments contained in the 5th NIPA must be stricken from the administrative record as they are based upon factual errors; (4) certain comments contained in the 5th NIPA must be stricken from the administrative record as they were made by Agency Staff in an unlawful attempt to issue a *de facto* denial of the application; (5) certain comments contained in the 5th NIPA must be stricken from the administrative record as they were made by Agency Staff in an unlawful attempt to alter or change the proposed project or use,

contrary to the intentions of UCI or prejudicial to UCI; (6) UCI's project application is complete; and, (7) pursuant to 9 NYCRR §572.22(h), providing notice of the completeness of the application as required by law and thereafter granting the permit application.

DECONSTRUCTING AGENCY STAFF'S OPPOSITION

Agency Staff's opposition memorandum, in large part, supports UCI's appeal and demonstrates the redundancy and arbitrary and capricious nature of the questions in its 5th NIPA. Agency Staff's responses to UCI's objections to each question contained in the 5th NIPA are discussed below, starting with Questions 3 and 5, which Agency Staff now deem to be fully answered.[1]

Question 3 of the 5th NIPA

Now, on appeal, Agency Staff deems Question 3 to be satisfactorily answered and no further response needed. Yet, no new information was provided by UCI in its initial appeal papers. UCI put forth its objections and merely stated no additional mitigation is needed, while pointing to its past submissions for support (*see* 1st NIPA response; p.5; 2nd NIPA response, p.4; Addendum to UCI's 2nd NIPA response, pp. 4-6; 3rd NIPA response, 6th p.; 4th NIPA response, p. 5; *see also* H2H Geoscience Engineering, PLLC September 2023 Sound Study submitted, p. 12 (September 2023). This is a prime example of Agency Staff's practice throughout the permit application process – requesting information previously provided.

[1] In its initial appeal papers, UCI collectively refers to Agency Staff's enumerated comments/questions contained in the NIPAs as "Comments." In opposition to UCI's appeal, Agency Staff refers to them as "Questions." To avoid confusion, herein UCI will also collectively refer to the enumerated comments/questions contained in the NIPAs as "Questions."

Question 5 of the 5th NIPA

Similar to how it responded to Question 3 on appeal, Agency Staff deems Question 5 to be satisfactorily answered and no further response needed. Quite telling, it concedes that UCI already answered the question. In its opposition, Agency Staff expressly states it was looking only for "*confirmation*" of an earlier response. Specifically, Agency Staff states in its opposition memorandum, at p. 14:

> **Question 5 of the fifth NIPA requested *confirmation* of the proposed maximum number of shots per week, month, and year, and whether there were any atmospheric conditions under which testing would not occur. The applicant responded to this question on pages 16-17 of the appeal, *confirming* that testing is proposed to occur year-round, with a maximum of 10 shots per month, and with no atmospheric restrictions.** [Emphasis added.]

UCI should not be required to confirm that which it already stated and submitted. Agency Staff has at its disposal the entire record. Additionally, Agency Staff's excuse for Question 5 is not sufficient. Applicants often change their proposed project and information associated therewith. Agency Staff is questioning the truth and veracity of UCI's submissions. This is not within the purview of Agency Staff's review of the application.

Question 1 of the 5th NIPA

The calculations and tabulations contained in UCI's objections to Question 1 provide the same information provided earlier to Agency Staff, just said in a different way, in another attempt to have Agency Staff understand the scientific data and technical information supporting the project application. To our knowledge, Agency Staff has not sought the assistance of a qualified expert for it to accurately interpret and understand information UCI has provided. This is so despite Executive Law §804 authorizing it to contract for professional and technical assistance and advice.

With respect to Agency Staff's claim that UCI has not provided the height of the sound source, this can be found on page 8 of the September 2023 Sound Study prepared by H2H Geoscience Engineering, PLLC ("H2H"). The September 2023 Sound Study was submitted to Agency Staff in response to a letter-request, dated August 16, 2023, from Mr. Fritz Aldinger, Agency Environmental Program Specialist 1. The September Sound Study, at p. 8, 1st paragraph, states, in pertinent part:

> **A receiver height of 5 feet, and *Sound Source height of 6.5 feet is used*. This field howitzer model is typical for its type and would represent the noisiest field howitzer tested on Site. The modeled scenario shows the M109A3GN firing from the Firing Pad (only location Sound Source will be operated) as shown on Figure 2. Appendix D summaries model input data.** [Emphasis added.]

It is disingenuous for Agency Staff to argue that the sound source height was not provided nor "used in noise analysis." (*See* Agency Staff Memorandum, p. 15, 1st ¶.) Again. it is not the applicant's responsibility to direct Agency Staff to a particular part of the record to see information already provided.

Turning to Agency Staff's claim that UCI never provided information regarding the sound source being in the center of the 100-foot by 100-foot firing pad, this is without merit. At the in-person meeting with Agency Staff on July 25, 2022, Mr. Hopmeier explained that the howitzer, the sound source, would be in the center of the pad.

Notwithstanding the foregoing, UCI's September 2023 Sound Study prepared by H2H states that the distances from the sound source (*i.e.*, the howitzer) to the sound receptors was measured from the firing pad. In other words, the measurements were from the edge of the firing pad closest to the sound receptor. Obviously, the edge of the square 100' x 100' firing pad is closer to a sound receptor than the center of the firing pad, a distance of 50'. This is a *de minimis* difference in distance regardless what sound receptor is used in the calculation. A qualified sound

engineer would know this. Nonetheless, the edge of the firing pad closets to any particular sound receptor is a distance less than that from the center of the pad resulting in a "worse case scenario," undefined standard Agency Stuff regularly uses.

But, it bears repeating. The distance between sound receptors measured from the center of the firing pad and the edge of the pad is *de minimis*. The closest sound receptor (Monitoring Location M5) is 504' from the edge of the firing pad and 554' from the center of the pad. *See* UCI's December 2023 submission. Thus, there is only a 9.9% difference in distance. The next closest sound receptor is 5,200' away (Monitoring Location M4). *See* December 2023 submission (response to the letter-request, dated August 16, 2023, form Fritz Aldinger Environmental Program Specialist 1). There is only a .01% difference in distance using the center of the firing pad compared to the edge of the pad. The percentage of the difference in distance from the center of the firing pad and edge of the pad for the remaining three (farther away) sound receptors (Monitoring Location M1 (5,905' from firing pad edge), M2 (9,875' from firing pad edge) and M3(7,676' from firing pad edge)) is obviously less – drastically less.

If Agency Staff employed the services of a qualified sound engineer, it would have concluded that the difference in distance to the sound receptors from the center of the firing pad and edge of the firing pad is *de minimis* and should not be a reason to reject H2H's sound study and nit-pick over where the sound source may or may not be on the firing pad.

Question 2 of the 5th NIPA

UCI stated it would construct a berm. A "berm" is defined "as a mound or wall of earth or sand." Merriam-Webster Dictionary. This is common knowledge. That is what UCI's proposed berm will be constructed with. For Agency Staff to ask what materials will be used to construct a berm would cause most reasonable persons' eyes to roll.

Notably, the Agency's own rules and regulations use the term "berm." *See* 9 NYCRR 578.8(i) ("Other regulated activities may introduce or increase toxins, noise and other forms of pollution, remove or reduce vegetation or expose soil to erosion. Such activities include, for example, the operation of all-terrain vehicles and airboats, construction of utilities in existing or new corridors, either overhead or underground, disposal of chemicals, introduction or discharge of pollutants, application of pesticides and other chemicals, disposal of solid wastes, clearcutting or other timber harvesting practices, and construction or removal of groins, bulkheads, *berms* or levies."[Emphasis added.]) The term "berm" is not defined in the Agency's regulations. The drafters did not include a definition presumably because none is needed. A berm is a berm – a mound of earth or soil or sand. It is unreasonable for Agency Staff to ask UCI to "clarify what materials the berms will be constructed with."

Furthermore, Agency Staff claims no information was provided as to the location of the berm. This is wrong. UCI expressly states where the berm will be located; that is, "along the northern boundary line of the Firing Pad." *See* UCI's response December 2023. Moreover, in "Figure -2 Site Map" of UCI's September 2023 Sound Study it depicts to scale in yellow, having a dog-leg left shape, the berm wrapping around the eastern and northern boundary of the firing pad. To be candid, this is a gross oversight by Agency Staff and causes UCI to again have much concern about Agency Staff's attention to detail, knowledge of the record and competency in interpreting basic maps.

Question 6 of the 5th NIPA

Deeming a permit application to be incomplete purportedly because an image or map has illegible markings or faint colors is an unreasonable basis, tiptoeing near misuse of statutory

authority. An email or telephone call from Agency Staff to the applicant or authorized representative would have resolved the issue.

In any event, Agency Staff is asking the Agency Board to affirm the need for a "revision to "Image 1." Such affirmation is not necessary. Image 1 provided by UCI is legible and easy to interpret. Notwithstanding this, UCI shall provide a new copy of Image 1

Question 7 of the 5th NIPA

Agency Staff's request for information in Question 7 of the 5th NIPA is a result of it not having qualified and able experts well-versed in the science and study of sound, whether in-house or through third-party contracts. Agency Staff is having difficulty understanding why UCI is employing International Organization of Standardization ("ISO") standards when, according to Agency Staff, "ISO standards have not been used in relation to other recent commercial and mining projects in the Park." *See* Agency Staff memorandum, p. 18. Agency Staff is effectively conceding it has no experience with ISO standards nor the method of their application. As a consequence, Agency Staff unabashedly requests UCI to explain what ISO standards are and why they exist and how they are interpreted and applied to UCI's studies. Question 7 states, in pertinent part, "[p]lease provide an explanation these ISO standards." UCI, as an applicant, has no obligation to explain to Agency Staff what ISO standards are nor how they are applied.

Moreover, without expertise in the field of sound science, Agency Staff cannot understand the 2007 Norwegian Study nor how UCI use it to measure the sound level at the sound source location (location of the howitzer) as explained in UCI's response to the 4th NIPA and prior submissions. Years into this application, Agency Staff is still asking for *confirmation* of the noise level produced by a howitzer.

Agency Staff must be educated in some manner not involving UCI. Agency Staff should have retained and should now retain a third party expert to assist it with UCI's application and certainly have the third party expert present the application to the Agency Board. UCI fears Agency Staff will not accurately present the science and data to the Board. UCI hereby requests an expert in the field of sound present the application to the Agency Board when the time comes for the Board to take action.

The remaining requests in Question 7 ask UCI to *confirm* that the information *already provided* to Agency Staff is accurate. In other words, Agency Staff is repeating a request for information which it already possesses. UCI's response to Question 7 of the 5th NIPA is complete.

Question 8 of the 5th NIPA

Agency Staff baldly asserts that "[t]he charge used in a howitzer may significantly alter the impose noise level produced from firing. *See* Agency Staff memorandum, p. 19. Agency Staff cites no source or authority supporting its conclusion. Agency Staff should be required at oral presentation to explain how it arrived at this conclusion.

Agency Staff is obligated to accept UCI's response to the 4th NIPA where it states the charges used will not exceed the maximum sound level to be produced when the howitzer is fired. It has offered no coherent basis to reject the answer. If Agency Staff had the assistance of an audible engineer it would understand UCI's position.

Question 9 of the 5th NPIA

Agency Staff is requesting another sound study to provide a "worse case scenario," whatever that means, accounting for the height and location of the sound source. UCI has already done this with the September 2023 Sound Study. Measurements were based on the edges of the firing pad and a 6.5 feet sound source (barrel) height. Agency Staff desires UCI to state it again. A qualified audio engineer retained by Agency Staff would not have required this.

Agency Staff's Repeated Request for Engineered Stamped Data

As an initial matter, Agency Staff knows very well that the data provided by UCI has been generated by New York State licensed professional audible engineers, H2H. Moreover, to date Agency Staff has accepted all studies conducted and data offered by H2H, and based all of its NIPAs on the H2H studies and data. Agency Staff is desperately searching for something to support its 5th NIPA.

Notwithstanding the foregoing, UCI shall submit the studies and data again signed and stamped by an engineer from H2H. With this commitment, Agency Staff's request is moot.

CONCLUSION

UCI has supplied to Agency Staff extensive scientific data supporting a finding that UCI's proposed project (i) will be quieter on surrounding environments than noise generated by the nearby mining operations during blasting, (ii) will create a combined impulse noise event of *7.5 seconds over a five-year period*, and (iii) does not pose a potentially significant environmental impact due to an increase in sound levels in surrounding land, including those designated Wild Forest. Nothing more is needed from UCI. And, UCI will produce studies and data signed and stamped by a licensed professional engineer from H2H as requested. Accordingly, the application should be deemed complete, or at least so contingent on stamped studies and data.

Dated: May 15, 2024

Norfolk Beier PLLC



By: _____
Matthew D. Norfolk, Esq.
Authorized Representative

To: Chairman John Ernst
Dan Wilt, Chair – Committee on Regulatory Programs
Barbara Rice, Executive Director
Sarah Reynolds, Esq., General Counsel
David Plant, Deputy Director for Regulatory Programs

EXHIBIT G

NEW YORK STATE OF OPPORTUNITY. Adirondack Park Agency
RECEIVED
Date: June 20, 2025

New York State Adirondack Park Agency
KATHY HOCHUL
Governor
BARBARA RICE
Executive Director

FIFTH NOTICE OF INCOMPLETE PERMIT APPLICATION
APA Project No. 2021-0276

Project Sponsor:	**Authorized Representative:**
Michael Hopmeier 620 Herndon Parkway, Suite 120A Herndon, VA 20170	Matthew D. Norfolk, Esq. 1936 Saranac Ave, Suite 106 Lake Placid, NY 12946

Date Permit Application Received: November 19, 2021
Type of Project: Commercial Use – Munitions testing facility
Location of Project: Town of Lewis, Essex County
Land Use Area: Rural Use
Tax Map No.: 38.1-1-31.000 & 38.1-1-29.000

REQUESTED INFORMATION
APA Project No. 2021-0276

Please submit your response to this Notice by email to frederick.aldinger@apa.ny.gov. All application submissions should be in PDF or similar format and be legible. Electronic copies of plans must be fully scalable.

April 16, 2025

Before addressing each of Staff's requests or comments, to assist Staff in its analysis of Applicant's ("UCI") response to the APA's Fifth Notice of Incomplete Application ("NIPA"), below is a summary and clarification on key aspects of the project Staff has raised concerns over as being inconsistent.

While a number of issues have been raised during this process, ranging from operational impact on the environment to commercial versus urban use of the site, the entire issue appears to have been reduced to one of noise. Our information and point of view can be summarized as follows:

- We are generating less noise (over a five-year period, only 7 and ½ seconds of impulse noise) than sources ranging from chainsaws to an active mine site less than a mile away. The noise to be generated is equivalent to or less than that of a hunting firearm at any of the receptor sites.
- The APA has already approved and sanctioned greater noise generators than proposed here, closer to more sensitive areas, so there is precedent for our approval as we are below the impact of existing permits already issued.

- We have demonstrated, through extensive modeling, analysis and world recognized and accepted methods and research institutions that our presented data is well below any regulatory defined maximums and numerous experts have validated such.
- While Staff and UCI may not agree with regulatory and legislative processes for assessing noise and environmental impact, we have nonetheless followed those processes (specifically NYS DEC and other State mandated procedures and guidance) for determination of data provided. Further analyses, beyond those mandated, merely add to costs, delays and negatively impact the local community as well as the National Security of the United States.

We have gone to great effort to cooperate with Staff and address their concerns and hope this issue can be resolved in the near future.

With regard to responding to the specifics of the NIPA, we respectfully provide the following.

First, there are concerns that the noise level of the sound source has changed throughout the application process. Initially, UCI's application only specified that the range would be used to develop and assess the internal ballistics of various kinetic systems used by the US military to determine the effectiveness of various approaches and techniques used in the manufacturing of cannon barrels. UCI believed it was unnecessary to disclose the exact model of cannon barrel to be tested due, in part, to misplaced negative connotations associated with large caliber military weapons. UCI in subsequent submissions to Staff specified that the intended cannon barrel for testing will be the assembly for 155 mm Howitzers.

Below is a breakdown of how the projected noise level "changed" from the filing of application to present:

- 180 dB (Application p.28)
- 185 dB (Response to 1st NIPA pp. 3, 4) – maximum based on US Amy publication for any Howitzer (not just the type to be tested)
- 183 dB (Response to 1st NIPA p. 4) – applicable to the 155mm howitzer barrel assembly to be tested
- 185 dB (Response to 2nd NIPA) – revised at Staff's request to the higher reported noise level.
- 166.1 dB(A) (Response to supplement to 2nd NIPA p. 3) – revised based on US Army publication for the howitzer assembly to be fired. First time using A-weighted decibels.
- 176 dB(A) (February Sound Study p. 63) – This number was typed in error.
- 180.8 dB / 163.2 dB(A) (Reply to 4th NIPA p. 3) – revised as February Sound Study had transcription error.
- 180.8 dB / 163.2 dB(A) (September Sound Study).

Second, the location and height of the sound source has remained the same throughout the application process. Although, it is apparent that UCI's written submissions had not clearly identified the exact location of the sound source. The sound source, which will be the subject of testing, will be and always remain at the center of the firing pad. UCI will not conduct tests outside the center of the pad. Moreover, the location of the receptors and that of the sound source have not changed in the sound propagation model. The distance from the sound source to each monitoring location listed in Section 3.3 of each sound study is an approximate distance from the receptors to the sound source. The sound propagation calculations use a more exact scale and the distance between each receptor from the sound source is referenced directly from the exported sound propagation model results (Appendix F). *See* Table 1 for the variations in distance.

Table 1: Change in Distance from Receptor to Center of Firing Pad Throughout Submissions

Receptor	**Location**	**Sound Study [Sec. 3.3] (ft.)**	**Sound Study [Appendix F] (m.)**	**Dec. 2023 Response (ft.)**	**Difference (ft.)**
M-1	Residential Receptor R-1	5,800	1,815.25	5,955	+155
M-2	Residential Receptor R-42	9,500	3,025.51	9,925	+425
M-3	Along Route 9	7,700	2,355.21	7,726	+26
M-4	Wild Forest land to Southwest	5,200	1,496.32	4,908	-292
M-5	Wild Forest land to Northeast	510	169.84	554	+44

Third, all supplied sound studies have identified the height of the sound source as 6.6 feet (2 meters). UCI will not change the height over the course of the tests – this is fixed.

Lastly, with respect to the calculated sound pressure levels, below is a chart (Table 2 below) detailing the highest noise pressure level calculated (in dB(A)) in each UCI response, with an explanation of the changes.

Table 2: Change in Calculated Sound Pressure Levels in Submissions.

Receptor	Feb. 2023 Sound Study	Sept. 2023 Sound Study	Sept. 2023 Sound Study	Dec. 2023 Response	Dec. 2023 Response	Dec. 2023 Response
	Table 1[1]	Table 2a[1]	Table 2a[2]	Table 1[2+]	Table 2[1]*	page 3[2]
M-1	75	75	67	67	90	N/A
M-2	71	71	71	71	86	N/A
M-3	73	73	73	73	88	N/A
M-4	79	79	79	79	92	N/A
M-5	107	107	100	100	111	100
State Land Corner[3]	N/A	N/A	N/A	N/A	N/A	102

[1] Without Sound Mitigation Berm
[2] With Sound Mitigation Berm
[3] Added to address APA comment
* Calculated using hemispherical straight line attenuation method
[+] Includes temperature and humidity variables

In summary, below are the calculated sound pressure levels for the project based upon the following parameters:

- Sound Source Noise Level: 180.8 dB / 163.2 dB(A)
- Sound Source Height: 6.6 ft. / 2 m
- Receptor Height: 5 ft.
- Temperature: 68°F / 20°C [yearly average]
- Humidity: 70% [yearly average]
- Wind: 11 mph sustained from noise source
- Ground factor: 0.7 G
- Sound Mitigation Berm in place
- Lowest Recorded Ambient Sound Level at each receptor [see Table 3 (following page)].

Table 3: Final Calculated Projected Sound Pressure Levels.

Receptor	Distance from Center of Pad to Receptor (ft.)	Recorded Ambient Sound Level (dB(A) Leq)	Calculated Impulse Sound Pressure Level (dB(A))	Modeled Ambient Noise (dB(A) Leq)	Change in Ambient Noise (dB(A))
M-1	5,955	56.7	67	56.7	0
M-2	9,925	40.8	71	41.2	0.4
M-3	7,726	59.6	73	59.6	0
M-4	4,908	39.1	79	41.9	2.8
M-5	554	34.7	100	59.7	25
State Land Corner	350	N/A	102	N/A	N/A

1. Staff Request: The provided materials include a revised sound study prepared by H2H Geoscience Engineering PLLC (referred to herein as the Revised Noise Analysis). The noise modeling included in the Revised Noise Analysis utilizes receptor distance measurements from the proposed gravel pad but does not clarify which portion of the 100-foot by 100-foot pad the measurements are made from (e.g. at the nearest edge or corner of the gravel pad, the center, or the furthest edge). Varying the location of the howitzer assembly on the gravel pad and the corresponding receptor distance could result in a discrepancy of 141 feet (hypotenuse of pad), which could skew or reduce the estimated sound pressure level in inverse proportion to the square of the distance or 6 dB at 100 feet. As stated in UCI's February 28, 2023, response to the Agency's Third NIPA, "…the specific placement of instrumentation and test articles will vary within a general range based on test requirements. All instrumentation and test articles are portable and will be emplaced before and after each test. As no permanent structures will be deployed, exact position of placement may vary each time."

Response: The sound source will be fired from the same location in the center of the 100-foot by 100-foot firing pad. The center of the firing pad was used in all prior sound propagation modeling although not explicitly identified in the materials. Moving the sound source to the edge of the pad will be a maximum of 70 feet toward a monitoring location; half the distance if we start in the center, not 141 feet. A 70-foot reduction in distance from the sound source to each monitoring location is used for "Edge of Firing Pad" distances in Table 5 below. As demonstrated below, moving the sound source to the edge of the pad will have negligible effects on the calculated sound pressure level at each monitoring location. (However, again, the sound source will be at the center of the firing pad.)

For this demonstration, the sound pressure levels are calculated using the hemispherical straight-line attenuation method to simplify the comparisons and does not include the sound mitigation berm to show “worst case scenario results”.

$$L_p = L_W - \left|10 \cdot \log\left(\frac{Q}{4\pi \cdot r^2}\right)\right|$$

Lp = Sound Pressure Level
Lw = Sound Power level = 163.2 dB(A) (barrel of the M109, 155mm howitzer)
Q = Directivity Factor = 2 (hemispherical sound propagation)
r = Distance to source (meters)

Table 4:
Calculated Sound Pressure Level at Monitoring Locations from Sound Source at Center of Firing Pad

Monitoring Location	Distance From Center of Firing Pad to Monitoring Location (ft.)	Calculated Sound Pressure Level (dB(A))
M-1	5,955	90.0
M-2	9,925	85.6
M-3	7,726	87.8
M-4	4,908	91.7
M-5	554	110.7
State Land Corner	350	114.7

Table 5:
Calculated Sound Pressure Level at Monitoring Locations from Sound Source at Edge of Firing Pad

Monitoring Location	Distance From Edge of Firing Pad to Monitoring Location (ft.)	Calculated Sound Pressure Level dB(A)
M-1	5,885	90.1
M-2	9,855	85.7
M-3	7,656	87.9
M-4	4,838	91.8
M-5	484	111.8
State Land Corner	280	116.6

In sum, moving the sound source to the edge of the firing pad has a maximum increase of 1.9 dB(A) at the corner of State land classified as Wild Forest, 1.2 dB(A) at M-5, and less than 0.1 dB(A) at the remaining monitoring locations. (However, again, the sound source will be at the center of the firing pad.)

Staff Request: Please provide cross-section sheet(s) depicting the proposed typical M109 155 mm howitzer and assembly set up to be utilized on site, including all proposed instrumentation and test articles, that is drawn to scale and depicts howitzer barrel and assembly dimensions and muzzle location. Please label the location of the noise source and its associated sound pressure level source height as measured from the finished grade of the pad.

Response: The muzzle of the 155 mm howitzer barrel assembly is located 6.6 feet above the ground surface and will be that height for all tests (see September 2023 Sound Study, Page 8, Appendix D). Cross-sections of the 155 mm howitzer barrel assembly, and muzzle location (Sound Source) are shown on Figure 2. The location of "Instrumentation and test articles" will vary and depends solely on details of the experimental set up. All instrumentation will be human-portable, with no single component exceeding 1 cubic meter in volume. Any other instrumentation will be directly attached to the barrel assembly. Instrumentation is not of the size to affect calculated sound levels.

Details of the system, as requested cannot be provided. The information requested is considered Controlled Unclassified Information (CUI) Staff advised that information in support of the application is subject to public review. Therefore, specifics as to the system to be used are not being provided.

Staff Request: To allow for review of worst-case scenario noise impacts, please provide scaled cross-section plan sheet(s) depicting the distance between the closest point of the proposed gravel pad or the noise source, whichever is closer, to each of M1- M5, and between the closest point of the proposed gravel pad and the receptor located at the southwest corner of the nearest state land parcel. Please depict the proposed berm on each of these plan sheets.

Response: As stated above, the sound source will only be fired from the center of the firing pad. Nonetheless, moving the sound source to the edge of the firing pad "to provide a worst-case scenario" does not have a significant effect on results (see response above).

Cross sections from the Sound Source (located at the center of the Firing Pad) to the monitoring locations M-1, M-5 and the Wild Forest property corner (R-46) are included as Figure 1. The Sound Mitigation Berm is shown to scale on Figure 1 & 2.

2. Staff Request: Please clarify what materials the berm will be constructed with, and any associated stabilization measures and other erosion and sediment controls.

Response: The berm will be constructed of dirt from the property and will be vegetated

upon completion. Coverage under the State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity is not required because total disturbance will be under one (1) acre. The DEC has confirmed this.

3. Staff Request: Please provide an evaluation of other potential noise mitigation measures, including enclosures and/or silencers (schalldampfer). Please explain why none of these other noise mitigation measures are included as part of the proposal.

Response: Staff have deemed this comment satisfied as of May 8, 2024. No further response required.

4. Staff Request: Please explain why there are separate tables, calculations and conclusions made in the UCI written response received on December 7, 2023, that are not included in the Revised Noise Analysis. For example, as indicated in the Appendix D, Model Data, the noise analysis model input of atmospheric absorption utilizes 20ºC (68ºF), and 70% humidity, and does not include an evaluation of varying weather conditions. However, UCI's written response does include information on varying weather conditions and provides separate tables, including Table 1 that references the modeled sound levels and states that "testing is not anticipated to take place under these conditions" referencing temperature 41ºF/humidity 0%. Another example of this discrepancy is that the UCI response states "(T)he modeled sound pressure level is 130 dB/107 dB(A) at M-5, and 132 dB and 111 dB(A)at State Land classified as Wild Forest property corner;" however this is not discussed or presented in the Revised Noise Analysis. In addition, the UCI response section references the July 2023 Sound Study and not the Revised Noise Analysis.

Response: UCI included Table 1 in the December 7, 2023, written response to explain how environmental factors have no impact on the study's conclusion. (Reference to a July 2023 Sound Study was a drafting oversight.) Table 2 Modeled M109 Sound Levels (with Sound Mitigation Berm) Varying Atmospheric Conditions has been added on page 9 of the November Sound Study, § 4.3.2. The modeled sound pressure levels (with Sound Mitigation berm) at the Wild Forest Property corner can be found on page 15 of the Sound Study, § 5.0.

In addition, weather conditions will not impact noise attenuation. This is supported by the DEC publication Staff referenced previously. Please see Section V.A. "Environmental Setting and Effects on Noise Levels," on pages 8 through 11, specifically paragraph 3, concerning temperature and humidity.

Furthermore, paragraph 4, "Time of Year," and paragraph 5, "Wind," also identify that

sound pressure levels are not affected by season or direction of wind. A noise source in summer has "the greatest potential for causing annoyance because of open windows, outside activities, etc." This is a subjective factor based on a behavioral response to a noise source which is not scientifically measurable. Nonetheless, the nearest inhabited residence is 1 mile away and is the landowner's residence, and the nearest State land classified as Wild Forest has little to no public use.. Concerning the environmental factor of wind, DEC's noise policy states:

> **[while] it is true that sound levels upwind of a noise source will be reduced, receptors downwind of a noise source will not realize an increase in sound level over that experience at the same distance without wind. This dispels the common belief that sounds levels are increased downwind due to wind carrying noise.**

Per NYSDEC's Program Policy of Assessing and Mitigating Noise Impacts, and UCI's prior modeling of sound pressure levels at various temperatures and humidities, the September 2023 Sound Study utilizing the average temperature and humidity of the project site and a 11-mph wind blowing from the noise source towards receptors is sufficient and does not need to be revised. In sum, UCI's proposal complies with DEC policies and procedures.

5. Staff Request: If testing will not be performed in late fall, winter, or spring conditions when the temperature of 41ºF/humidity 0% scenario is a seasonal possibility, please explain why the Revised Noise Analysis included noise monitoring conducted on December 21 and 22, 2022, but model inputs included summer conditions of 20ºC (68ºF), and 70% humidity. Please clarify the proposed months of operation and any other proposed atmospheric operating restrictions.

   Staff Request: Additionally, application materials previously stated that there would be a maximum of two shots fired per day fired for a maximum of three consecutive days, with an average of 30 shots per year, and that shots would occur for a period of five years. The UCI Response received December 15, 2023, states that testing was not anticipated to take place at conditions of 41 degrees Fahrenheit and 0% humidity, and that conditions in the first column of Table 1 are typical for the project site during summer months. Please provide the proposed maximum number of firings per week, month, and year of the testing period.

Response: Staff have deemed this comment satisfied as of May 8, 2024. No further response is required.

6. Staff Request: Please revise Image 1 to depict the location of the 100-foot by 100-foot pad, all state land boundaries, the southwest corner of the nearest

state land parcel located approximately 300 feet from the northeast corner of the firing pad, the nearest dwellings (including the Pulsifer residence), receptor locations M1 – M4, and the closest point of the proposed gravel pad or the noise source, whichever is closer, to each receptor.

Response: Staff have deemed this comment satisfied. No further response is required.

7. Staff Request: A Norwegian study titled "Noise emission data for M109, 155 mm field howitzer", prepared by the Norwegian Defense Research Establishment (FFI), and dated 5 December 2007 (the Norwegian study), is the only source of information included in the application providing noise level data from howitzers. This study includes a noise level of 130.5 dB measured at 803 feet from a howitzer. The Revised Noise Analysis appears to use this 130.5 dB measurement from the Norwegian study to calculate a modeled source noise level for an M109 155 mm howitzer of 180.8 dB. The Revised Noise Analysis then uses 180.8 dB to model noise levels at the M5 receptor on State land as 127 dB, and noise levels at the nearest residence as 100 dB. The Noise Analysis then determines that the 3.5-dB difference between the noise level data in the Norwegian Study and the modeled noise levels at the project site show "correlation within ISO standards." Please provide an explanation of these ISO standards and the asserted correlation, including a clarification of whether the ISO standards are appropriately used in this context. Please also provide any other available documentation confirming that 3.5 dB is appropriately cited as the maximum limit of error for this proposal.

RESPONSE: The International Standards Organization (ISO) is the premier standards setting and scientific body in the world. It is an independent, non-governmental, international standard development organization composed of representatives from the national standards organizations of member countries. ISO represents the primary source for scientific and technical standards in all fields of science, engineering, technology, research, development, test and evaluation.

ISO was founded on 23 February 1947, and (as of July 2024) it has published over 25,000 international standards covering almost all aspects of technology and manufacturing. It has over 800 technical committees (and subcommittees responsible for standards development.

ISO standards are the *de facto* source for protocols and undisputed array of methods, where applicable, for test and evaluation.

In accordance with ISO standards, the modeled sound pressure level at M-5 is 130 dB / 107 dB(A) and 132 dB / 111 dB(A) at the property corner of State Land classified as Wild Forest. With the additional mitigative effects of the Sound Mitigation Berm (Figure 4) the

sound pressure level at M-5 is 124 dB / 100 dB(A) and 127 dB / 102 dB(A) at the property corner of the State Land classified as Wild Forest. The closest residential structure to the Firing Pad (R-1) is 5,200 ft. northeast with a model impulse sound level of 101dB / 69 dB(A) implementing the Sound Mitigation Berm (Figure 4). During the December 2022 ambient monitoring study truck passes on Hale Hill Road (adjacent to R-1) were frequently measured above 75 dB(A).

The accuracy of a sound propagation model is dependent on the accuracy of the parameters input to the model. The inputs to the sound propagation model are:

- Sound Source Power Level
- Temperature / Humidity
- Topography (responsible for barrier attenuation)
- Ground Factor

The following is a description of how each parameter was determined.

Sound Source Power Level-

The sound power level used in the model is from the Norwegian study titled “Noise emission data for M109, 155 mm field howitzer”. The study was conducted to evaluate the sound emission of a M109, 155mm Field Howitzer (same Sound Source proposed to be used by UCI). The data collected in the study was vetted, approved and used by the Norwegian Defense Estates Agency to determine the sound level produced by a howitzer near military firing ranges and training fields.

Temperature / Humidity-

The attenuation of sound propagating outdoors between a fixed source and receiver fluctuates due to variations in temperature and humidity along the propagation path. To demonstrate how fluctuations in temperature and humidity affect modeled sound levels the following scenarios shown in Table 6, below, were modeled. The first column (Temperature 68ºF / Humidity 70%) represents the conditions used in the sound study and are typical for the project site during summer months. The maximum difference from modeled conditions is 3 dB(A) at M-4 and M-2 (Temperature 41ºF / Humidity 0%) testing is not planned to take place under these conditions.

Table 6: Modeled M109 Sound Levels (with Sound Mitigation Berm) by Temperature and Humidity

Monitoring Location	Molded dB(A) Sound Level				
	Temperature 68°F / Humidity 70% (used in sound study)	Temperature 41°F / Humidity 95%	Temperature 41°F / Humidity 0%	Temperature 95°F / Humidity 0%	Temperature 95°F / Humidity 95%
M-1	67	68	67	66	67
M-2	71	72	74	72	71
M-3	73	74	75	73	73
M-4	80	81	83	82	79
M-5	100	100	101	101	100

Topography –

The topography within the model is based on bare earth DEM from New York State LiDAR data. The accuracy of barrier attenuation in the model is directly related to the topography used. The LiDAR data used has a vertical accuracy of seven inches, providing representative bare earth barrier attenuation in the model.

Ground Factor –

Ground attenuation is how sound is reflected or absorbed by the ground based on sound frequency and ground porosity. Ground attenuation is categorized by three reflecting surfaces:

a) Hard ground - includes paving, water, ice, concrete, and all other ground surfaces having a low porosity. Hard ground will reflect sound. Hard ground is represented by a ground factor of G=0.

b) Porous ground – includes grass, trees or other vegetation, and all other ground surfaces suitable for the growth of vegetation. Porous (soft ground) will absorb sound. Porous ground is represented by a ground factor of G=1.

c) Mixed ground – consists of both hard and porous ground. Mixed ground will absorb or reflect sound based on sound frequency and a ground factor of G ranging from 0 to 1.

The study area is composed of porous ground; a ground factor of G=0.7 is used in each sound propagation model to be conservative.

ISO Acoustics - Attenuation of sound propagation outdoors states under Clause 9, Accuracy and Limitations of the Method (ISO 9613-2:2024), states, “The attenuation of sound propagating outdoors between a fixed source and receiver fluctuates due to

variations in the meteorological conditions along the propagation path. Restricting attention to moderate downwind conditions of propagation, as specified in Clause 5 (Meteorological Conditions), limits the effect of variable meteorological conditions on attenuation to reasonable values." Reasonable values are stated to ±3 dB though can be larger dependent on octave band sound pressure levels.

The accuracy of modeled sound pressure levels is directly related to the accuracy of input parameters. As discussed above, the source sound power level, topography, and ground factor are reflective of real-world conditions onsite and do not introduce inaccuracies within the model that would produce sound pressure levels higher than currently modeled sound pressure levels. Inaccuracies in modeled sound pressure levels at each monitoring location related to meteorological conditions (temperature/humidity) are demonstrated to be ±3 dB (Table 6). When comparing modeled sound pressure levels at the project site to the recorded sound level data in the Norwegian Study the modeled sound pressure levels and recorded sound pressure levels are within 3.5 dB.

> Staff Request: Please confirm through field-verification at an authorized location and through independent third party verifications that 180.8 dB is the noise level produced by M109 155 mm howitzers.

Response: The are two reliable publications which support an estimated 180.8 dB / 163.2 dB(A) noise level, and explained the methodological approach used to reach this calculation. These publications have previously been submitted. The first publication is the Norwegian Study, which professional engineer and weapons design expert, Dr. Bob Dillon, in prior meetings with Staff (his CV is attached as Appendix E to UCI's response to the APA's March 1, 2022, letter), has attested to the publication's authenticity and reasonableness. The second is a publication from the US Army Center for Health Promotion and Preventative Medicine Hearing Conservation Program titled "Noise Levels of Common Army Equipment" (see page 4 of UCI's reply to the First NIPA). This publication identifies the peak pressure level to be 166.1 dB(P) in the fighting compartment, with hatches open, for a self-propelled M109 155mm howitzer and a peak pressure level of 178 dB(P) at the gunner position for a towed 155mm howitzer. As the noise source is only the barrel assembly of the 155mm howitzer, UCI's calculated higher noise level of 180.8 dB / 163.2 dB(A) is reasonable based on the other data supplied.

> Staff Comment: Please note that NYSDEC's Program Policy "Assessing and Mitigating Noise Impacts" dated October 6, 2000 last revised February 2, 2001 states that "In determining the potential for an adverse noise impact, consider not only ambient noise levels, but also the existing land use, and whether or not an increased noise level or the introduction of a discernable sound, that is out of character with existing sounds, will be considered annoying or obtrusive." The approximate noise level of 127 dB does not appear to be in character with the recorded ambient noise level of approximately 37.2 dBA,

which per NYSDEC's noise policy, is most similar to wilderness noise levels at approximately 35 dBA.

Response: UCI has noted that impulse noise levels from lawful firearms used for hunting ranges from 160 dB (12-gauge shotgun with an 18.5-inch barrel) to 164 dB (.357 Magnum). Chainsaws produce continuous noise levels between 105 dB and 120 dB. Naturally occurring thunder produces an approximate noise level of 120 dB. These figures are not A-weighted.

The modeled noise level at the closest corner of State land classified as Wild Forest to the center of the firing pad is 127 dB (102 dB(A)) with the sound mitigation berm. This is 37 dB(A) greater than a noise level of 35 dB(A) but is 37 dB less than common hunting firearms.

For further context, a single shot from the 155mm Howitzer creates 50 milliseconds of impulse sound exposure. There will be 30 shots per year for five years (150 total). This means that over the life of the project (five years), there will be ***7,500 milliseconds*** of impulse sound exposure.

Notwithstanding the above, there are three permitted hard rock mining operations within a 2.1-mile radius of the project site that are also immediately adjacent to State lands classified as Wild Forest. They are all high pressure level noise sources in the vicinity. The continuous noise levels produced by the mining operations far exceed those of UCI's proposed project, and the impulse noise produced by mines is generally the same or greater than a single shot from a 155mm Howitzer.

8. Staff Request: The "Noise emission data for M109, 155 mm field howitzer" study referenced in the Revised Noise Analysis references a maximum charge of 5 modules DM72 with each module containing 2.44 kilograms propelling charge, while USACHPPM materials referenced in the UCI response received by the Agency July 18, 2022 reference the sound level for a M4A2 zone 7 charge. Please confirm that this will be the maximum charge used. Please also explain how the two charges compare and the effect will have on the level of sound produced.

Response: All calculated sound pressure levels submitted by UCI are based on 5 modules DM72 charges with 2.44 kg of propellent. M4A2 zone 7 charges have nominally the same energy and would produce the same calculated sound pressure levels. Any further specific details of the performance of the 155mm Howitzer are sensitive and protected information not available to the APA.

9. Staff Request: Please provide an updated noise analysis that accounts for the confirmed height of the noise source from the gravel pad and the location of

the noise source at the closest point of the gravel pad to each receptor. This updated noise analysis must include all tabular, calculated, and conclusory information included in the latest UCI response, Modal Data in Appendix D, and barrier attenuation calculations that account for the most conservative/worst case scenario height and location of the noise source in relation to each receptor. The updated noise analysis must also account for all proposed months of operation and any proposed atmospheric operating restrictions. In addition, the analysis must include revised tabular information, Modal Data in Appendix D, and barrier attenuation calculations that account for the height and location of the noise source in relation to each receptor, and must include sound pressure levels expressed as both dB and dBA. This updated analysis must include a cover sheet with the seal of a NYS licensed professional engineer.

Response: Staff is requesting an updated noise analysis to include modeling of the noise source from 6 separate locations on the firing pad, in addition to the proposed firing location at the center of the firing pad. However, to achieve viable and repeatable data, the source must stay in the same place between tests and that will be the center of the pad, as mentioned above. These 7 separate modeled scenarios must also include calculations for at least 3 separate noise source heights: the confirmed height of the sound source (6.6 ft.), an unspecified "most conservative" height, and unspecified "worst case scenario" height. Accordingly, 21 modeled scenarios would be needed. To account for weather conditions for all proposed months of operation – which here is year-round – for the 21 modeled scenarios would require an additional 12 analyses, resulting in a total of 252 modeled scenarios. To conduct modeling for the "proposed atmospheric operating restrictions" will require a minimum of 3 different scenarios for each potential month of operation: average monthly condition, plus the warmest and coldest conditions. The total number of modeled scenarios would amount to 756.

Moving the sound source to the edge of the pad will have negligible effects on the calculated sound pressure level at each monitoring location and will never occur during the tests (see response to Comment 1). UCI will not be changing the height of the sound source from 6.6 ft. and UCI's sound propagation model includes atmospheric conditions.

The Sound Source will only be tested from the center of the Firing Pad at a height of 6.6 ft. above grade (Figure 1 & 2). Additional information on attenuating factors included within the model (distance attenuation, atmospheric absorption, ground attenuation, and barrier attenuation) have been added to the November Sound Study, § 4.3. To demonstrate the effect of each attenuating factor used in the model straight line projection sound pressure levels (distance attenuation only), are compared to sound propagation modeled results (November Sound Study, § 4.4. Table 3). The tabular information shows the distance from the Sound Source to each receptor, and attenuation from the Sound Source to each receptor. Modeled Z-weighted sound pressure levels from the Sound Source to receptors (with and without the Sound Mitigation Berm) are shown in Table 4a

of the November Sound Study, § 4.5.1

Norfolk Beier PLLC



By: _____
Matthew D. Norfolk, Esq.
Authorized Representative
On behalf of Michael Hopmeier, Sponsor,
and Unconventional Concepts, Inc., Applicant

SOUND STUDY

UNCONVENTIONAL CONCEPTS, INC.

APA PROJECT #2021-0276

NEW YORK STATE OF OPPORTUNITY. Adirondack Park Agency
RECEIVED
Date: July 10, 2025

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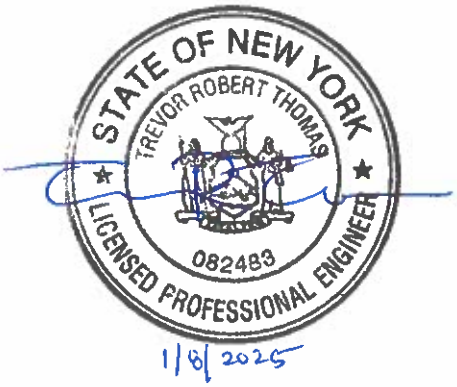

I, Trevor Thomas, a licensed Professional Engineer in the State of New York, hereby certify that the work represented in the document is accurate, in conformance with applicable codes at the time of submission and has been prepared in conformance with normal and customary standards of practice and with a view to the safeguarding of life, health, property and public welfare.

Date:

November 2024

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1.0 INTRODUCTION

Unconventional Concepts, Inc. (UCI) has proposed to the Adirondack Park Agency (APA), an application for the operation of a projectile testing range in Lewis, New York. The range (Site) is at 195 Hale Hill Lane (Figure 1). Bowman Consulting, Engineering, Land Surveying and Landscape Architecture (Bowman) prepared this report to identify and evaluate the potential impacts of off-site sound propagation from the proposed application. The potential sound impacts associated with the application were assessed in accordance with the requirements set forth by the Adirondack Park Agency (APA) and the New York State Department of Environmental Conservation (NYSDEC).

2.0 PROJECT BACKGROUND

UCI is proposing to operate a projectile testing range for use in supporting research and development operations. The range will be developed to assess the internal ballistics of various kinetic systems used by the United States. The focus is to determine the effectiveness of various manufacturing approaches and techniques used in the manufacture of cannon barrels. The goal of the overall project is to decrease the weight of these systems to ensure the most efficient means of manufacturing and recuring cost of ownership, thereby reducing waste and cost, as well as improving performance.

This effort will focus on the test and evaluation of these new systems in support of a critical US Army research program managed by Benét Laboratories at Watervliet Arsenal in Albany, NY. The project will focus on the instrumentation and firing of these systems in a constrained area to allow for measurement and assessment of the internal ballistics and kinetic and kinematic effects of these modern designs.

All test equipment and instrumentation will be portable; equipment will be deployed as needed to the Site for a test and will then be completely removed at the end of the test.

The testing schedule is as follows:

- A shot will only be fired on weekdays between the hours of 10:00 AM and 4:00 PM.
- A maximum of two shots will be fired in one day.
- Shots will be fired a maximum of three consecutive days.
- Testing is anticipated to continue for a period of five years, with an average of 30 shots per year.

The Site is on land owned by Pulsifer Logging, LLC (38.1-1-31.000). UCI is using the land with the landowner's (written) permission. The Sound Source (155 mm howitzer barrel assembly) will be located in the center of a 100 ft. X 100 ft. crushed gravel pad (Firing Pad). A haul truck will be used to transport the barrel assembly to the firing pad. The Operations Control Area is adjacent to the Firing Pad; the Target Area is 625 ft. east of the Firing Pad (Figure 2). The 155 mm howitzer barrel assembly and the Haul Truck are the only sources of sound that could produce a potential signific environmental impact associated with the project.

The Site is accessed via an access road off Hale Hill Road. The area surrounding the Site is heavily forested with a topographic high to the east and south. NYS Route 9 is located approximately 7,000 ft. to the east. Within a two-mile radius of the site (Project Area) forty-four Residential Receptors (RR) were identified. The closest RR is the Pulsifer residents (R-1) 5,200 ft. to the northeast off Hale Hill Road. Five parcels of State Land classified as Wild Forest fall within the two-mile radius; no parcels of State Land classified as Wilderness are within the two-mile radius (Figure 1).

Bowman developed a Scope of Work (SOW) approved by the APA specifying the locations sound level monitoring was conducted. The SOW incorporating the APA's November 28, 2022 comments on the location of Monitoring location M-3 and M-4 is attached as Appendix E.

3.0 SOUND LEVEL MONITORING

Sound level monitoring was conducted by Bowman on December 20, 2022, and December 21, 2022. Monitoring was conducted at the five locations identified in the SOW (Figure 1).

3.1 ENVIRONMENTAL CONDITIONS

Weather data was collected from a weather station located at The Silo (Figure 1).

3.1.1 December 20, 2022

During the study period, the weather conditions included temperatures between 27 °F and 31 °F, winds out of the south between zero and six miles per hour, 70% to 83% humidity, and clear to partly cloudy skies. Roads were dry; six-fourteen inches of fresh snow was on the ground from the previous storm.

3.1.2 December 21, 2022

During the study period, the weather conditions included temperatures between 23 °F and 32 °F, winds out of the southwest between zero and four miles per hour, 75% to 83% humidity, and clear to partly cloudy skies. Roads were dry; six-fourteen inches of fresh snow was on the ground from the previous storm.

3.2 MONITORING EQUIPMENT

Sound level measurements were recorded using calibrated Casella CEL-633 ANSI or Quest SoundPro DL-2-1/3 sound level meters. Each monitor was set to log A-weighted, fast response, at one-second intervals. Each Casella monitor was programed to record audio to aid in identifying sound sources. Each unit was field calibrated before each monitoring event; each unit was also laboratory-qualified, technician calibrated (Appendix B). Each meter was tripod mounted at an approximate height of 5 feet, microphones were covered with windscreens. Monitors were outfitted with external batteries.

3.3 MONITORING LOCATION SOUND LEVELS

Sound levels were collected as discussed in Section 3.2 at each monitoring location between 10:00 a.m. – 4:00 p.m. (proposed testing hours). Sound level data was cleaned to remove anomalous sound sources, and data outside monitoring periods. Staffed sound level monitoring was conducted at each monitoring location to log the relative loudness, and the types of sounds that could be heard at each monitoring location. Photos of each monitoring location are provided in appendix B.

3.3.1 Monitoring Location M-1 –

Monitoring location M-1 is adjacent to Residential Receptor R-1 on Hale Hill Road at elevation 705 ft. amsl. 5,955 ft. from the Firing Pad. This monitoring location will provide ambient sound levels for R-1 (closest Residential Receptor), and the surrounding area of Hale Hill Road.

Ambient sound levels – with normal activities taking place the results of sound monitoring at M-1 were as follow:

December 20, 2022
The source of sound from 10:00 a.m. to 4:00 p.m., listed in order of highest to lowest;

Primary Source –
- Heavy truck traffic on Hale Hill Rd. to Pulsifer Mill,
- Site operations at Pulsifer Mill,

Secondary –
- Aircraft flyover, and
- Wind through foliage.

- One-second sound levels ($L_{eq,\ 1\text{-}sec}$) ranged from 26.1 to 81.1 dBA.
- The average equivalent continuous sound level (L_{eq}) was 56.7 dBA.

December 21, 2022
The source of sound from 10:00 a.m. to 4:00 p.m., listed in order of highest to lowest;

Primary Source –
- Heavy truck traffic to Pulsifer Mill,
- Site operations at Pulsifer Mill,

Secondary –
- Aircraft flyover, and
- Wind through foliage.

- One-second sound levels ($L_{eq,\ 1\text{-}sec}$) ranged from 27.5 to 83.0 dBA.
- The average equivalent continuous sound level (L_{eq}) was 57.2 dBA

3.3.2 Monitoring Location M-2 -

Monitoring Location M-2 is located south of the Firing Pad adjacent to Residential Receptor R-42 on Pulsifer Road at elevation 715 ft. amsl., 9,925 ft. from the Firing Pad. This monitoring location will provide ambient sound levels for the area surrounding Pulsifer Rd.

Ambient sound levels – with normal activities taking place the results of sound monitoring at M-2 were as follow:

December 20, 2022
The source of sound from 10:00 a.m. to 4:00 p.m., listed in order of highest to lowest;

Primary Source –
- Traffic on NYS Route 9 and Pulsifer Road,
- Heavy truck traffic on access road to NYCO Oak Hill Mine,

Secondary –

- Distant mine noise,
- Aircraft flyovers, and
- Wind through foliage.

- One-second sound levels ($L_{eq, 1\text{-}sec}$) ranged from 24.8 to 70.2 dBA.
- The average equivalent continuous sound level (L_{eq}) was 42.5 dBA.

December 21, 2022
The source of sound from 10:00 a.m. to 4:00 p.m., listed in order of highest to lowest;

Primary Source –
- Traffic on NYS Route 9 and Pulsifer Road,
- Heavy truck traffic on access road to NYCO Oak Hill Mine,

Secondary –
- Distant mine noise,
- Aircraft flyovers, and
- Wind through foliage.

- One-second sound levels ($L_{eq, 1\text{-}sec}$) ranged from 25.0 to 70.4 dBA.
- The average equivalent continuous sound level (L_{eq}) was 40.8 dBA

3.3.3 Monitoring Location M-3

Monitoring Location M-3 is located southeast of the Firing Pad along Route 9 at elevation 660 ft. amsl., 7,726 ft. from the firing pad. This monitoring location will provide ambient sound levels for the area along State Route 9 and adjacent commercial area.

Ambient sound levels – with normal activities taking place the results of sound monitoring at M-2 were as follow:

December 20, 2022
The source of sound from 10:00 a.m. to 4:00 p.m., listed in order of highest to lowest;

Primary Source –
- Traffic on NYS Route 9,

Secondary –
- Aircraft flyovers, and
- Wind through foliage.

- One-second sound levels ($L_{eq, 1\text{-}sec}$) ranged from 26.2 to 82.4 dBA.
- The average equivalent continuous sound level (L_{eq}) was 59.6 dBA.

December 21, 2022
The source of sound from 10:00 a.m. to 4:00 p.m., listed in order of highest to lowest;

Primary Source –
- Traffic on NYS Route 9,

Secondary –

- Aircraft flyovers, and
- Wind through foliage.

- One-second sound levels ($L_{eq,\ 1\text{-}sec}$) ranged from 26.1 to 86.2 dBA.
- The average equivalent continuous sound level (L_{eq}) was 61.2 dBA

3.3.4 Monitoring Location M-4

Monitoring Location M-4 is southwest of the Firing Pad next to State Lands classified as Wild Forest at elevation 1,500 ft. amsl., 4,908 ft. from the firing pad. This monitoring location will provide ambient sound levels for land classified as Wild Forest to the southwest

Ambient sound levels – with normal activities taking place the results of sound monitoring at M-2 were as follow:

December 20, 2022
The source of sound from 10:00 a.m. to 4:00 p.m., listed in order of highest to lowest;

Primary Source –
- Occasional birds,
- Recreational use (snowmobiles),

Secondary –
- Aircraft flyovers, and
- Wind through foliage.

- One-second sound levels ($L_{eq,\ 1\text{-}sec}$) ranged from 18.1 to 70.7 dBA.
- The average equivalent continuous sound level (L_{eq}) was 39.1 dBA.

December 21, 2022
The source of sound from 10:00 a.m. to 4:00 p.m., listed in order of highest to lowest;

Primary Source –
- Occasional birds,
- Recreational use (snowmobiles),

Secondary –
- Aircraft flyovers, and
- Wind through foliage.

- One-second sound levels ($L_{eq,\ 1\text{-}sec}$) ranged from 19.5 to 71.4 dBA.
- The average equivalent continuous sound level (L_{eq}) was 40.9 dBA.

3.3.5 Monitoring Location M-5

Monitoring Location M-5 is located northeast of the Firing Pad adjacent to State Lands classified as Wild Forest at elevation 1,380 ft. amsl., 554 ft. from the firing pad. This monitoring location will provide ambient sound levels of land classified as Wild Forest to the northeast.

Ambient sound levels – with normal activities taking place the results of sound monitoring at M-2 were as follow:

December 20, 2022
The source of sound from 10:00 a.m. to 4:00 p.m., listed in order of highest to lowest;

Primary Source –

- Occasional birds,
- Recreational use (snowmobiles),

Secondary –

- Aircraft flyovers, and
- Wind through foliage.

- One-second sound levels ($L_{eq, 1\text{-}sec}$) ranged from 19.6 to 65.2 dBA.
- The average equivalent continuous sound level (L_{eq}) was 37.2 dBA.

December 21, 2022
The source of sound from 10:00 a.m. to 4:00 p.m., listed in order of highest to lowest;

Primary Source –

- Occasional birds,
- Recreational use (snowmobiles),

Secondary –

- Aircraft flyovers, and
- Wind through foliage.

- One-second sound levels ($L_{eq, 1\text{-}sec}$) ranged from 19.8 to 58.1 dBA.
- The average equivalent continuous sound level (L_{eq}) was 34.7 dBA.

4.0 SOUND PROROGATION MODEL

4.1 SOUND SOURCE (M109A3GN 155MM FIELD HOWITZER)

A sound propagation model was developed for the area within a two-mile radius of the Firing Pad using the International Standards Organization ISO 9613 -1,2,3 standards applied in the dBmap.net noise mapping tool. The model accounts for surface reflection and absorption, atmospheric absorption, geometric divergence, weather conditions, topography, and source sound power level.

The sound power level of the Source was calculated based on the sound pressure levels shown in Table E.2 of Appendix E (Noise Emission Data for M109, 155mm Field Howitzer). The goal of the analyses was to develop data that could be used to model the attenuation of sound produced by a howitzer due to the previous lack of available information. The results of the Norwegian Defense Research Establishments (FFI) study demonstrated correlation with their recorded sound levels from the field (data used in Bowmans's analyses) and proved to be suitable for use in the FFI database.

The sound pressure levels shown in Table E.2 were measured at 803 ft. (245 meters) from the sound source by seven sensors positions at increasing angles from the direction of fire. Sensor 1 is positioned 32 degrees from the direction of fire and recorded a sound pressure level of 130.5 dB (loudest recorded sound level across the seven sensors) at 803 ft. (245 meters). The data shown in table E.2 was produced taking the energy mean of 15 shots. Using industry standard calculations, the sound power level at the Sound Source (barrel of the M109, 155mm howitzer) was calculated to be 180.8 dB (163.2 dB(A)). The Sound Source sound level is without ground corrections. Uncorrected data has a higher sound presser level than corrected data providing a conservative sound level model (see Appendix E, Table E.1, free field, compared to Table E.2, without ground correction).

Table 1 Shows the recorded sound pressure level from Table E.2 for each frequency indicated. The sound power level was calculated using the following formula.

$$L_W = L_p + \left|10 \cdot \log\left(\frac{Q}{4\pi \cdot r^2}\right)\right|$$

Lp= Sound Pressure Level = recorded sound pressure level from Table E.2
Lw= Sound Power level
Q= Directivity factor = 1 (Spherical Sound Propagation)
r= distance to source = 245 meters

The calculated A-weighted sound power level was calculated by adding/subtracting the dB(A) Filter to the calculated sound pressure level.

The resulting total sound level 180.8 dB / 163.2 dB(A) is calculated using the formula below and the calculated sound power levels show in Table 1.

$$L_\Sigma = 10 \cdot \log_{10}\left(10^{\frac{L_1}{10}} + 10^{\frac{L_2}{10}} + \cdots + 10^{\frac{L_n}{10}}\right) \text{ dB}$$

Lε = Sum level of sound 180.8 dB(A) / 163.2 dB(A)
L_n = Sound pressure from separate sources

Table 1: Recorded Sound Pressure level / Calculated Sound Source Power level

Frequency (Hz)	**31.5**	**63**	**125**	**250**	**500**	**1000**	**2000**	**4000**	**8000**	**16000**
Recorded M109 Sound Pressure Level (dB) 245 m	120.4	116.5	105.7	90.3	101.2	99.9	96.4	93.1	88.8	86.1
Calculated Sound Power Level (dB)	179.1	175.3	164.5	149.1	160.0	158.7	155.2	151.9	147.6	144.9
Calculated Sound Power Level (dB(A))	139.6	149.1	148.4	140.5	156.8	158.7	156.4	152.9	146.5	138.3
dB(A) Filter	-39.5	-26.2	-16.1	-8.6	-3.2	0	1.2	1	-1.1	-6.6

All input and results of the sound propagation model are attached as Appendix F.

The Image below (Image 1) demonstrates the accuracy of the sound propagation model. Image 1 shows the modeled sound pressure level (not A-weighted) at M-5 (same location as shown on Figure 3) and a receiver located 803 ft. (245 meters) west of the source labeled “Test Point.” The sound source (barrel of the M109, 155mm howitzer (180.8 dB), and all model parameters are unchanged. The Test Point has a modeled sound level of 127 dB; the recorded sound level from Table E.2 of Appendix E is 130.5 dB showing correlation within ISO standards.

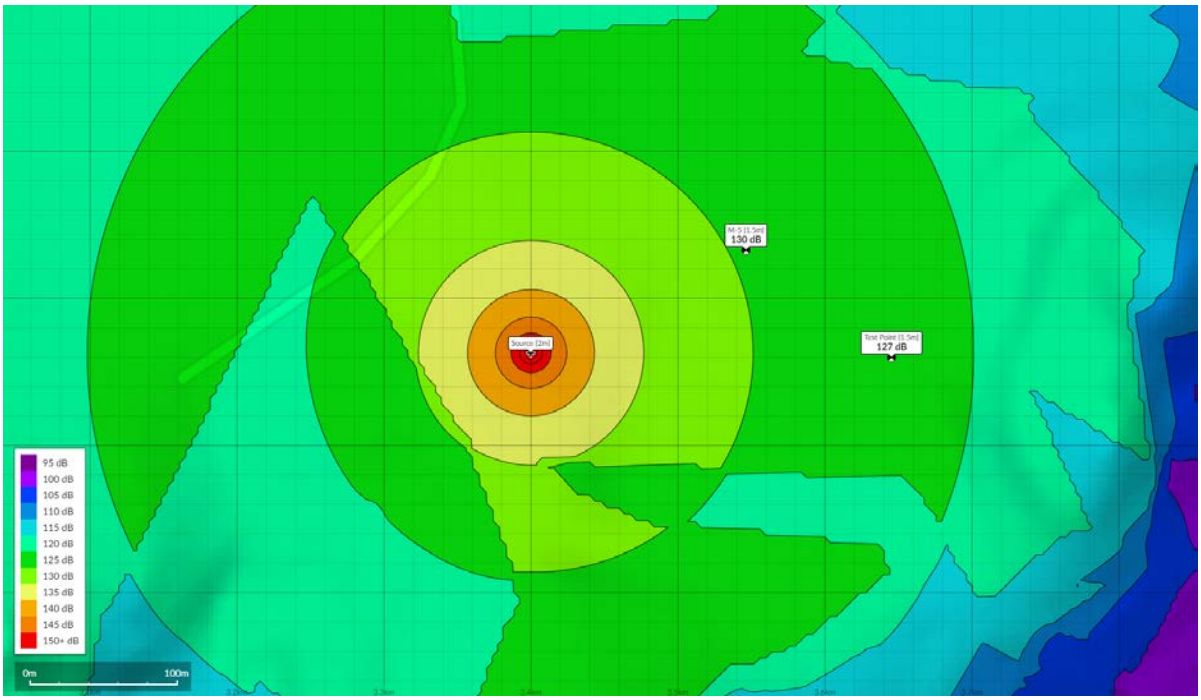


Image 1 – Modeled sound pressure level (not A- weighted) with Test Point

The model assumes moderate downwind propagation (wind direction within an arc of 90 degrees with the wind blowing from the source at 11 M.P.H.), and ground-based temperature inversion. A ground factor of 0.7 G is used to be conservative. A receiver height of 5 feet, and Sound Source height of 6.6 feet is used. This field howitzer model is typical for its type and would represent the noisiest field howitzer tested on Site. The modeled scenario shows the M109A3GN firing from the Firing Pad (only location Sound Source will be operated) as shown on Figure 2. Appendix D summaries model input data.

The sound propagation models show the modeled impulse sound level produced by the Sound Source; the duration of the impulse sound level is approximately 4 milliseconds. Model results are shown without a 13-foot berm (Sound Mitigation Berm) north of the firing pad (Figure 3) and with the Sound Mitigation Berm north of the firing pad (Figure 4). The location of the Sound Mitigation Berm is shown on Figure 1 &2. Sound pressure levels are A-weighted and shown in the form of isolines in 5 dB intervals from 45 dB(A) to 130 dB(A). Modeled sound levels at each monitoring location are labeled.

4.2 40-TON HAUL TRUCK

A sound propagation model was developed for the same two-mile radius of the Firing Pad following the same standards. The model assumes moderate downwind propagation (wind direction within an arc of 90 degrees with the wind blowing from the source at 11 M.P.H.), and ground-based temperature inversion. A ground factor of 0.7 G is used to be conservative. A receiver height of 5 feet, and sound source height of 6.6 feet is used. The sound power level used for the 40-ton Haul Truck (117.6 dB / 115.7 dB(A) is provided in the dBmap database. The Sound Mitigation Berm was not used for the 40-ton haul truck sound propagation model. Appendix D summaries model input data.

The 40-ton Haul Truck being modeled is similar to or louder than the haul truck that will be used to transport the barrel assembly and measurement equipment to the Firing Pad. Figure 5 shows the access road the Haul Truck will be operating on to access the Firing Pad. The Haul Truck was modeled operating at three

locations on the access road that would have the highest modeled sound level at identified receptors due to proximity and topography.

The sound propagation model shows the modeled sound level produced by the 40-ton Haul Truck (Figure 5). Sound levels are A-weighted and shown in the form of isolines in 5 dB intervals from 20 dB(A) to 85 dB(A). Modeled sound levels at each monitoring location are labeled.

4.3 ATTENUATION FACTORS USED IN MODEL

Sound propagation model results are exported in tabular format to demonstrate the effect each attenuating factor has on the total modeled sound levels (Appendix F).

4.3.1 Distance Attenuation (Geometric Divergence)

Geometrical divergence refers to the spherical spreading in the free field from a point sound source (static/mobile equipment). Sound attenuates due to geometric divergence by approximately six dB for each doubling of distance from the source, independent of frequency. Attenuation, in decibels, from geometric divergence is calculated in the model using the following formula:

$$A_{\text{div}} = [20\lg(d/d_0)+11]\text{dB}$$

where

d is the distance from the source to receiver, expressed in meters;
d_o is the reference distance (=1m).

The calculated attenuation due to geometric divergence from each sound source to each receiver is shown under "Receiver Results – Full Detail" heading *Ad* (Appendix F).

4.3.2 Atmospheric Absorption

Atmospheric absorption is how sound attenuates in air based on air temperature, relative humidity, and sound frequency. Attenuation, in decibels, from atmospheric absorption is calculated in the model using the following formula:

$$A_{\text{atm}} = \alpha_{\text{atm}} d / 1000$$

where

d is the distance from the source to the receiver, expressed in meters;
α_{atm} Is the atmospheric attenuation coefficient for each octave band expressed in decibels per kilometer.

Atmospheric absorption is more significant at higher frequencies and long distances, though the effect on the overall sound pressure level is generally insignificant. To demonstrate how varying atmospheric conditions affect modeled sound pressure levels the M109 with Sound Mitigation Berm sound propagation model was run modifying temperatures and relative humidity only (Table 2). The results show that the atmospheric conditions used in the Sound Study (temperature 20ºC / relative humidity 70%) result in sound pressure levels that are a maximum of four dB(A) lower than the worst-case atmospheric conditions (temperature 0ºC / relative humidity 0%) and up to three dB(A) higher than other modeled atmospheric conditions.

It is important to mention that sound modeling typically utilizes a temperature of 68ºF and relative humidity of 70% for atmospheric conditions. It is also important to note that the freezing temperature low humidity scenario is associated with adverse weather conditions when people are not expected to be outdoors or recreating.

Table 2: Modeled M109 Sound Levels (with Sound Mitigation Berm) Varying Atmospheric Conditions

Monitoring Location	Modeled dB(A) Sound Level				
	Temperature 20ºC / Humidity 70%	Temperature 0ºC / Humidity 100%	Temperature 0ºC / Humidity 0%	Temperature 35ºC / Humidity 0%	Temperature 35ºC / Humidity 100%
M-1	67	68	67	66	67
M-2	71	73	74	72	71
M-3	73	74	75	73	73
M-4	79	81	83	82	79
M-5	100	100	101	101	100

The calculated attenuation due to atmospheric absorption from each sound source to each receiver is shown under "Receiver Results – Full Detail" heading *Aa* (Appendix F).

4.3.3 Ground Attenuation (Ground Effect)

Ground attenuation is how sound is reflected or absorbed by the ground based on sound frequency and ground porosity. Ground attenuation is categorized by three reflecting surfaces:

a) Hard ground - includes paving, water, ice, concrete, and all other ground surfaces having a low porosity. Hard ground will reflect sound. Hard ground is represented by a ground factor of G=0.

b) Porous ground – includes grass, trees or other vegetation, and all other ground surfaces suitable for the growth of vegetation. Porous (soft ground) will absorb sound. Porous ground is represented by a ground factor of G=1.

c) Mixed ground – consists of both hard and porous ground. Mixed ground will absorb or reflect sound based on sound frequency and a ground factor of G ranging from 0 to 1.

The study area is composed of mixed ground; a ground factor of G=0.7 is used in each sound propagation model to account for much of the study area being heavily vegetated (soft ground). Depending on sound level frequency, the ground factor will increase or decrease calculated sound levels. The calculated reflection or attenuation due to ground attenuation from each sound source to each receiver is shown under "Receiver Results – Full Detail" heading *Ag* (Appendix F).

4.3.4 Screening (barrier attenuation)

Barrier attenuation is how sound is screened by obstacles (houses, topography, walls, etc.). An object is considered as a screening obstacle when the following requirements are met:

- The surface density is at least 10 kg/m^2;

- The object has a closed surface without large cracks of gaps;
- The horizontal dimension of the object normal to the source-to-receiver line is larger than the acoustic wavelength for the octave band of interest.

The topography (including Sound Mitigation Berm) is the only screening object used in the analysis. The maximum barrier attenuation is 20 dB in the case of a single screen or 25 dB for multiple screens (ground surface). The calculated barrier attenuation from each sound source to each receiver is shown under "Receiver Results – Full Detail" heading *Ab* (Appendix F).

4.4 SOUND PROPAGATION MODEL COMPARISON TO STRAIGHT-LINE PROJECTION METHOD

The 155 mm Howitzer with Sound Mitigation Berm sound propagation model was used to compare straight-line projection method results to sound propagation model results. The sound source is projected to all monitoring locations with the addition of the Wild Forest property corner (Figure 4).

The calculated sound pressure level and attenuation for each sound source across each frequency to each receiver location was exported from the 155 mm Howitzer with Sound Mitigation Berm sound propagation model. Distance attenuation (Column "E") attenuates sound following the invers square law, and generally contributes to the largest attenuation in a sound propagation model if receptors are a great distance from sound sources. Attenuation due to atmospheric absorption (Column "F") varies by frequency and the effect on the overall sound pressure level is generally insignificant. Attenuation from ground effect (Column "G") varies by frequency; low and high frequency sounds are reflected while midrange frequencies are absorbed. Barrier attenuation is dependent on how screened a sound source is from a receiver. Barrier attenuation (column "I") is based on how topography screens each monitoring location (Figure 4).

From the exported data the sound level at each receiver location for the sound source due to attenuation from distance attenuation and weighting only was calculated (column "M") by adding the distance attenuation (column "E") and A-weighting (column "I") to the source sound power level (column "D"). The total modeled sound pressure levels (column "L" and "M") were calculated using the additive effect formula (below) and the data in column "J" and "K" (Table 3).

The straight-line projection method sound levels (column "N") were calculated using the distance from the source to each monitoring location (column "B") and the total sound power levels for the sound source (Table 1 & 3 Attached due to length).

The straight-line projection method for calculating sound attenuation follows the same principle as distance attenuation in a sound propagation model. Attenuation due to distance only in the sound propagation model (column "M") produced the same result as the straight-line projection method under spherical sound propagation (column "N"). The additional attenuation factors (atmospheric absorption column "F", ground effect column "G", and barrier attenuation "H") do not contribute to the same degree as distance attenuation (Table 3 Attached due to length).

4.5 EFFECT ON AMBIENT SOUND LEVELS

4.5.1 Sound Source (M109A3GN 155mm Field Howitzer)

To measure the effect the modeled impulse sound (shot fired from the howitzer) would have on ambient sound levels within the Project Area the following method is used. The recorded sound levels for each monitoring location in Section 3.3 are used as the ambient condition at each monitoring location. The $L_{eq, 1\text{-}sec}$ recorded sound levels were exported to allow each $L_{eq, 1\text{-}sec}$ sound level over the monitoring period (10:00 a.m. to 4:00 p.m.) to be viewed individually. To measure how impulse sound levels would affect the ambient sound level at each monitoring location the modeled impulse sound level without the Sound Mitigation Berm (Figure 3) and with the Sound Mitigation Berm (figure 4) at each monitoring location is input into the ambient data for that monitoring location. This was done twice to model the effect of two impulse sound levels (two shots per day). The results of each modeled scenario are compared to the recorded ambient sound levels in Table 4b (12/20/2022 ambient sound levels) and Table 4c (12/21/2022 ambient sound levels).

Table 4a: 155 mm Howitzer (Sound Source) Modeled Impulse Sound Levels

Monitoring Location	155 mm Howitzer (Sound Source) Without Sound Mitigation Berm		155 mm Howitzer (Sound Source) With Sound Mitigation Berm	
	Modeled Impulse Sound Level dB	Modeled Impulse Sound Level dB(A)	Modeled Impulse Sound Level dB	Modeled Impulse Sound Level dB(A)
M-1	105	75	99	67
M-2	101	71	101	71
M-3	103	73	103	73
M-4	107	79	107	79
M-5	130	107	124	100
Wild Forest Property Corner (R-46)	132	111	127	102

Table 4b: Tuesday, December 20, 2022, Howitzer Modeled Sound Level Summary

Monitoring Location	Recorded Ambient dB(A) Leq	155 mm Howitzer (Sound Source)			155 mm Howitzer (Sound Source) With Sound Mitigation Berm		
		Modeled Impulse Sound Level dB(A)	Modeled Ambient dB(A) Leq	Change from Recorded Ambient dB(A)	Modeled Impulse Sound Level dB(A)	Modeled Ambient dB(A) Leq	Change from Recorded Ambient dB(A)
M-1	57.2	75	57.2	0	67	57.2	0
M-2	42.5	71	42.8	0.3	71	42.8	0.3
M-3	59.6	73	59.6	0	73	59.6	0
M-4	39.1	79	41.9	2.8	79	41.9	2.8
M-5	37.2	107	66.7	29.5	100	59.7	22.5

Table 4c: Wednesday, December 21, 2022, Howitzer Modeled Sound Level Summary

Monitoring Location	Recorded Ambient dB(A) Leq	155 mm Howitzer			155 mm Howitzer (Sound Source) With Sound Mitigation Berm		
		Modeled Impulse Sound Level dB(A)	Modeled Ambient dB(A) Leq	Change from Recorded Ambient dB(A)	Modeled Impulse Sound Level dB(A)	Modeled Ambient dB(A) Leq	Change from Recorded Ambient dB(A)
M-1	56.7	75	56.8	0.1	67	56.7	0
M-2	40.8	71	41.2	0.4	71	41.2	0.4
M-3	61.2	73	61.2	0	73	61.2	0
M-4	40.9	79	42.9	2	79	42.9	2
M-5	34.7	107	66.7	32	100	59.7	25

4.5.2 40-ton Haul Truck

To measure the effect the modeled sound (Haul Truck operating on site access road) would have on ambient sound level within the Project Area the following method is used. The recorded sound levels for each monitoring location in Section 3.3 are used as the ambient condition at each monitoring location. Figure 5 and Table 5a / Table 5b show the modeled sound level at each monitoring location. The modeled sound level is well below the recorded ambient sound level at monitoring location M-1, M-2, M-3, and M-4 showing no potential impact. The modeled sound level at M-5 (66.7 dB(A)) is above the recorded ambient sound level of 34.7 dB(A). To measure how sound levels would affect the ambient sound level at M-5 the modeled sound level (Figure 4) at M-5 is input into the ambient data for that monitoring location. This was done ten times to model the effect of ten haul truck passes. No more than ten haul truck passes are

anticipated per day. The modeled scenario at M-5 is compared to the recorded ambient sound levels in Table 5a (12/20/2022 ambient sound levels) and Table 5b (12/21/2022 ambient sound levels).

Table 5a: Tuesday, December 20, 2022, 40-ton Haul Truck Modeled Sound Level Summary

Monitoring Location	Recorded Ambient dB(A) Leq	40-ton Haul Truck		
		Modeled Sound Level dB(A)	Modeled Ambient dB(A) Leq	Change from Recorded Ambient dB(A)
M-1	57.2	44	-	-
M-2	42.5	20	-	-
M-3	59.6	33	-	-
M-4	39.1	33	-	-
M-5	37.2	60	37.9	0.7

Table 5b: Wednesday, December 21, 2022, 40-ton Haul Truck Modeled Sound Level Summary

Monitoring Location	Recorded Ambient dB(A) Leq	40-ton Haul Truck		
		Modeled Sound Level dB(A)	Modeled Ambient dB(A) Leq	Change from Recorded Ambient dB(A)
M-1	56.7	44	-	-
M-2	40.8	20	-	-
M-3	61.2	33	-	-
M-4	40.9	33	-	-
M-5	34.7	60	37.9	3.2

5.0 SUMMARY & CONCLUSIONS

UCI is proposing to operate a projectile testing range for use in supporting research and development operations. Testing will only occur on weekdays, between the hours of 10:00 a.m. and 4:00 p.m. No more than two shots will be fired in one day. Forty-four residential receptors, and five parcels of NYS Land identified as Wild Forest fall within the Project Area (Figure 1). Sound level monitoring was conducted at five monitoring locations on December 20, 2022, and December 21, 2022, to determine ambient sound levels within the Project Area. Potential significant sources of sound associated with the project are the testing of the 155 mm howitzer and operation of 40-ton haul truck along the site access road to transport the 155 mm howitzer and monitoring equipment to the firing pad.

Two sound propagation models, with and without the Sound Mitigation Berm, were developed to evaluate the impulse sound level produced by the Sound Source (barrel of the M109, 155mm howitzer) within the Project Area (Figure 3 & 4). The effect of the modeled impulse sound level on ambient sound levels from each monitoring location is discussed in Section 4.5.1 and summarized in Table 4b & Table 4c. An additional sound propagation model was developed to evaluate the sound levels produced by a 40-ton Haul Truck operating along the access road to the site. The effect of the modeled sound level on ambient sound levels from each monitoring location is discussed in Section 4.5.2 and summarized in Table 5a & Table 5b.

The modeled sound level for the 40-ton Haul Truck operating along the access road to the site is well below the recorded ambient sound levels at M-1, M2, M3, and M-4 indicating no appreciable change to ambient sound levels at all identify residential receptors (Table 5). No appreciable change to ambient sound levels at four of the five NYS Land parcels identified as Wild Forest is anticipated. The parcel of Wild Forest (R-45) adjacent to the Firing Pad (Figure 1 & 4) shows a modeled sound level of 60 dB(A), and a modeled ambient sound level of 37.9 dB(A) a 3.2 dB(A) change in sound levels from the 34.7 dB(A) recorded ambient on December 21, 2022.

The modeled change in ambient sound level from two shots of the Sound Source (barrel of the M109, 155 howitzer) without the Sound Mitigation Berm is below 3 dB at M-1, M-2, M-3, and M-4 indicating no appreciable change to ambient sound levels at all identify residential receptors (Table 4b &Table 4c). No appreciable change to ambient sound levels at four of the five NYS Land parcels identified as Wild Forest is anticipated. The parcel of Wild Forest (R-45) adjacent to the Firing Pad (Figure 2 & 3) shows a modeled impulse sound level of 107 dB(A) at M-5, and a modeled ambient sound level of 66.7 dB(A) a 32.0 dB(A) change in sound levels from the 34.7 dB(A) recorded ambient on December 21, 2022.

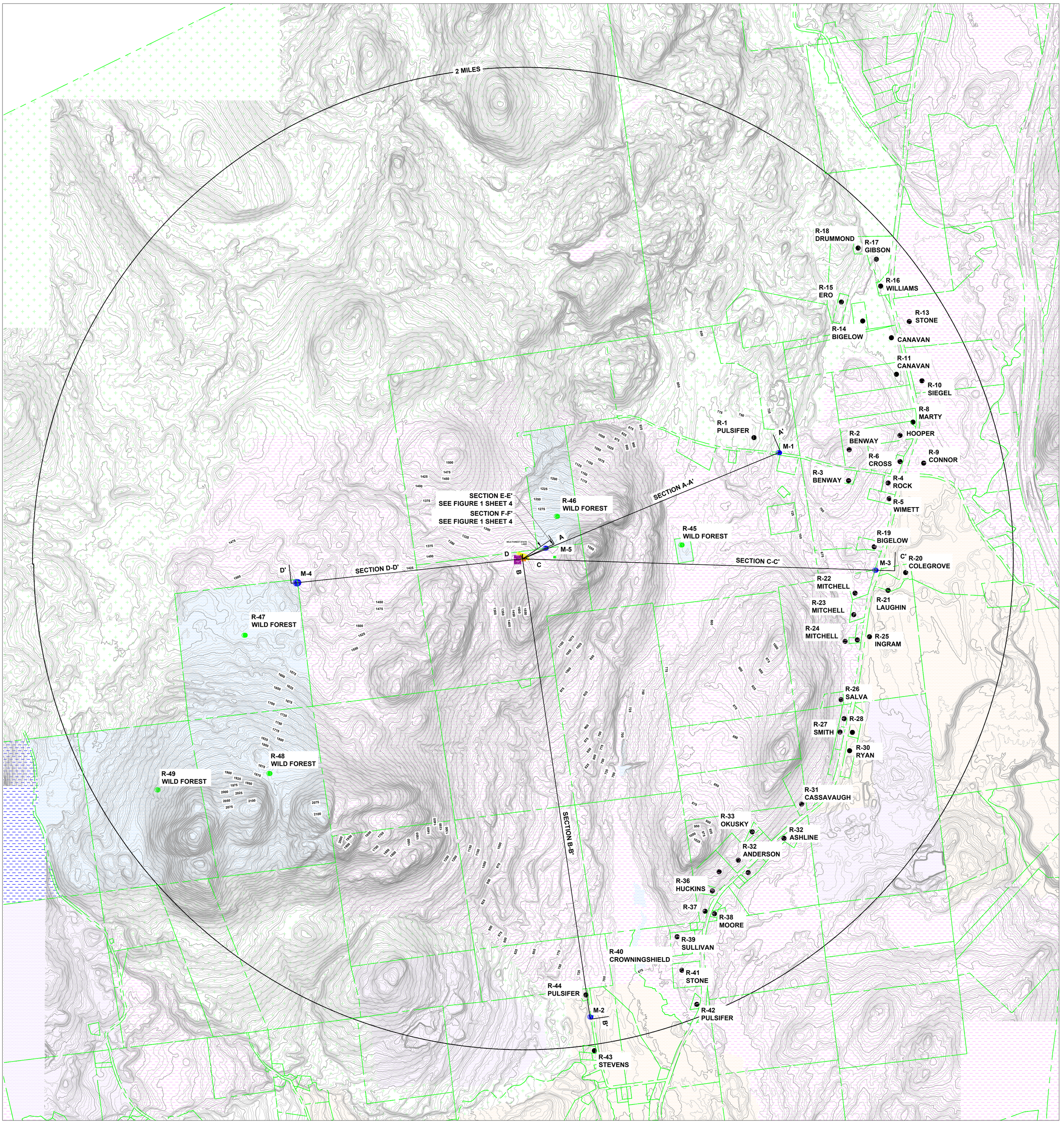
In addition to the mitigative measures currently proposed (remote location of Site / natural topographic rise between Sound Source and Residential Receptors) UCI is proposing to construct a Sound Mitigation Berm. The modeled change in ambient sound level from two shots of the Sound Source (barrel of the M109, 155 howitzer) with the Sound Mitigation Berm is below 3 dB at M-1, M-2, M-3, and M-4 indicating no appreciable change to ambient sound levels at all identified residential receptors (Table 4b &Table 4c). No appreciable change to ambient sound levels at four of the five NYS Land parcels identified as Wild Forest is anticipated. The parcel of Wild Forest (R-45) adjacent to the Firing Pad (Figure 2 & 4) shows a modeled impulse sound level of 100 dB(A) at M-5, and a modeled ambient sound level of 59.7 dB(A) a 25.0 dB(A) change in sound levels from the 34.7 dB(A) recorded ambient on December 21, 2022. The modeled impulse sound level at the property corner of the Wild Forest (R-45) parcel is 102 dB(A), and a modeled ambient sound level of 61.7 dB(A).

There are no structures identified, public trails on or means of public access to R-45. In reviewing surrounding land uses three currently permitted hard rock mining operations exist within a 2.1-mile radius of the Site. In addition, one of the currently permitted mining operations is adjacent to lands classified as Wilderness. Lands classified as Wilderness are less impacted by human use than lands classified as State Forest. Hard rock mining operations require regular blasting as part of their weekly operations, under the mines NYSDEC Mine Land Reclamation Permit an air blast limit of 133 dB measured to the closest structure outside the permit area is permitted. The closest Structure to the Firing pad is the Pulsifer residents (R-1) 5,200 ft. with a modeled impulse sound level implementing the Sound Mitigation Berm of 101 dB / 69 dB(A).

Based on the information presented in this report the proposed project does not pose a potentially significant environmental impact due to an increase in sound levels at receptors in the area.

FIGURES

FIGURE 1 –SITE OVERVIEW MAP



LEGEND:

- PROPERTY LINES
- SOUND LEVEL MONITORING LOCATIONS
- RECEPTOR - WILD FOREST
- RESIDENTIAL RECEPTOR
- APA LAND CLASS - INDUSTRIAL USE
- APA LAND CLASS - MODERATE INTENSITY
- APA LAND CLASS - RURAL USE
- NYSDEC LAND CLASS - WILDERNESS FOREST
- NYSDEC LAND CLASS - RESOURCE MANAGEMENT
- NYSDEC LAND CLASS - WILD FOREST
- CONTROL OPERATION AREA
- FIRING PAD
- PROPOSED 13 FT BERM
- TARGET AREA

SCALE IN FEET
0 500 1000 2000

N

DRAWING NOTES:

1. CONTOUR INTERVAL = 5' MINOR, 25' MAJOR.
2. HORIZONTAL DATUM: NAD83 STATE PLAN, NEW YORK EAST, FEET
   VERTICAL DATUM: NAVD88, FEET AMSL
3. TOPOGRAPHY BASED ON NYS CLEARINGHOUSE 2017 METADATA. THE ON AERIAL IMAGERY IS FROM THE NYS CLEARINGHOUSE WEBSITE.
4. PROPERTY LINE BY PROVIDED FROM THE ESSEX COUNTY TAX PARCELS.

DATE		REVISIONS RECORD/DESCRIPTION
	1	
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	5	
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DRAWN BY :	SAS
DESIGN BY :	SAS
CHECK BY :	TRT
PROJ. NO :	362.00
SCALE :	AS SHOWN
DATE :	11-11-2024

SITE OVERVIEW MAP

UNCONVENTIONAL CONCEPTS, INC.

TOWN OF LEWIS — ESSEX COUNTY, NY

BOWMAN CONSULTING, ENGINEERING, LAND SURVEYING AND LANDSCAPE ARCHITECTURE

FIGURE 1

SHEET 01 OF 05

000432

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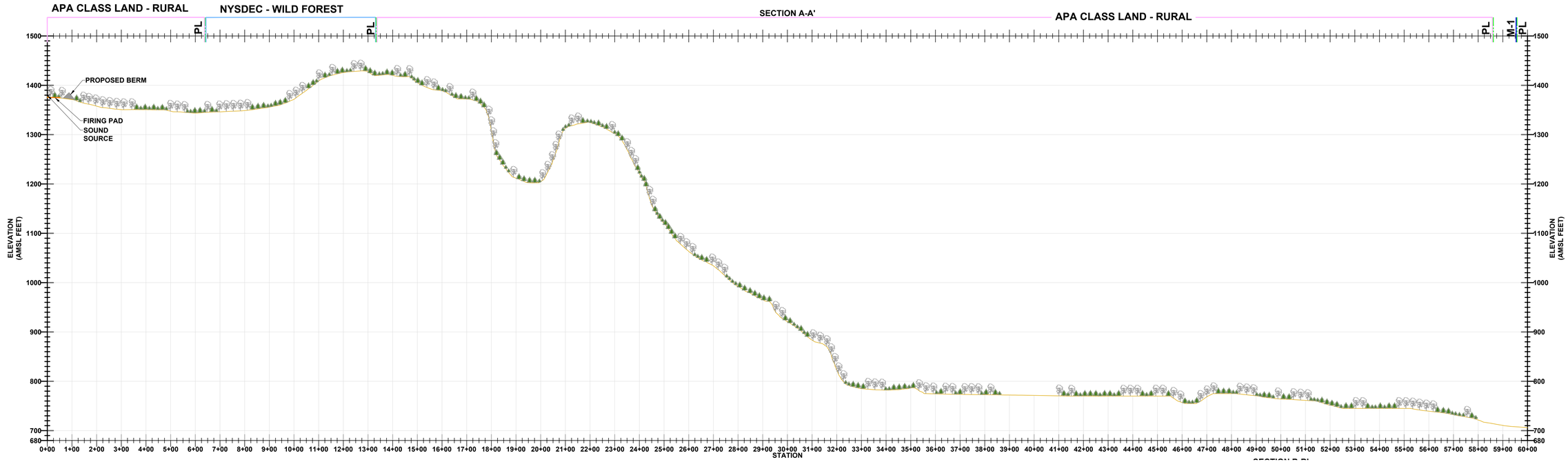
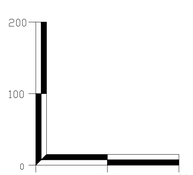


LEGEND:

- PROPERTY LINES
- SOUND LEVEL MONITORING LOCATIONS
- RESIDENTIAL RECEPTOR
- APA LAND CLASS - MODERATE INTENSITY
- APA LAND CLASS - RURAL USE
- NYSDEC LAND CLASS - WILD FOREST
- CONTROL OPERATION AREA
- FIRING PAD
- PROPOSED 13 FT BERM



HORIZONTAL SCALE: 1" = 200'
VERTICAL SCALE: 1" = 100'

DATE	REVISIONS RECORD/DESCRIPTION
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	2
	3
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	6

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DESIGN BY :	SAS
CHECK BY :	TRT
PROJ. NO :	362.00
SCALE :	AS SHOWN
DATE :	11-11-2024

SITE OVERVIEW MAP - SECTIONS

UNCONVENTIONAL CONCEPTS, INC.

TOWN OF LEWIS — ESSEX COUNTY, NY

BOWMAN CONSULTING, ENGINEERING, LAND SURVEYING AND LANDSCAPE ARCHITECTURE

FIGURE 1

SHEET 02 OF 05

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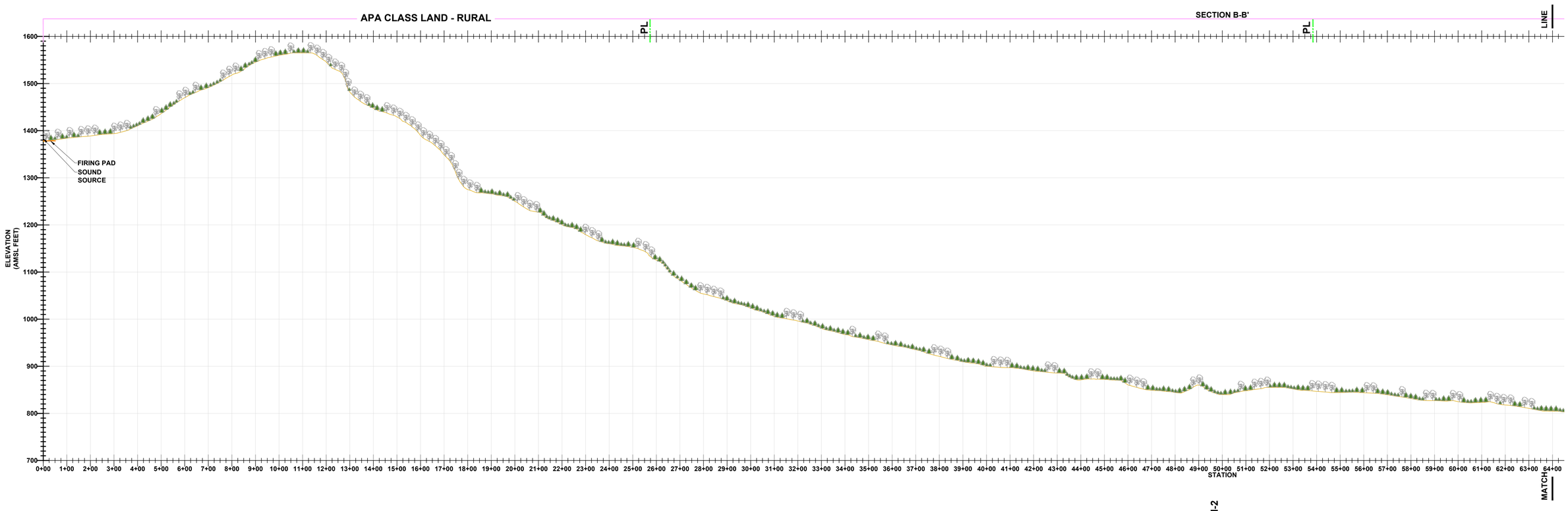
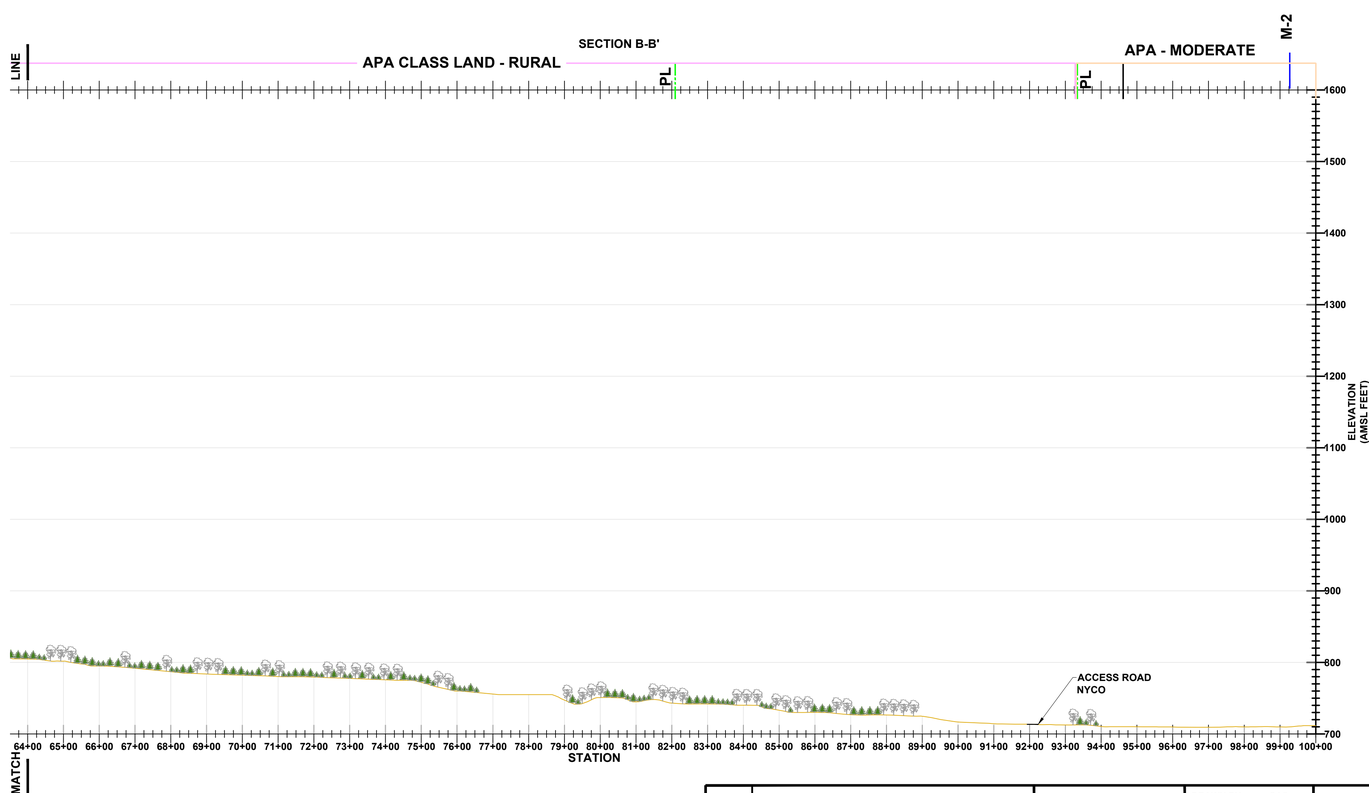
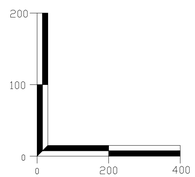




LEGEND:

- PROPERTY LINES
- SOUND LEVEL MONITORING LOCATIONS
- RESIDENTIAL RECEPTOR
- APA LAND CLASS - MODERATE INTENSITY
- APA LAND CLASS - RURAL USE
- NYSDEC LAND CLASS - WILD FOREST
- CONTROL OPERATION AREA
- FIRING PAD
- PROPOSED 13 FT BERM



HORIZONTAL SCALE: 1" = 200'
VERTICAL SCALE: 1" = 100'

DATE	REVISIONS RECORD/DESCRIPTION
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DESIGN BY :	SAS
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PROJ. NO :	362.00
SCALE :	AS SHOWN
DATE :	11-11-2024

SITE OVERVIEW MAP - SECTIONS

UNCONVENTIONAL CONCEPTS, INC.

TOWN OF LEWIS — ESSEX COUNTY, NY

BOWMAN CONSULTING, ENGINEERING, LAND SURVEYING AND LANDSCAPE ARCHITECTURE

FIGURE 1

SHEET 03 OF 05

000425

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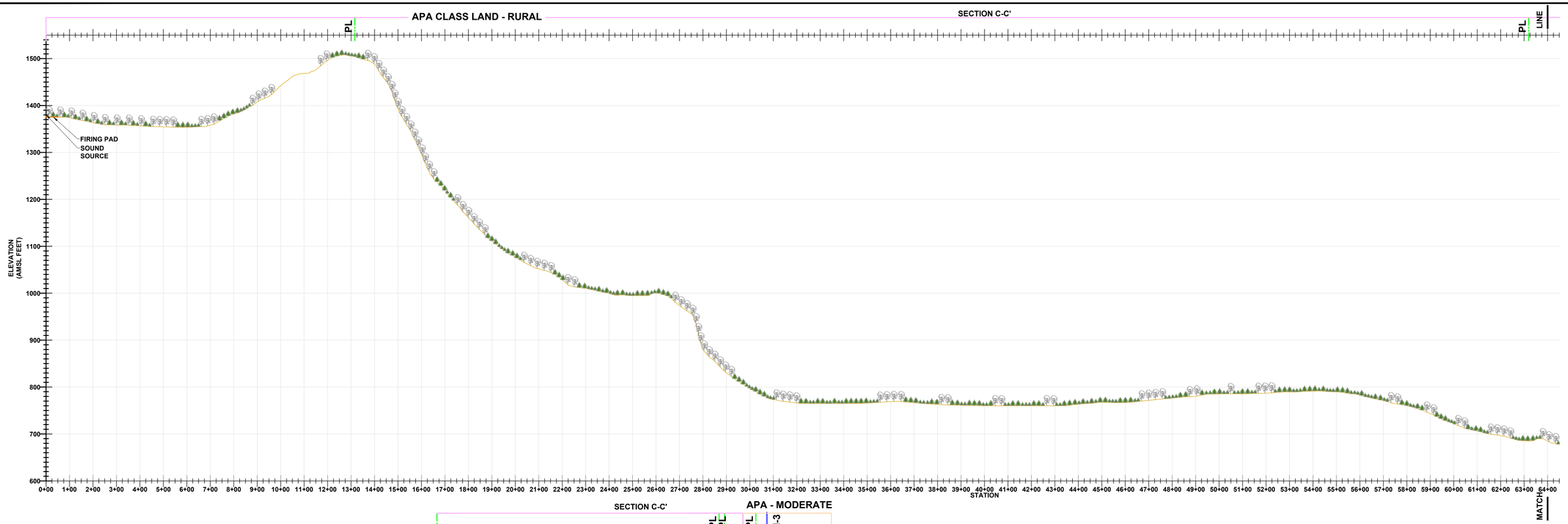
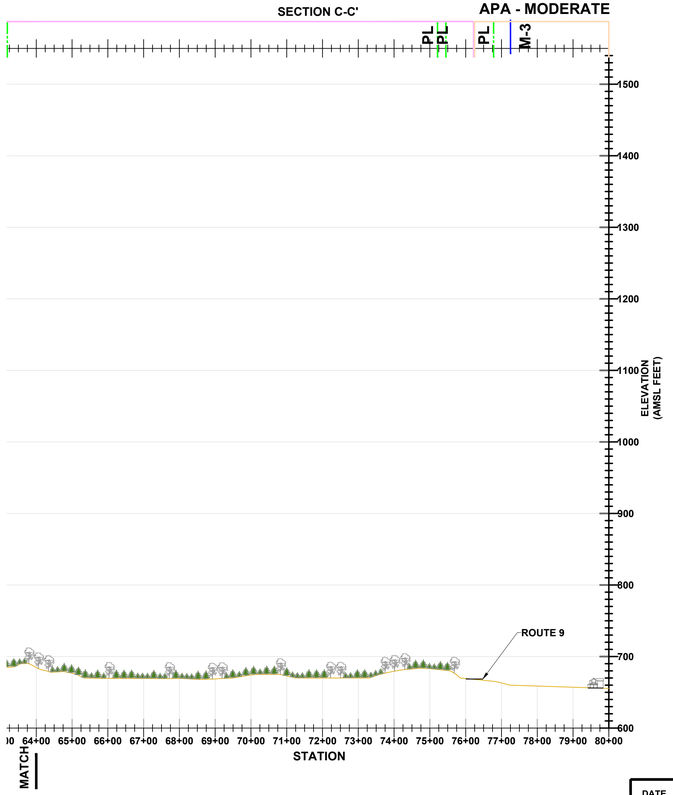
APA CLASS LAND - RURAL

SECTION C-C'



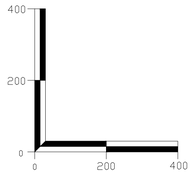
APA - MODERATE

SECTION C-C'



LEGEND:

- PROPERTY LINES
- SOUND LEVEL MONITORING LOCATIONS
- RESIDENTIAL RECEPTOR
- APA LAND CLASS - MODERATE INTENSITY
- APA LAND CLASS - RURAL USE
- NYSDEC LAND CLASS - WILD FOREST
- CONTROL OPERATION AREA
- FIRING PAD
- PROPOSED 13 FT BERM



HORIZONTAL SCALE: 1" = 200'
VERTICAL SCALE: 1" = 200'

DATE	REVISIONS RECORD/DESCRIPTION
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PROJ. NO :	362.00
SCALE :	AS SHOWN
DATE :	11-11-2024

SITE OVERVIEW MAP - SECTIONS

UNCONVENTIONAL CONCEPTS, INC.

TOWN OF LEWIS — ESSEX COUNTY, NY

BOWMAN CONSULTING, ENGINEERING, LAND SURVEYING AND LANDSCAPE ARCHITECTURE

FIGURE 1

SHEET 04 OF 05

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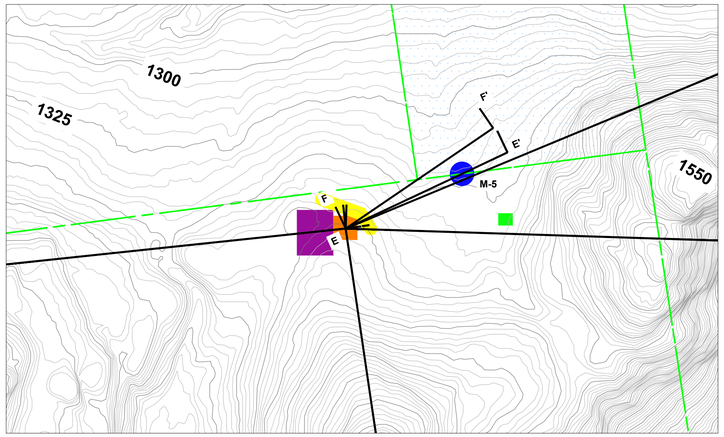
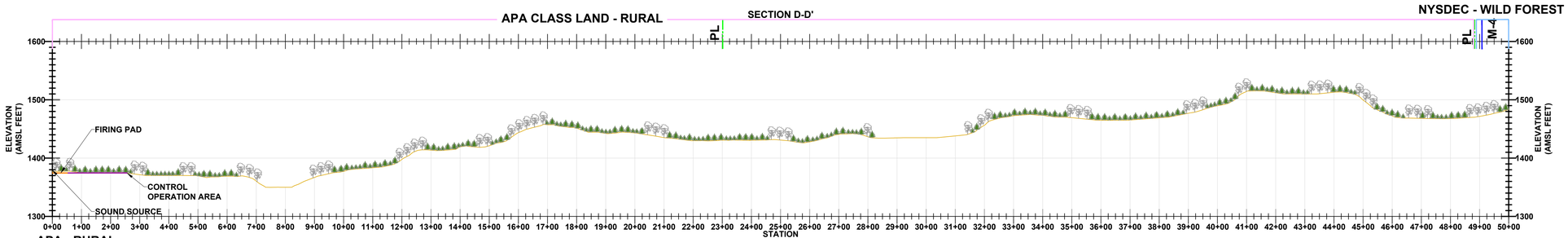
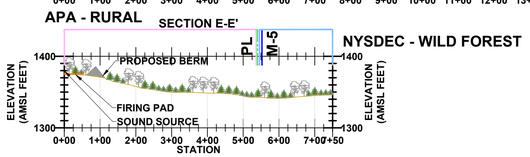
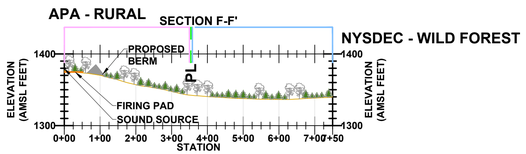


PLAN VIEW
SECTIONS E-E' & F-F'
SCALE: 1" = 300'

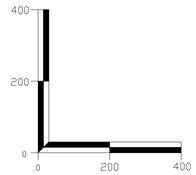






LEGEND:

- PROPERTY LINES
- SOUND LEVEL MONITORING LOCATIONS
- RESIDENTIAL RECEPTOR
- APA LAND CLASS - MODERATE INTENSITY
- APA LAND CLASS - RURAL USE
- NYSDEC LAND CLASS - WILD FOREST
- CONTROL OPERATION AREA
- FIRING PAD
- PROPOSED 13 FT BERM



HORIZONTAL SCALE: 1" = 200'
VERTICAL SCALE: 1" = 200'

DATE		REVISIONS RECORD/DESCRIPTION
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CHECK BY :	TRT
PROJ. NO :	362.00
SCALE :	AS SHOWN
DATE :	11-11-2024

SITE OVERVIEW MAP - SECTIONS

UNCONVENTIONAL CONCEPTS, INC.

TOWN OF LEWIS — ESSEX COUNTY, NY

BOWMAN CONSULTING, ENGINEERING, LAND SURVEYING AND LANDSCAPE ARCHITECTURE

FIGURE 1

SHEET 05 OF 05

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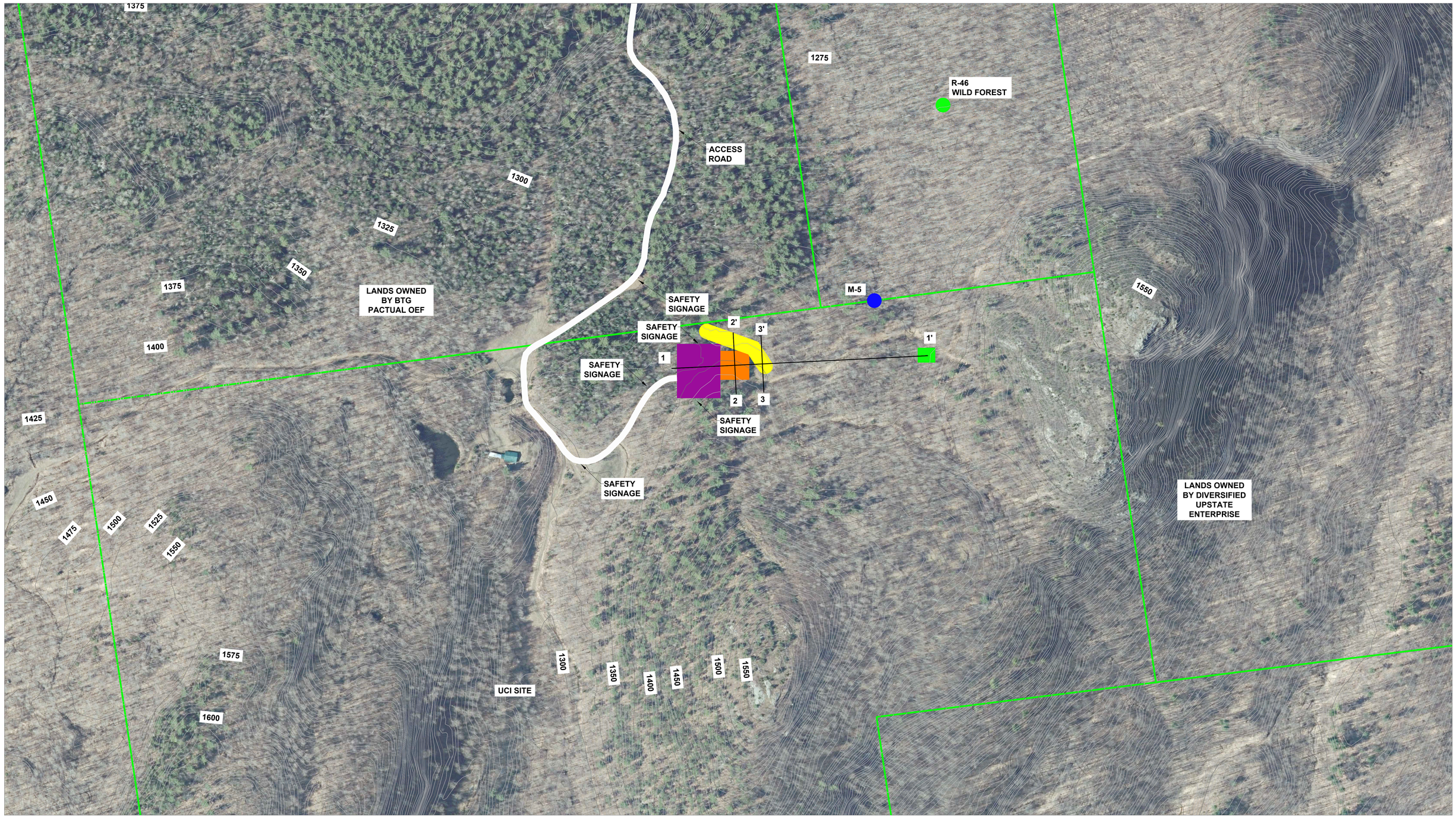
FIGURE 2 – SITE MAP



LEGEND:

- PROPERTY LINES
- MONITORING LOCATION PROPOGATED SOUND LEVEL
- RECEPTOR - WILD FOREST
- CONTROL OPERATION AREA
- FIRING PAD
- PROPOSED 13 FT BERM
- TARGET AREA

SCALE IN FEET
0 75 150 300

N

DRAWING NOTES:

1. CONTOUR INTERVAL = 5' MINOR, 25' MAJOR.
2. HORIZONTAL DATUM: NAD83 STATE PLAN, NEW YORK EAST, FEET
   VERTICAL DATUM: NAVD88, FEET AMSL
3. TOPOGRAPHY BASED ON NYS CLEARINGHOUSE 2017 METADATA. THE ON AERIAL IMAGERY IS FROM THE NYS CLEARINGHOUSE WEBSITE.
4. PROPERTY LINE BY PROVIDED FROM THE ESSEX COUNTY TAX PARCELS.

DATE	REVISIONS RECORD/DESCRIPTION
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THIS DRAWING IS NOT TO BE USED FOR ENGINEERING PURPOSES

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CHECK BY :	TRT
PROJ. NO :	362.00
SCALE :	AS SHOWN
DATE :	11-11-2024

SITE MAP

UNCONVENTIONAL CONCEPTS, INC.

TOWN OF LEWIS — ESSEX COUNTY, NY

Bowman
179 RIVER ST.
TROY, NY 12180
(518) 270-1620
WWW.BOWMAN.COM

FIGURE 2

SHEET 01 OF 02

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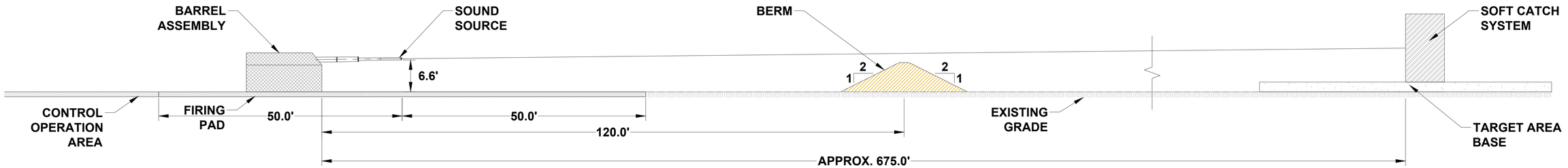
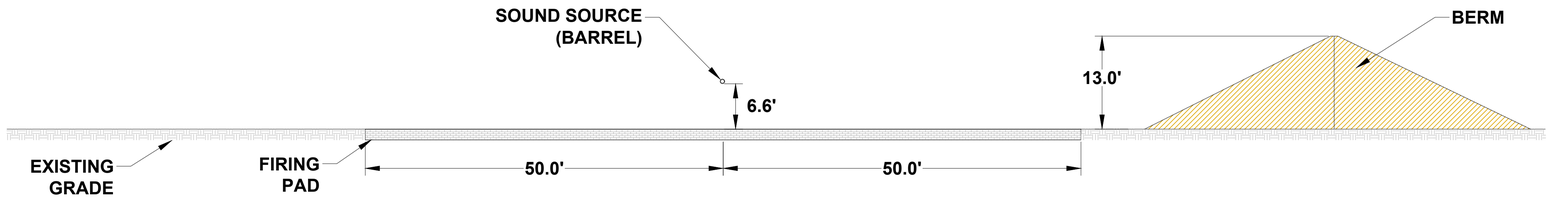
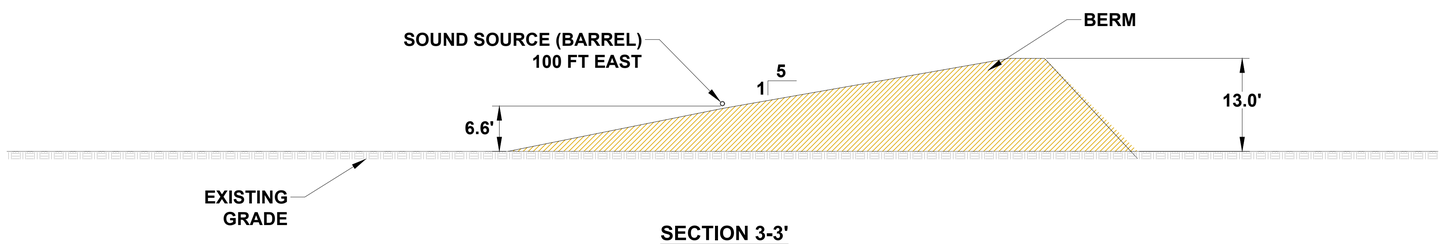


SECTION 1-1'



SECTION 2-2'



SECTION 3-3'

DRAWING NOTES:
1. CONTOUR INTERVAL = 5' MINOR, 25' MAJOR.

2. HORIZONTAL DATUM: NAD83 STATE PLAN, NEW YORK EAST, FEET
VERTICAL DATUM: NAVD88, FEET AMSL

3. TOPOGRAPHY BASED ON NYS CLEARINGHOUSE 2017 METADATA. THE ON AERIAL IMAGERY IS FROM THE NYS CLEARINGHOUSE WEBSITE.

4. PROPERTY LINE BY PROVIDED FROM THE ESSEX COUNTY TAX PARCELS.

SCALE IN FEET
0 5 10 20

DATE	REVISIONS RECORD/DESCRIPTION
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DESIGN BY :	SAS
CHECK BY :	TRT
PROJ. NO :	362.00
SCALE :	AS SHOWN
DATE :	11-11-2024

SITE MAP - SECTIONS

UNCONVENTIONAL CONCEPTS, INC.

TOWN OF LEWIS — ESSEX COUNTY, NY

BOWMAN CONSULTING, ENGINEERING, LAND SURVEYING AND LANDSCAPE ARCHITECTURE

FIGURE 2

SHEET 02 OF 02

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FIGURE 3 – SOUND PROPAGATION MAP
NO SOUND MITIGATION BERM

FIGURE 3 - SOUND PROPOGATION MAP
NO SOUND MITIGATION BERM

225000 m

615000 m

615000 m

N

2 miles

R-17 Gibson
R-18 Drummond
R-16 Williams
R-15 Ero
R-14 Bigelow
R-13 Stone
Canavan
R-10 Siegel
R-11 Canavan
R-8 Marty
Hooper
R-1 Pulsifer
M-1 75 dB(A)
R-2 Benway
R-6 Cross
R-9 Connor
R-3 Benway
R-4 Rock
R-5 Wimett
R-46 Wild Forest
M-5 107dB(A)
Sound Source
R-45 Wild Forest
R-19 Bigelow
M-3 73 dB(A)
R-20 Colegrove
R-22 Mitchell
M-4 79 dB(A)
R-21 Laughin
R-47 Wild Forest
R-23 Mitchell
R-25 Ingram
R-24 Mitchell
R-26 Salva
R-28
R-27 Smith
R-30 Ryan
R-48 Wild Forest
R-49 Wild Forest
R-31 Cassavaugh
R-33 OKusky
R-32 Ashline
R-34 Anderson
R-36 Huckins
R-37
R-38 Moore
R-39 Sullivan
R-40 Crowningshield
R-41 Stone
R-44 Pulsifer
R-42 Pulsifer
M-2 71 dB(A)
R-43 Stevens

610000 m

610000 m

LEGEND

- APA Land Class - Industrial Use
- APA Land Class - Low Intensity
- APA Land Class - Moderate Intensity
- APA Land Class - Rural Use
- Control Operation Area
- Firing Pad
- NYSDEC Land Class - Resource Management
- NYSDEC Land Class - Wild Forest
- NYSDEC Land Class - Wilderness
- Property Bondary
- Surface Water
- Target Area
- Two Mile Radius from Firing Pad
- 45 DB(A) Sound Pressure Level
- 50 DB(A) Sound Pressure Level
- 55 DB(A) Sound Pressure Level
- 60 DB(A) Sound Pressure Level
- 65 DB(A) Sound Pressure Level
- 70 DB(A) Sound Pressure Level
- 75 DB(A) Sound Pressure Level
- 80 DB(A) Sound Pressure Level
- 85 DB(A) Sound Pressure Level
- 90 DB(A) Sound Pressure Level
- 95 DB(A) Sound Pressure Level
- 100 DB(A) Sound Pressure Level
- 105 DB(A) Sound Pressure Level
- 110 DB(A) Sound Pressure Level
- 115 DB(A) Sound Pressure Level
- 120 DB(A) Sound Pressure Level
- 125 DB(A) Sound Pressure Level
- 130 DB(A) Sound Pressure Level
- Monitoring Location Propogated Sound Level
- Receptor - Wild Forest
- Residential Receptor
- Sound Source

0 ft 1000 ft 2000 ft 3000 ft 4000 ft 5000 ft 6000 ft 7000 ft 8000 ft

225000 m

000442

FIGURE 4 – SOUND PROPAGATION MAP
13FT. SOUND MITIGATION BERM INSTALLED

FIGURE 4 - SOUND PROPOGATION MAP
13FT. SOUND MITIGATION BERM INSTALLED

615000 m

225000 m

N

2 miles

R-17 Gibson
R-18 Drummond
R-16 Williams
R-15 Ero
R-14 Bigelow
R-13 Stone
Canavan
R-10 Siegel
R-11 Canavan
R-8 Marty
Hooper
R-1 Pulsifer
R-2 Benway
M-1 67 dB(A)
R-6 Cross
R-9 Connor
R-3 Benway
R-4 Rock
R-5 Wimett
R-46 Wild Forest
R-45 Wild Forest
M-5 100dB(A)
Sound Source
R-19 Bigelow
R-20 Colegrove
M-3 73 dB(A)
R-22 Mitchell
M-4 79 dB(A)
R-21 Laughin
R-47 Wild Forest
R-23 Mitchell
R-25 Ingram
R-24 Mitchell
R-26 Salva
R-28
R-27 Smith
R-30 Ryan
R-48 Wild Forest
R-49 Wild Forest
R-31 Cassavaugh
R-33 OKusky
R-32 Ashline
R-34 Anderson
R-36 Huckins
R-37
R-38 Moore
R-39 Sullivan
R-40 Crowningshield
R-41 Stone
R-44 Pulsifer
R-42 Pulsifer
M-2 71 dB(A)
R-43 Stevens

610000 m

615000 m

225000 m

0 ft 1000 ft 2000 ft 3000 ft 4000 ft 5000 ft 6000 ft 7000 ft 8000 ft

LEGEND

- APA Land Class - Industrial Use
- APA Land Class - Low Intensity
- APA Land Class - Moderate Intensity
- APA Land Class - Rural Use
- Control Operation Area
- Firing Pad
- NYSDEC Land Class - Resource Management
- NYSDEC Land Class - Wild Forest
- NYSDEC Land Class - Wilderness
- Property Bondary
- Surface Water
- Target Area
- Two Mile Radius from Firing Pad
- 50 DB(A) Sound Pressure Level
- 55 DB(A) Sound Pressure Level
- 60 DB(A) Sound Pressure Level
- 65 DB(A) Sound Pressure Level
- 70 DB(A) Sound Pressure Level
- 75 DB(A) Sound Pressure Level
- 80 DB(A) Sound Pressure Level
- 85 DB(A) Sound Pressure Level
- 90 DB(A) Sound Pressure Level
- 95 DB(A) Sound Pressure Level
- 100 DB(A) Sound Pressure Level
- 105 DB(A) Sound Pressure Level
- 110 DB(A) Sound Pressure Level
- 115 DB(A) Sound Pressure Level
- 120 DB(A) Sound Pressure Level
- 125 DB(A) Sound Pressure Level
- 130 DB(A) Sound Pressure Level
- Monitoring Location Propogated Sound Level
- Receptor - Wild Forest
- Residential Receptor
- Sound Source

000444

FIGURE 5 – SOUND PROPAGATION MAP
HAUL TRUCK

FIGURE 5 - SOUND PROPOGATION MAP
HAUL TRUCK

615000 m
225000 m

N

2 miles

R-17 Gibson
R-18 Drummond
R-16 Williams
R-15 Ero
R-14 Bigelow
R-13 Stone
Canavan
R-10 Siegel
R-11 Canavan
R-8 Marty
Hooper
R-2 Benway
R-6 Cross
R-9 Connor
R-3 Benway
R-4 Rock
R-5 Wimett
R-19 Bigelow
R-20 Colegrove
M-3 33 dB(A)
R-22 Mitchell
R-21 Laughin
R-23 Mitchell
R-24 Mitchell
R-25 Ingram
R-26 Salva
R-28
R-27 Smith
R-30 Ryan
R-31 Cassavaugh
R-33 OKusky
R-32 Ashline
R-34 Anderson
R-36 Huckins
R-38 Moore
R-37
R-39 Sullivan
R-40 Crowningshield
R-41 Stone
R-42 Pulsifer
R-44 Pulsifer
M-2 20 dB(A)
R-43 Stevens

R-1 Pulsifer
M-1 44 dB(A)
Sound Source
access Road To Site
R-46 Wild Forest
R-45 Wild Forest
M-5 60 dB(A)
Sound Source
Sound Source
M-4 33 dB(A)
R-47 Wild Forest
R-48 Wild Forest
R-49 Wild Forest

610000 m

0 ft 1000 ft 2000 ft 3000 ft 4000 ft 5000 ft 6000 ft 7000 ft 8000 ft

LEGEND

- APA Land Class - Industrial Use
- APA Land Class - Low Intensity
- APA Land Class - Moderate Intensity
- APA Land Class - Rural Use
- Control Operation Area
- Firing Pad
- NYSDEC Land Class - Resource Management
- NYSDEC Land Class - Wild Forest
- NYSDEC Land Class - Wilderness
- Property Bondary
- Surface Water
- Target Area
- Two Mile Radius from Firing Pad
- 20 dB(A) Sound Pressure Level
- 25 dB(A) Sound Pressure Level
- 30 dB(A) Sound Pressure Level
- 35 dB(A) Sound Pressure Level
- 40 dB(A) Sound Pressure Level
- 45 dB(A) Sound Pressure Level
- 50 dB(A) Sound Pressure Level
- 55 dB(A) Sound Pressure Level
- 60 dB(A) Sound Pressure Level
- 65 dB(A) Sound Pressure Level
- 70 dB(A) Sound Pressure Level
- 75 dB(A) Sound Pressure Level
- 80 dB(A) Sound Pressure Level
- 85 dB(A) Sound Pressure Level
- acess road to site
- Monitoring Location Propogated Sound Level
- Receptor - Wild Forest
- Residential Receptor
- Sound Source

000446

TABLE 3 – Sound Propagation Model Comparison to Straight-line Projection Method

Column	A	B	C	D	E	F	G	H	I	J	K	L	M	N
Receiver Name	Source Name	Distance to source (m)	Frequency (Hz)	Sound Power Level dB	Distance Attenuation db	Atmospheric Absorption dB	Ground Effect dB	Barrier Attenuation dB (total)	A - Weighting dB	Modeled Sound Pressure Level dB(A)	Modeled Sound Pressure Level Distance Attenuation + Weighting Only dB(A)	Total Modeled Sound Pressure Level dB(A)	Total Modeled Sound Pressure Level Distance Attenuation + Weighting Only dB(A)	Straight-line projection Sound Pressure Levels dB(A)
M-1	155 mm Howitzer Barrel Assembly	1815	31.5	179.1	-76.2	0.0	5.8	-10.3	-39.4	59.1	63.5	67	87	87
		1815	63	175.3	-76.2	-0.2	5.8	-12.7	-26.2	65.9	72.9			
		1815	125	164.5	-76.2	-0.6	-5.5	-9.8	-16.1	56.3	72.2			
		1815	250	149.1	-76.2	-2.1	-7.4	-10.8	-8.6	44.1	64.3			
		1815	500	160	-76.2	-5.1	-3.3	-17.8	-3.2	54.5	80.6			
		1815	1000	158.7	-76.2	-9.0	1.2	-24.0	0.0	50.7	82.5			
		1815	2000	155.2	-76.2	-16.4	1.8	-25.0	1.2	40.6	80.2			
		1815	4000	151.9	-76.2	-41.6	1.8	-25.0	1.0	11.9	76.7			
		1815	8000	147.6	-76.2	-139.1	1.8	-25.0	-1.1	-92.0	70.3			
		1815	16000	144.9	-76.2	-501.5	1.8	-25.0	-6.6	-462.6	62.1			
M-2	155 mm Howitzer Barrel Assembly	3026	31.5	179.1	-80.6	-0.1	5.9	-4.8	-39.4	60.1	59.1	71	83	83
		3026	63	175.3	-80.6	-0.3	5.9	-4.9	-26.2	69.3	68.5			
		3026	125	164.5	-80.6	-1.0	-5.5	0.0	-16.1	61.3	67.8			
		3026	250	149.1	-80.6	-3.4	-7.4	0.0	-8.6	49.1	59.9			
		3026	500	160	-80.6	-8.5	-3.3	-2.2	-3.2	62.3	76.2			
		3026	1000	158.7	-80.6	-15.1	1.2	-6.0	0.0	58.2	78.1			
		3026	2000	155.2	-80.6	-27.3	1.8	-6.9	1.2	43.3	75.8			
		3026	4000	151.9	-80.6	-69.3	1.8	-8.4	1.0	-3.7	72.3			
		3026	8000	147.6	-80.6	-231.8	1.8	-10.3	-1.1	-174.5	65.9			
		3026	16000	144.9	-80.6	-835.8	1.8	-12.7	-6.6	-789.0	57.7			
M-3	155 mm Howitzer Barrel Assembly	2355	31.5	179.1	-78.44	-0.1	5.9	-5.0	-39.4	62.1	61.3	73	85	85
		2355	63	175.3	-78.44	-0.2	5.9	-5.1	-26.2	71.2	70.7			
		2355	125	164.5	-78.44	-0.8	-5.5	0.0	-16.1	63.7	70.0			
		2355	250	149.1	-78.44	-2.7	-7.4	0.0	-8.6	52.0	62.1			
		2355	500	160	-78.44	-6.6	-3.3	-3.8	-3.2	64.7	78.4			
		2355	1000	158.7	-78.44	-11.7	1.2	-8.5	0.0	61.2	80.3			
		2355	2000	155.2	-78.44	-21.2	1.8	-10.5	1.2	48.0	78.0			
		2355	4000	151.9	-78.44	-54.0	1.8	-12.9	1.0	9.4	74.5			
		2355	8000	147.6	-78.44	-180.5	1.8	-15.6	-1.1	-126.2	68.1			
		2355	16000	144.9	-78.44	-650.6	1.8	-18.4	-6.6	-607.4	59.9			
M-4	155 mm Howitzer Barrel Assembly	1496	31.5	179.1	-74.6	0.0	5.8	-4.8	-39.4	66.1	65.1	79	89	89
		1496	63	175.3	-74.6	-0.1	5.8	-4.8	-26.2	75.4	74.5			
		1496	125	164.5	-74.6	-0.5	-5.5	0.0	-16.1	67.8	73.8			
		1496	250	149.1	-74.6	-1.7	-7.4	0.0	-8.6	56.8	65.9			
		1496	500	160	-74.6	-4.2	-3.3	-1.5	-3.2	73.2	82.2			
		1496	1000	158.7	-74.6	-7.5	1.2	-4.8	0.0	73.0	84.1			
		1496	2000	155.2	-74.6	-13.7	1.7	-4.8	1.2	65.1	81.8			
		1496	4000	151.9	-74.6	-34.7	1.7	-4.8	1.0	40.6	78.3			
		1496	8000	147.6	-74.6	-116.0	1.7	-4.8	-1.1	-47.2	71.9			
		1496	16000	144.9	-74.6	-418.3	1.7	-4.8	-6.6	-357.7	63.7			

M-5	**155 mm Howitzer Barrel Assembly**	170	31.5	179.1	-55.6	0.0	4.1	-4.9	-39.4	83.4	84.1	**100**	**108**	**108**
		170	63	175.3	-55.6	0.0	4.1	-5.0	-26.2	92.7	93.5			
		170	125	164.5	-55.6	-0.1	-0.4	-4.8	-16.1	87.6	92.8			
		170	250	149.1	-55.6	-0.2	-7.6	0.0	-8.6	77.1	84.9			
		170	500	160	-55.6	-0.5	-3.6	-2.6	-3.2	94.5	101.2			
		170	1000	158.7	-55.6	-0.9	0.7	-7.3	0.0	95.7	103.1			
		170	2000	155.2	-55.6	-1.5	1.2	-8.8	1.2	91.7	100.8			
		170	4000	151.9	-55.6	-3.9	1.2	-10.9	1.0	83.7	97.3			
		170	8000	147.6	-55.6	-13.0	1.2	-13.4	-1.1	65.8	90.9			
		170	16000	144.9	-55.6	-46.9	1.2	-16.1	-6.6	21.0	82.7			
Wild Forest Property Corner (R-46)	**155 mm Howitzer Barrel Assembly**	107	31.5	179.1	-51.5	0.0	3.0	-5.0	-39.4	86.2	88.2	**102**	**112**	**112**
		107	63	175.3	-51.5	0.0	3.0	-5.3	-26.2	95.3	97.6			
		107	125	164.5	-51.5	0.0	-0.3	-5.4	-16.1	91.1	96.9			
		107	250	149.1	-51.5	-0.1	-7.1	0.0	-8.6	81.8	89.0			
		107	500	160	-51.5	-0.3	-3.5	-4.5	-3.2	97.0	105.3			
		107	1000	158.7	-51.5	-0.5	0.4	-9.9	0.0	97.2	107.2			
		107	2000	155.2	-51.5	-1.0	0.9	-12.2	1.2	92.6	104.9			
		107	4000	151.9	-51.5	-2.4	0.9	-14.8	1.0	85.0	101.4			
		107	8000	147.6	-51.5	-8.1	0.9	-17.6	-1.1	70.1	95.0			
		107	16000	144.9	-51.5	-29.3	0.9	-20.0	-6.6	38.4	86.8			

APPENDICES

APPENDIX A –
NYSDEC – ASSESSING AND MITIGATING NOISE IMPACTS

Assessing and Mitigating Noise Impacts

New York State
Department of Environmental Conservation

PROGRAM POLICY	**Department ID: DEP-00-1**	**Program ID: n/a**
Issuing Authority: Environmental Conservation Law Articles 3, 8, 23, 27 Name: Jeffrey Sama Title: Director Signature: /S/ Date: 10/6/00	**Originating Unit: Division of Environmental Permits** Office/Division: Environmental Permits Unit: Phone: (518) 402-9167	
Issuance Date: October 6, 2000 Revised: February 2, 2001	Latest Review Date (Office Use):	

Abstract: Facility operations regulated by the Department of Environmental Conservation located in close proximity to other land uses can produce sound that creates significant noise impacts for proximal sound receptors. This policy and guidance presents noise impact assessment methods, examines the circumstances under which sound creates significant noise impacts, and identifies avoidance and mitigative measures to reduce or eliminate noise impacts.

Related References: See references pages 27 and 28.

I. PURPOSE[1]

This policy is intended to provide direction to the staff of the Department of Environmental Conservation for the evaluation of sound levels and characteristics (such as pitch and duration) generated from proposed or existing facilities. This guidance also serves to identify when noise levels may cause a significant environmental impact and gives methods for noise impact assessment, avoidance, and reduction measures. These methods can serve as a reference to applicants preparing environmental assessments in support of an application for a permit. Additionally, this guidance explains the Department's regulatory authority for undertaking noise evaluations and for imposing conditions for noise mitigation measures in the agency's approval

[1] A Program Policy Memorandum is designed to provide guidance and clarify program issues for Division staff to ensure compliance with statutory and regulatory requirements. It provides assistance to New York State Department of Environmental Conservation (DEC) staff and the regulated community in interpreting and applying regulations and statutes to assure that program uniformity is attained throughout the State. Nothing set forth in a Program Policy Memorandum prevents DEC staff from varying from that guidance as specific circumstances may dictate, provided the staff's actions comply with applicable statutory and regulatory requirements. As this guidance document is not a fixed rule, it does not create any enforceable right by any party using the Program Policy Memorandum.

of permits for various types of facilities pursuant to regulatory program regulations and the State Environmental Quality Review Act (SEQR).

II. BACKGROUND

Noise is defined as any loud, discordant or disagreeable sound or sounds. More commonly, in an environmental context, noise is defined simply as unwanted sound. Certain activities inherently produce sound levels or sound characteristics that have the potential to create noise. The sound generated by proposed or existing facilities may become noise due to land use surrounding the facility. When lands adjoining an existing or proposed facility contain residential, commercial, institutional or recreational uses that are proximal to the facility, noise is likely to be a matter of concern to residents or users of adjacent lands.

A. Sources of Noise Generation

The three major categories of noise sources associated with facilities are (1) fixed equipment or process operations; (2) mobile equipment or process operations; and (3) transport movements of products, raw material or waste. The fixed plant may include a very wide range of equipment including: generators; pumps; compressors; crushers of plastics, stone or metal; grinders; screens; conveyers; storage bins; or electrical equipment. Mobile operations may include: drilling; haulage; pug mills; mobile treatment units; and service operations. Transport movements may include truck traffic within the operation, loading and unloading trucks and movement in and out of the facility. Any or all of these activities may be in operation at any one time. Singular or multiple effects of sound generation from these operations may constitute a potential source of noise.

B. Potential for Adverse Impacts

Numerous environmental factors determine the level or perceptibility of sound at a given point of reception. These factors include: distance from the source of sound to receptor; surrounding terrain; ambient sound level; time of day; wind direction; temperature gradient; and relative humidity. The characteristics of a sound are also

important determining factors for considering it as noise. The amplitude (loudness), frequency (pitch), impulse patterns and duration of sound all affect the potential for a sound to be a noise. The combination of sound characteristics, environmental factors and the physical and mental sensitivity of a receptor to a sound determine whether or not a sound will be perceived as a noise. This guidance uses these factors in assessing the presence of noise and the significance of its impacts. It relies upon qualitative and quantitative sound evaluation techniques and sound pressure level impact modeling presented in accepted references on the subject.

C. Mitigation

Mitigation refers to actions that will be taken to reduce the effects of noise or the noise levels on a receptor. Adverse noise effects generated by a facility can be avoided or reduced at the point of generation thereby diminishing the effects of the noise at the point of reception. This guidance identifies various mitigation techniques and their proper application either at the source of noise generation or on a facility's property. Alternative construction or operational methods, equipment maintenance, selection of alternative equipment, physical barriers, siting of activities, set backs, and established hours of construction or operation, are among the techniques that can successfully avoid or reduce adverse noise effects.

D. Decision Making

When an assessment of the potential for adverse noise impacts indicates the need for noise mitigation, it is preferred that specifications for such measures be incorporated in a noise analysis and in the applicant's work or operational plan necessary for a complete application. Presenting a plan that incorporates effective noise mitigation provisions facilitates the Department's technical and environmental review and minimizes or negates the imposition of permit conditions by the Department. Adherence to these plans becomes a condition of a permit.

Noise avoidance and mitigation measures may also be imposed directly as conditions of permit issuance. This guidance will review the statutory authority under which the Department can require the mitigation of noise effects.

III. POLICY

In the review of an application for a permit, the Department of Environmental Conservation is to evaluate the potential for adverse impacts of sound generated and emanating to receptors outside of the facility or property. When a sound level evaluation indicates that receptors may experience sound levels or characteristics that produce significant noise impacts or impairment of property use, the Department is to require the permittee or applicant to employ reasonable and necessary measures to either eliminate or mitigate adverse noise effects. Options to be used to fulfill this guidance should be implemented within the existing regulatory and environmental review framework of the agency.

Regulatory authority for assessing and controlling noise effects are contained in both SEQR and specific Department program regulations. Specific regulatory references are as follows:

Section 3-0301(1)(i) of the Environmental Conservation Law (ECL) states that the commissioner shall have the power to: "i. Provide for prevention and abatement of all water, land and air pollution including but not limited to that related to particulates, gases, dust, vapors, noise, radiation, odor, nutrients and heated liquids."

To comply with Article 8 of the ECL and 6 NYCRR Part 617, State Environmental Quality Review Act, consideration of all relevant environmental issues must be undertaken in making a determination of environmental significance. Noise impact potential is one of many potential issues for consideration in a SEQR review.

Environmental Conservation Law (ECL) Article 23, Title 27, Mined Land Reclamation Law (MLRL), requires applicants for permits to prepare and submit a mined land use plan to the Department for approval. The plan must describe, "the applicant's mining method and measures

to be taken to minimize adverse environmental impacts resulting from the mining operation." The provisions to be incorporated in a Mined Land Use Plan, as specified in 6 NYCRR Section 422.2, include the control of noise as a component of the plan.

The solid waste regulations at 6 NYCRR Subdivision 360-1.14(p), establish A-weighted decibel levels that are not to be exceeded at the property line of a facility.

The Division of Air Resources has regulations in 6 NYCRR Parts 450 through 454 that regulate the allowable sound level limits on certain motor vehicles. The statutory authority for these regulations is found in the New York State Vehicle and Traffic Law, Article 10, Section 386.

This guidance does not supercede any local noise ordinances or regulations.

IV. RESPONSIBILITY

The environmental analyst, acting as project manager for the review of applications for permits or permit modifications and working in concert with the program specialist, is responsible for ensuring that sound generation and noise emanating from proposed or existing facilities are properly evaluated. For new permits or significantly modified permits, there should be a determination as to the potential for noise impacts, and establishment of the requirements for noise impact assessment to be included in the application for permit. Where the Department is lead agency, the analyst is responsible for making a determination of significance pursuant to SEQR with respect to potential noise impacts and include documentation for such determination.

Where impacts are to be avoided or reduced through mitigation measures, the analyst, or where there are program requirements to address noise, the program specialist, should determine the effectiveness and feasibility of those measures and ensure that the permit conditions contain specific details for such measures. It should also be determined if additional measures to control noise are to be imposed as a condition of permitting. Appropriate permit language for the permit conditions should be developed by the program specialist and the analyst. The results of noise impact evaluations and the effectiveness of mitigation measures

shall be incorporated into SEQR documents and, where necessary, permit conditions shall be placed in final permits to ensure effective noise control.

When it is determined that potential noise effects, as well as other issues, warrant evaluation of impacts and mitigation measures in a Draft Environmental Impact Statement (EIS) prepared pursuant to SEQR, the environmental analyst with the Division of Environmental Permits assumes responsibility for determining the level of evaluation needed to assess sound level generation, noise effects, and mitigation needs and feasibility.

For existing facilities, the program specialist will determine the need for additional mitigation measures to control noise effects either in response to complaints or other changes in circumstances such as new noise from existing facilities or a change in land-use proximal to the facility.

The applicant or their agent, in preparing an application for a permit and supporting documentation, is responsible for assessing the potential noise impacts on area receptors. When potential adverse noise impacts are identified, the applicant should incorporate noise avoidance and reduction measures in the construction or operating plans. The applicant's submittal should also assess the effectiveness of proposed mitigation measures in eliminating adverse noise reception. Where noise effects are determined to be a reason in support of a SEQR positive declaration, the applicant shall assess noise impacts, avoidance, and mitigation measures in a Draft EIS using methodologies acceptable to this Department.

V. PROCEDURE

The intent of this section is to: introduce terms related to noise analyses; describe some of the various methods used to determine the impacts of sound pressure levels on receptors; identify some of the various attenuators of noise; and list some of the mitigative techniques that can be used to reduce the effects of noise on a receptor. At the end of the section three levels of analysis are described. The first level determines the potential for adverse noise impacts based on noise characteristics and sound pressure increases solely on noise attenuation over distance between the source and receptor of the noise. The second level factors other considerations such as topography and noise abatement measures in determining if adverse

noise impacts will occur. The third level evaluates noise abatement alternatives and their effectiveness in avoiding or reducing noise impacts.

The environmental effects of sound and human perceptions of sound can be described in terms of four characteristics:

1. Sound Pressure Level (SPL may also be designated by the symbol L_p) or perceived loudness is expressed in decibels (dB) or A-weighted decibel scale dB(A) which is weighted towards those portions of the frequency spectrum, between 20 and 20,000 Hertz, to which the human ear is most sensitive. Both measure sound pressure in the atmosphere.

2. Frequency (perceived as pitch), the rate at which a sound source vibrates or makes the air vibrate.

3. Duration i.e., recurring fluctuation in sound pressure or tone at an interval; sharp or startling noise at recurring interval; the temporal nature (continuous vs. intermittent) of sound.

4. Pure tone which is comprised of a single frequency. Pure tones are relatively rare in nature but, if they do occur, they can be extremely annoying.

Another term, related to the average of the sound energy over time, is the Equivalent Sound Level or $L_{eq.}$ The L_{eq} integrates fluctuating sound levels over a period of time to express them as a steady state sound level. As an example, if two sounds are measured and one sound has twice the energy but lasts half as long, the two sounds would be characterized as having the same equivalent sound level. Equivalent Sound Level is considered to be directly related to the effects of sound on people since it expresses the equivalent magnitude of the sound as a function of frequency of occurrence and time. By its derivation L_{eq} does not express the maximum nor minimum SPLs that may occur in a given time period. These maximum and minimum SPLs should be given in the noise analysis. The time interval over which the L_{eq} is measured should always be given. It is generally shown as a parenthetic; $L_{eq\,(8)}$ would indicate that the sound had been measured for a period of eight hours.

Equivalent Sound Level (L_{eq}) correlates well and can be combined with other types of noise analyses such as Composite Noise Rating, Community Noise Equivalent Level and day-night noise levels characterized by L_{dn} where an $L_{eq(24)}$ is measured and 10 dBA is added to all noise levels measured between 10 pm and 7 am. These different types of noise analyses

basically combine noise measurements into measures of cumulative noise exposure and may weight noise occurring at different times by adding decibels to the actual decibel level. Some of these analyses require more complex noise analysis than is mentioned in this guidance. They may be used in a noise analyses prepared for projects.

Designations for sound levels may also be shown as $L_{(10)}$ or $L_{(90)}$ in a noise analysis. These designations refer to the sound pressure level (SPL) that is exceeded for 10% of the time over which the sound is measured, in the case of $L_{(10)}$, and 90% of the time, in the case of $L_{(90)}$. For example, an $L_{(90)}$ of 70 dB(A) means that 70 dB(A) is exceeded for 90% the time for which the measurement was taken.

A. Environmental Setting and Effects on Noise Levels

1. Sound Level Reduction Over Distance - It is important to have an understanding of the way noise decreases with distance. The decrease in sound level from any single noise source normally follows the "inverse square law." That is, SPL changes in inverse proportion to the square of the distance from the sound source. At distances greater than 50 feet from a sound source, every doubling of the distance produces a 6 dB reduction in the sound. Therefore, a sound level of 70 dB at 50 feet would have a sound level of approximately 64 dB at 100 feet. At 200 feet sound from the same source would be perceived at a level of approximately 58 dB.

2. Additive Effects of Multiple Sound Sources - The total sound pressure created by multiple sound sources does not create a mathematical additive effect. Below Table A is given to assist you in calculating combined noise sources. For instance, two proximal noise sources that are 70 dBA each do not have a combined noise level of 140 dBA. In this case the combined noise level is 73 dBA. Since the difference between the two sound levels is 0 dB, Table A tells us to add 3 dB to the sound level to compensate for the additive effects of the sound. To find the cumulative SPL assess the SPLs starting with the two lowest readings and work up to the difference between the two highest readings. For several pieces of equipment, operating at one

time, calculate the difference first between the two lowest SPLs, check Table A and add the appropriate number of decibels to the higher of the two sound levels. Next, take the sound level that was calculated using Table A and subtract the next lowest sound level to be considered for the operation. Consult Table A again for the additive effect and add this to the higher of the two sound levels. Follow this process until all the sound levels are accounted for. As an example, let us say that an area for a new facility is being cleared. The equipment to be used is: two chainsaws, one operating at 57 dBA and one at 60 dBA; a front end loader at 80 dBA; and a truck at 78 dBA. Start with the two lowest sound levels: 60 dBA - 57 dBA = 3 dBA difference. Consulting the chart add 2 dBA to the higher sound level. The cumulative SPL of the two chainsaws is 62 dBA. Next, subtract 62 dBA from 78 dBA. 78 dBA - 62 dBA = 16 dBA. In this case, 0 dBA is added to the higher level so we end up with 78 dBA. Lastly, subtract 78 dBA from the 80 dBA. 80 dBA - 78 dBA = 2 dBA a difference of 2 dBA adds 2 dBA to the higher SPL or 82 dBA. The SPL from these four pieces of equipment operating simultaneously is 82 dBA.

Table A

Approximate Addition of Sound Levels

Difference Between Two Sound Levels	Add to the Higher of the Two Sound Levels
1 dB or less	3 dB
2 to 3 dB	2 dB
4 to 9 dB	1 dB
10 dB or more	0 dB

(USEPA, Protective Noise Levels, 1978)

3. Temperature and Humidity - Sound energy is absorbed in the air as a function of temperature, humidity and the frequency of the sound. This attenuation can be up to 2 dB over 1,000 feet. Such attenuation is short term and, since it occurs over a great distance, should not be considered in calculations. Higher temperatures tend to increase sound velocity but does

not have an effect on the SPL. Sound waves bend towards cooler temperatures. Temperature inversions may cause temporary problems when cooler air is next to the earth allowing for more distant propagation of sound. Similarly, sound waves will bend towards water when it is cooler than the air and bounce along the highly reflective surface. Consequently large water bodies between the sound source and the receptor may affect noise attenuation over distance.

4. Time of Year - Summer time noises have the greatest potential for causing annoyance because of open windows, outside activities, etc. During the winter people tend to spend more time indoors and have the windows closed. In general, building walls and windows that are closed provide a 15 dB reduction in noise levels. Building walls with the windows open allow for only a 5 dB reduction in SPL.

5. Wind - Wind can further reduce the sound heard at a distance if the receptor is upwind of the sound. The action of the wind disperses the sound waves reducing the SPLs upwind. While it is true that sound levels upwind of a noise source will be reduced, receptors downwind of a noise source will not realize an increase in sound level over that experienced at the same distance without a wind. This dispels the common belief that sound levels are increased downwind due to wind carrying noise.

6. Land forms and structures - In certain circumstances, sound levels can be accentuated or focused by certain features to cause adverse noise impacts at specified locations. At a hard rock mine, curved quarry walls may have the potential to cause an amphitheater effect while straight cliffs and quarry walls may cause an echo. Buildings that line streets in cities can cause a canyon effect where sound can be reflected from the building surfaces similar to what might happen in a canyon. Consideration of noise impacts associated with these types of conditions may require specialized expertise to evaluate impact potential and to formulate suitable mitigation techniques.

Consideration of existing noise sources and sound receptors in proximity to a proposed activity can be important considerations even when the activity under review is not a noise source. Topography, vegetation, structures and the relative location of noise receptors and sources to these features are all aspects of the environmental setting that can influence noise impact potential. As such, land alteration may also indirectly create an adverse noise impact where natural land features or manmade features serve as a noise barrier or provide noise attenuation for existing sources of noise, i.e. highway, railroads, manufacturing activity. Removal of these features, i.e. hills, vegetation, large structures or walls, can expose receptors to increased sound pressure levels causing noise problems where none had previously existed.

B. Impact Assessment

1. Factors to Consider

Factors to consider in determining the impact of noise on humans, are as follows:

a. Evaluation of Sound Characteristics

(1) Ambient noise level - A noise can only intrude if it differs in character or SPL from the normal ambient sound. Most objective attempts to assess nuisance noise adopt the technique of comparing the noise with actual ambient sound levels or with some derived criterion.

(2) Future noise level - The ambient noise level plus the noise level from the new or proposed source.

(3) Increase In Sound Pressure Level - A significant factor in determining the annoyance of a noise is Sound Pressure Level (SPL). SPLs are measured in decibels.

(4) Sharp and Startling Noise - These high frequency and high intensity noises can be extremely annoying. When initially evaluating the effects

of noise from an operation, pay particular attention to noises that can be particularly annoying. One such noise is the back-up beepers required to be used on machinery. They definitely catch one's attention as they were meant to do. Continual beeping by machinery can be mitigated (see Section V.C. Mitigation - Best Management Practices). Another impulse noise source that can be very annoying is the exhaust from compressed air machinery. This exhaust is usually released in loud bursts. Compressed air exhaust can also be mitigated if it causes a noise problem by using readily available mufflers or specifically designed enclosures.

(5) Frequency and Tone - Frequency is the rate at which a sound source vibrates or makes the air vibrate. Frequency is measured in Hertz (Hz). Frequency can also be classified as high ("sharp"), low ("dull"), and moderate. Pure tones are rare in nature. Tonal sounds usually consist of pure tones at several frequencies. Pure tones and tonal sounds are discerned more readily by the human ear. Pure tones and tonal sounds are compensated for in sound studies by adding a calculated number of dB(A) to the measured sound pressure.

(6) Percentile of Sound Levels - Fluctuations of SPLs can be expressed as a percentile level designated as $L_{(n)}$ where a given decibel level is exceeded *n* % of the time. A designation of $L_{(10)}$ = 70 dBA means the measured SPLs exceeded 70 dBA 10% of the time. A designation of $L_{(90)}$ = 70 dBA means the measured SPLs were exceeded 90% of the time. $L_{(90)}$ is often used to designate the background noise level.

(7) Expression of Overall Sound - Part of the overall assessment of sound is the *Equivalent Sound Level* (L_{eq}) which assigns a single value of sound level for a period of time in which varying levels of sound are experienced over that time period. The L_{eq} value provides an indication of the effects of sound on people. It is also useful in establishing the ambient sound levels at a potential noise source.

In order to evaluate the above factors in the appropriate context, one must identify the following: 1) appropriate receptor locations for sound level calculation or measurement; 2) ambient sound levels and characteristics at these receptor locations; and 3) the sound pressure increase and characteristics of the sound that represents a significant noise effect at a receptor location.

b. Receptor Locations

Appropriate receptor locations may be either at the property line of the parcel on which the facility is located or at the location of use or inhabitance on adjacent property. The solid waste regulations require the measurements of sound levels be at the property line. The most conservative approach utilizes the property line. The property line should be the point of reference when adjacent land use is proximal to the property line. Reference points at other locations on adjacent properties can be chosen after determining that existing property usage between the property line and the reference point would not be impaired by noise, i.e., property uses are relatively remote from the property line. The location of the facility should be shown on a map in relation to each potential receptor. Any future expansion should be described in a narrative as well as depicted on a map. The map and narrative should also include the distance of the operation to each point of reception including the distance at the point in time when an expanding operation will be closest to the receptors.

c. Thresholds for Significant Sound Pressure Level (SPL) Increase

The goal for any permitted operation should be to minimize increases in sound pressure level above ambient levels at the chosen point of sound reception. Increases ranging from 0-3 dB should have no appreciable effect on receptors. Increases from 3-6 dB may have potential for adverse noise impact only in cases where the most sensitive of receptors are present. Sound pressure increases of more than 6 dB may require a closer analysis of impact potential depending on

existing SPLs and the character of surrounding land use and receptors. SPL increases approaching 10 dB result in a perceived doubling of SPL. The perceived doubling of the SPL results from the fact that SPLs are measured on a logarithmic scale. An increase of 10 dB(A) deserves consideration of avoidance and mitigation measures in most cases. The above thresholds as indicators of impact potential should be viewed as guidelines subject to adjustment as appropriate for the specific circumstances one encounters.

Establishing a maximum SPL at the point of reception can be an appropriate approach to addressing potential adverse noise impacts. Noise thresholds are established for solid waste management facilities in the Department's Solid Waste regulations, 6 NYCRR Part 360. Most humans find a sound level of 60 - 70 dB(A) as beginning to create a condition of significant noise effect (EPA 550/9-79-100, November 1978). In general, the EPA's "Protective Noise Levels" guidance found that ambient noise levels # 55 dBA $L_{(dn)}$ was sufficient to protect public health and welfare and, in most cases, did not create an annoyance (EPA 550/9-79-100, November 1978). In non-industrial settings the SPL should probably not exceed ambient noise by more than 6 dB(A) at the receptor. An increase of 6 dB(A) may cause complaints. There may be occasions where an increase in SPLs of greater than 6 dB(A) might be acceptable. The addition of any noise source, in a non-industrial setting, should not raise the ambient noise level above a maximum of 65 dB(A). This would be considered the "upper end" limit since 65 dB(A) allows for undisturbed speech at a distance of approximately three feet. Some outdoor activities can be conducted at a SPL of 65 dB(A). Still lower ambient noise levels may be necessary if there are sensitive receptors nearby. These goals can be attained by using the mitigative techniques outlined in this guidance.

Ambient noise SPLs in industrial or commercial areas may exceed 65 dB(A) with a high end of approximately 79 dB(A) (EPA 550/9-79-100, November 1979). In these instances mitigative measures utilizing best management practices should be used in an effort to ensure that a facility's generated sound levels are at a minimum. The goal in an industrial/commercial area, where ambient SPLs are already at a high level, should be not to exceed the ambient SPL. Remember, if a new source

operates at the same noise level as the ambient, then 3 dB(A) must be added to the existing ambient noise level to obtain the future noise level. If the goal is not to raise the future noise levels the new facility would have to operate at 10 dB(A) or more lower than the ambient.(see Table A)

Table B

HUMAN REACTION TO INCREASES IN SOUND PRESSURE LEVEL

Increase in Sound Pressure (dB)	Human Reaction
Under 5	Unnoticed to tolerable
5 - 10	Intrusive
10 - 15	Very noticeable
15 - 20	Objectionable
Over 20	Very objectionable to intolerable

(Down and Stocks - 1978)

Impact assessment will vary for specific project reviews, but must consist of certain basic components for all assessments. Additional examination of sound generation and noise reception are necessary, where circumstances warrant. Sound impact evaluation is an incremental process, with four potential outcomes:

- exemption criteria are met and no noise evaluation is required;
- noise impacts are determined to be non-significant (after first-level evaluation);
- noise impacts are identified as a potential issue but can be readily mitigated (after second level evaluation); or
- noise impacts are identified as a significant issue requiring analysis of alternatives as well as mitigation (third level evaluation).

All levels of evaluation may require preparation of a noise analysis. The required scope of noise impact analysis can be rudimentary to rather sophisticated, depending on circumstances and the results obtained from initial levels of evaluation. Recommendations for each level of evaluation are presented below.

2. Situations in Which No Noise Evaluation is Necessary

When certain criteria are satisfied, the need for undertaking a noise impact analysis at any level is eliminated. These criteria are as follows:

a. The site is contained within an area in which local zoning provides for the intended use as a "right of use". It does not apply to activities that are permissible only after an applicant is granted a special use permit by the local government; and

b. The applicant's operational plan incorporates appropriate best management practices (BMPs [see Section V.C. Mitigation - Best Management Practices]) for noise control for all facets of the operation.

Where activities may be undertaken as a "right of use", it is presumed that noise has been addressed in establishing the zoning. Any residual noise that is present following BMP implementation should be considered an inherent component of the activity that has been found acceptable in consideration of the zoning designation of the site.

3. First Level Noise Impact Evaluation

The initial evaluation for most facilities should determine the maximum amount of sound created at a single point in time by multiple activities for the proposed project. All facets of the construction and operation that produce noise should be included such as land clearing activities (chain saw and equipment operation), drilling, equipment operation for excavating, hauling or conveying materials, pile driving, steel work, material processing, product storage and removal. Land clearing and construction may be only temporary noise at the site whereas the ongoing operation of a facility would be considered permanent noise. An analysis may be required for

various phases of the construction and operation of the project to assure that adverse noise effects do not occur at any phase.

To calculate the sound generated by equipment operation, one can consult the manufacturers' specifications for sound generation, available for various types of equipment. Another option for calculating the sound to be generated by equipment is to make actual measurements of sound generated by existing similar equipment, elsewhere.

Tables C and D summarize noise measurements from some common equipment used in construction and mining. Table E summarizes the noise level, in decibels (dB[A]), from some common sources. This information can be used to assist Department staff in relating potential noise impacts to sound levels produced by commercial and industrial activities. Use of these tables in the first level of analysis will help determine whether or not noise will be an issue and whether actual measurements should be made to confirm noise levels.

Table C

PROJECTED NOISE LEVELS

Noise Source	Measurements	1,000 feet	2,000 feet	3,000 feet
Primary and secondary crusher	89 dB(A) at 100 ft	69.0 dB(A)	63.0 dB(A)	59.5 dB(A)
Hitachi 501 shovel loading	92 dB(A) at 50 ft	66.0 dB(A)	60.0 dB(A)	56.5 dB(A)
Euclid R-50 pit truck loaded	90 dB(A) at 50 ft	64.0 dB(A)	58.0 dB(A)	54.4 dB(A)
Caterpillar 988 loader	80 dB(A) at 300 ft	69.5 dB(A)	63.5 dB(A)	60.0 dB(A)

(The Aggregate Handbook, 1991)

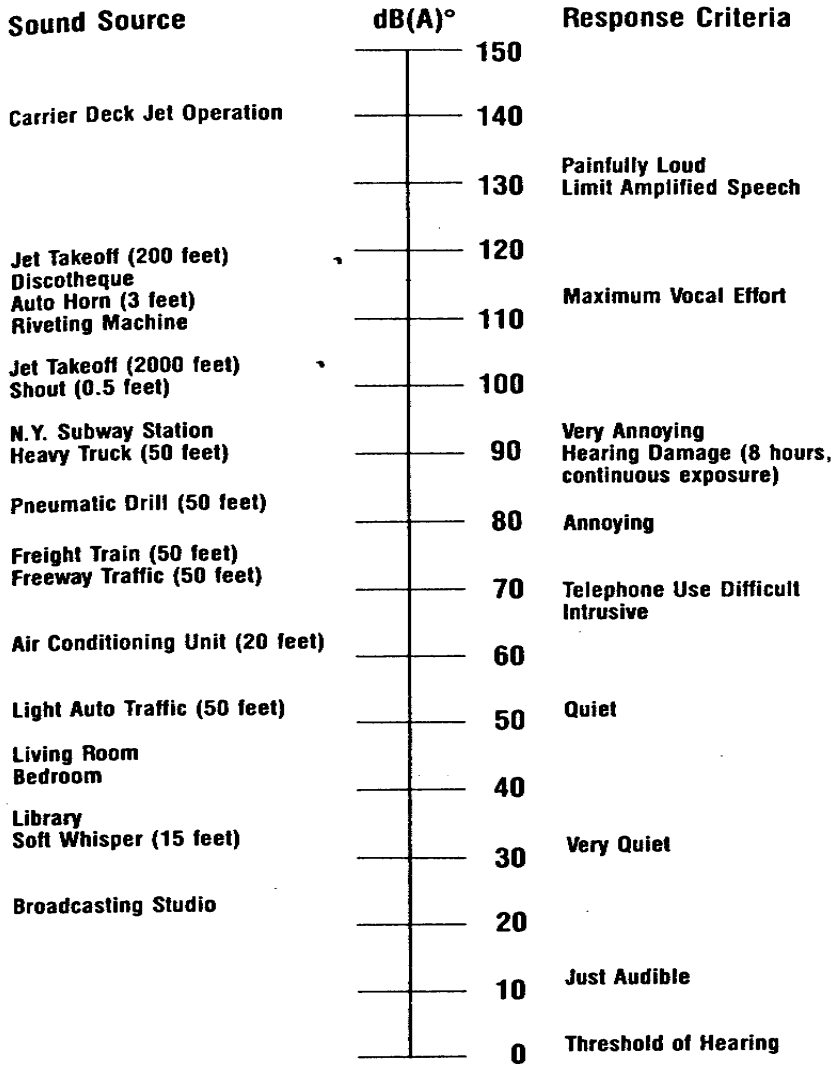
Table D

Common Equipment Sound Levels

EQUIPMENT	**DECIBEL LEVEL**	**DISTANCE** in feet
Augered earth drill	80	50
Backhoe	83-86	50
Cement mixer	63-71	50
Chain saw cutting trees	75-81	50
Compressor	67	50
Garbage Truck	71-83	50
Jackhammer	82	50
Paving breaker	82	50
Wood Chipper	89	50
Bulldozer	80	50
Grader	85	50
Truck	91	50
Generator	78	50
Rock drill	98	50

(excerpt and derived from Cowan, 1994)

Table E



(The Aggregate Handbook, 1991)

The sound level at receptor locations should be calculated using the inverse square rule whereby sound is attenuated over distance. Again, each doubling of the distance from the source of a noise decreases the SPL by 6 dB(A) at distances greater than 50 feet. This calculation should first consider the straight line distance between the point of noise generation and the point of noise reception with the presumption that no natural or manmade features exist along the transect between the two points that would further attenuate sound level. Calculations should be performed for each point of reception in all directions being careful to evaluate the worst case noise impact potential by considering activities at the point where they would be closest to a receptor. The sound level calculated for the point of reception should be related to ambient sound levels. Ambient sound levels can be either measured or assumed based on established references for the environmental setting and land use at the point of reception. For estimation purposes, ambient SPLs will vary from approximately 35 dB(A) in a wilderness area to approximately 87 dB(A) in a highly industrial setting. A quiet seemingly serene setting such as rural farm land will be at the lower end of the scale at about 45 dB(A), whereas an urban industrial area will be at the high end of this scale at around 79 dB(A) (EPA 550/9-79-100, November 1978). If there is any concern that levels based on reference values do not accurately reflect ambient SPL, field measurements should be undertaken to determine ambient SPLs.

Where this evaluation indicates that sound levels at the point of reception will not be perceptible, similar to or only slightly elevated as compared to ambient conditions, no further evaluation is required. When there is an indication from this initial analysis that marginal or significant noise impact may occur, further evaluation is required. In determining the potential for an adverse noise impact, consider not only ambient noise levels, but also the existing land use, and whether or not an increased noise level or the introduction of a discernable sound, that is out of character with existing sounds, will be considered annoying or obtrusive. (see B.1.a Evaluation of Sound Characteristics)

4. Second Level Noise Impact Evaluation

Further refine the evaluation of noise impact potential by factoring in any additional noise attenuation that will be provided by existing natural topography, fabricated structures such as buildings, walls or berms or vegetation located between the point of noise generation and noise reception. This analysis may require consideration of future conditions and the loss of natural noise buffers over time.

Dense vegetation that is at least 100 feet in depth will reduce the sound levels by 3 to 7 dB(A). Evergreens provide a better vegetative screen than deciduous trees. Keep in mind that if a vegetative screen does not currently exist, planting a vegetative screen may require 15 or more years of growth before it becomes effective.

The degree to which topography attenuates noise depends on how close the feature is located to the source or the receptor of the noise. Topography can act as a natural screen. The closer a hill or other barrier is to the noise source or the receptor, the larger the sound shadow will be on the side opposite the noise source. Certain operations such as mining and landfills may be able to use topography to maintain a screen between the operation and receptors as they progress. Mining operations may be able to create screens by opening a mine in the center of the site using and maintaining the pit walls as barriers against sound (Aggregate Handbook, 1991).

If after taking into account all the attenuating features the potential still exists for adverse noise impact, other types of noise analyses or modeling should be used to characterize the source. An Equivalent Sound Level (L_{eq}) analysis or a related type of noise analysis may better define activities or sources that require more mitigation or isolation so that noise emanating from these sources will not cause an adverse impact.

Where it is demonstrated that noise absorbing or deflecting features further attenuate sound reception to a level of no significant increase, no further analysis is necessary. Where it is determined that noise level or the character of the noise may

have a significant adverse effect on receptors, other noise mitigation measures should be evaluated in an expanded noise analysis.

5. Third Level - Mitigation Measures

When the above analyses indicate significant noise effects may or will occur, the applicant should evaluate options for implementation of mitigation measures that avoid, or diminish significant noise effects to acceptable levels (see Section V.C. Mitigation - Best Management Practices). Adequate details concerning mitigation measures and an evaluation of the effectiveness of the mitigative measures through additional sound level calculations should be provided in a noise analysis. These calculations are to factor in the noise reduction or avoidance capabilities of the mitigation measures. In circumstances where noise effects cannot readily be reduced to a level of no significance by project design or operational features in the application, the applicant must evaluate alternatives and mitigation measures in an environmental impact statement to avoid or reduce impacts to the maximum extent practicable per the requirements of the State Environmental Quality Review Act (SEQR).

The noise analysis should be part of the application or a supplement to it, and will be part of the SEQR environmental assessment by reference. Duplicative noise analysis information is not required for the permit application and the assessment of impacts under SEQR. A proper analysis can satisfy information needs for both purposes.

C. Mitigation - Best Management Practices (BMP) for Reducing Noise

Various noise abatement techniques are available for reducing frequency of sound, duration of sound or SPLs at receptor locations. The mitigation techniques given below are listed according to what sound characteristic they mitigate.

1. Reduce noise frequency and impulse noise at the source of generation by:

   a. Replacing back-up beepers on machinery with strobe lights (subject to other requirements, e.g., OSHA and Mine Safety and Health Administration, as applicable). This eliminates the most annoying impulse beeping;

   b. Using appropriate mufflers to reduce the frequency of sound on machinery that pulses, such as diesel engines and compressed air machinery;

   c. Changing equipment: using electric motors instead of compressed air driven machinery; using low speed fans in place of high speed fans;

   d. Modifying machinery to reduce noise by using plastic liners, flexible noise control covers, and dampening plates and pads on large sheet metal surfaces; and

2. Reduce noise duration by:

   a. Limiting the number of days of operation, restricting the hours of operation and specifying the time of day and hours of access and egress can abate noise impacts.

   b. Limiting noisier operations to normal work day hours may reduce or eliminate complaints.

Limiting hours of construction or operation can be an effective tool in reducing potential adverse impacts of noise. The impacts of noise on receptors can be

significantly reduced by effectively managing the hours at which the loudest of the operations can take place.

Implementation of hours of operation does not reduce the SPL emanating from a facility. Determining whether or not hours of operation will be effective, mitigation requires consideration of: public safety, for example road construction at night may reduce traffic concerns and facilitate work; duration of the activity, is it a one time event necessary to meet a short term goal or will the activity become an ongoing operation; and surrounding land use, consider what type(s) of land use is proximal to the activity and at what time(s) might a reduction of noise levels be necessary. There may be other factors to consider due to the uniqueness of a given activity or the type of land use adjacent to the activity. Hours of operation should also consider weekend activities and legal holidays that may change the types of land use adjacent to the permitted activity or increase traffic levels in an area.

The best results from using hours of operation as a mitigative measure will be obtained if the hours are negotiated with the owner or operator of the facility. The less noisy aspects of an operation may not have to be subject to the requirements of hours of operation such as preparing, greasing and maintaining machinery for the upcoming day's operation. The more noisy operations can be scheduled to begin when people in the receptor area are less likely to be adversely effected. Hours of operation should be included in the operation plans for a facility that becomes part of the permit, or in the event that there is no operation plan, can be included as a permit condition.

3. Reduce Noise sound pressure levels by:

   a. Increasing the setback distance.
   b. Moving processing equipment during operation further from receptors.
   c. Substituting quieter equipment (example - replacing compressed air fan with an electric fan could result in a 20 dB reduction of noise level).

d. Using mufflers selected to match the type of equipment and air or gas flow on mechanical equipment.
e. Ensuring that equipment is regularly maintained.
f. Enclosing processing equipment in buildings (example - enclosing noisy equipment could result in an 8-10 dB noise level reduction, a 9 inch brick wall can reduce SPL by 45-50 dB).
g. Erecting sound barriers such as screens or berms around the noise generating equipment or near the point of reception. The angle of deflection also increases as the height of a screen or barrier increases. Screens or barriers should be located as close to the noise source or the receptor as possible. The closer the barrier is located to the source or the receptor, the greater the angle of deflection of the sound waves will be creating a larger "sound shadow" on the side opposite the barrier. Stockpiles of raw material or finished product can be an effective sound barrier if strategically placed.
h. phasing operations to preserve natural barriers as long as possible.
i. altering the direction, size, proximity of expanding operations.
j. Designing enclosed facilities to prevent or minimize an SPL increases above ambient levels. This would require a noise analysis and building designed by a qualified engineer that includes adequate ventilation with noise abatement systems on the ventilation system.

Public notification of upcoming loud events can also be used as a form of mitigation although it doesn't fit easily into the categories above. People are less likely to get upset if they know of an upcoming event and know that it will be temporary.

The applicant should demonstrate that the specific mitigation measures proposed will be effective in preventing adverse noise effects on receptors.

D. Decision Making - Conditioning Permits to Limit Noise Impacts

Preferably, the mitigation measures as outlined in the construction and operational plans should be relied upon to mitigate the effects of noise on receptors. The permit should state that the activity will be conducted in accordance with the approved plan. Otherwise, mitigation measures and BMP's can be imposed within specific permit conditions.

It is not the intention of this guidance to require decibel limits to be established for operations where such limits are not required by regulation. There are, however, instances when a decibel limit may be established for an operation to ensure activities do not create unacceptable noise effects, as follows:

1. The review of a draft and final environmental impact statement demonstrates the need for imposition of a decibel limit;
2. A decibel limit is established by the Commissioner's findings after a public hearing has been held on an application;
3. The applicant asks to have a decibel limit to demonstrate the ability to comply; or
4. A program division seeks to establish a decibel limit as a permit condition, when necessary to demonstrate avoidance of unacceptable noise impact.

Ultimately, the final decision must incorporate appropriate measures to minimize or avoid significant noise impacts, as required under SEQR. Any unavoidable adverse effects must be weighed along with other social and economic considerations in deciding whether to approve or deny a permit.

REFERENCES

1) Cowan, James P., Handbook of Environmental Acoustics, Van Nostrand Reinhold, 1994.

2) Down, C.G. and Stocks, J.; Environmental Impact of Mining. Applied Science Publishers Ltd., ISBN 0853347166, 1978.

3) U.S. Dept of Transportation - Federal Highway Administration Office of Research and Development; Highway Noise-A Manual for Highway Noise and Land Use, Nov. 1974.

4) New York State Motor Vehicle Law, Chapter IV, Subchapter E, 450.2, Part 450, "Noise From Heavy Motor Vehicles," 200.701 CN, February 28, 1997.

5) Beranek, L.A. ed., Noise and Vibration Control. Cambridge, MA: Institute of Noise Control Engineering, 1971, pp. 164-174 and 182-191.

6) Barksdale, R.D., editor, 1991. The Aggregate Handbook: National Stone Association (Washington, DC), 1.V.

7) Norman, David K., Wampler , Peter J., Throop, Allen H., Schnitzer, E. Frank, and Roloff, J., 1996. "Best Management Practices for Reclaiming Surface Mines in Washington and Oregon." Oregon Dept. of Geology and Mineral Industries, Open File Report 0-96-2.

8) United States Environmental Protection Agency, Protective Noise Levels, Condensed Version of EPA Levels document, EPA 550/9-79-100, November 1978, Office of Noise Abatement & Control, Washington, D.C.

9) United States Environmental Protection Agency, Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety, EPA 550/9-74-004, March 1974, Office of Noise Abatement and Control, Washington, D.C.

10) City of Davis General Plan, Appendix E Background Information on Environmental Acoustics, November 1996.

11) The Australian National University, “Physics and Psychophysics of Music”, ACAT 1003, David Worrall, http://www.anu.edu.au/ITA/ACAT/drw/PPofM/Intensity2.html, 1998.

12) Danish Wind Turbine Manufacturers Association, Measuring and Calculating Sound Levels, November 18, 1997.

Additional Reading

a. Beranek, Leo L. and Istavan L. Ver, Noise and Vibration Control Engineering, John Wiley & Sons, Inc. New York, 1992.

b. Beranek, Leo L., Noise and Vibration Control, Institute of Noise Control Engineering, Revised Edition, Washington, C.C., 1988.

c. Diehl, George, M., Machinery Acoustics, John Wiley & Sons, New York, 1973.

d. Erwin, J.D., Graf, E. R., Industrial Noise and Vibration Control, Prentice Hall, Englewood Cliffs, New Jersey, 1979.

e. Jensen, Paul, et al, Industrial Noise Control Manual, U.S. Department of Health, Education and Welfare, Public Health Service, Cincinnati, 1978.

APPENDIX B -
INSTRUMENT CALIBRATION SHEETS

INSTRUMENT CALIBRATION REPORT

Advanced Labs, Inc.

Pine Environmental Services, Inc

Instrument ID 5392
Description Quest QC-10 Acoustic Calibrator
Calibrated 5/26/2022

Manufacturer Quest
Model Number QC-10
Serial Number QID050172
Location New Jersey
Temp 70

Classification
Status pass
Frequency Yearly
Department Lab
Humidity 35

Calibration Specifications

Group # 1
Group Name Acoustic Tests Performed
Test Performed: Yes **As Found Result: Pass** **As Left Result: Pass**

Test Instruments Used During the Calibration

				(As Of Cal Entry Date)	
Test Instrument ID	Description	Manufacturer	Serial Number	Last Cal Date	Next Cal Date
B&K 4226	Brüel & Kjær 4226	Brüel & Kjær	2590968	7/27/2021	7/27/2022
B&K 4228	Brüel & Kjær 4228	Brüel & Kjær	2667476	7/27/2021	7/27/2022

Notes about this calibration

Calibration Result Calibration Successful
Who Calibrated David Galego

Advanced Labs, Inc. hereby certifies that this instrument is calibrated and functions to meet the manufacture's specifications using NIST traceable standards, or is derived from accepted values of physical constants.

CASELLA

Certificate of Conformity and Calibration FA05190

Instrument Type:- CEL-633C

Serial Number 4210504
Firmware revision V006-05

Microphone Type:- CEL-251
Serial Number 05084

Preamplifier Type:- CEL-495
Serial Number 005056

Instrument Class/Type:- 1



Applicable standards:-

IEC 61672: 2002 / EN 60651 (Electroacoustics - Sound Level Meters)
IEC 60651 1979 (Sound Level Meters), ANSI S1.4: 1983 (Specifications For Sound Level Meters)

Note:- *The test sequences performed in this report are in accordance with the current Sound level meter Standard - IEC61672. The combination of tests performed are considered to confirm the products electro-acoustic performance to all applicable standards including superceeded Sound Level Meter Standards - IEC60651 and IEC60804.*

Test Conditions:- 22 °C, 32 %RH, 1014 mBar

Test Engineer:- Nicola Cartwright
Date of Issue:- July 4, 2022

Declaration of conformity:-

This test certificate confirms that the instrument specified above has been successfully tested to comply with the manufacturer's published specifications. Tests are performed using equipment traceable to national standards in accordance with Casella's ISO 9001:2008 quality procedures. This product is certified as being compliant to the requirements of the CE Directive.

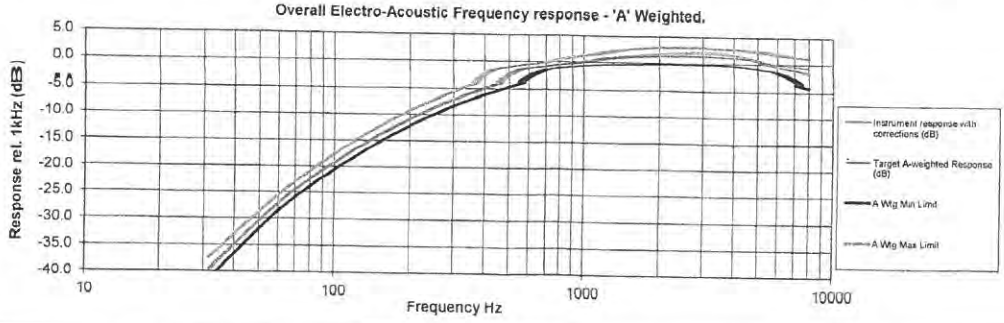
Test Summary:-

Self Generated Noise Test	**All Tests Pass**
Electrical Signal Test Of Frequency Weightings	**All Tests Pass**
Frequency & Time Weightings At 1 kHz	**All Tests Pass**
Level Linearity On The Reference Level Range	**All Tests Pass**
Toneburst Response Test	**All Tests Pass**
C-peak Sound Levels	**All Tests Pass**
Overload Indication	**All Tests Pass**
Acoustic Tests	**All Tests Pass**

Combined Electro-Acoustic Frequency Response - *A Weighted*

Combined Electro-Acoustic Frequency Response - A Weighted (IEC 61672-3:2006)

The following A-Weighted frequency response graph shows this instruments overall frequency response based upon the application of multi-frequency pressure field calibrations. The microphones Pressure to Free field correction coefficients are applied to pressure response. Reference level taken at 1kHz.



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INSTRUMENT CALIBRATION REPORT

Advanced Labs, Inc.

Pine Environmental Services, Inc

Instrument ID 17320
Description Quest SoundPro DL-2-1/3
Calibrated 5/27/2022

Manufacturer Quest
Model Number SoundPro DL-2-1/3
Serial Number BIJ090026
Location New Jersey
Temp 70

Classification
Status pass
Frequency Yearly
Department Lab
Humidity 40

Calibration Specifications

Group # 1
Group Name Acoustic Tests Performed
Test Performed: Yes **As Found Result: Pass** **As Left Result: Pass**

Test Instruments Used During the Calibration

				(As Of Cal Entry Date)	
Test Instrument ID	**Description**	**Manufacturer**	**Serial Number**	**Last Cal Date**	**Next Cal Date**
B&K 4226	Brüel & Kjær 4226	Brüel & Kjær	2590968	7/27/2021	7/27/2022
B&K 4228	Brüel & Kjær 4228	Brüel & Kjær	2667476	7/27/2021	7/27/2022

Notes about this calibration

Calibration Result Calibration Successful
Who Calibrated David Galego

Advanced Labs, Inc. hereby certifies that this instrument is calibrated and functions to meet the manufacture's specifications using NIST traceable standards, or is derived from accepted values of physical constants.

Certificate of Conformity and Calibration



Instrument Model:-	CEL-633C		
Serial Number	0442231		
Firmware revision	V129-09		
Microphone Type:-	CEL-252	Preamplifier Type:-	CEL-495
Serial Number	89713	Serial Number	001775
Instrument Class/Type:-	2		

Applicable standards:-

IEC 61672: 2013 / EN 60651 (Electroacoustics - Sound Level Meters)
IEC 60651 1979 (Sound Level Meters), ANSI S1.4: 1983 (Specifications For Sound Level Meters)

Note:- The test sequences performed in this report are in accordance with the current Sound level meter *Standard - IEC61672. The combination of tests performed are considered to confirm the products electro-acoustic performance to all applicable standards including superceeded Sound Level Meter Standards - IEC60651 and IEC60804.*

Test Conditions:-	22 °C 25 %RH 1015 mBar	Test Engineer:- Date of Issue:-	Paul Blackwell December 22, 2021

Declaration of conformity:-

This test certificate confirms that the instrument specified above has been successfully tested to comply with the manufacturer's published specifications. Tests are performed using equipment traceable to national standards in accordance with Casella's ISO 9001:2015 quality procedures. This product is certified as being compliant to the requirements of the CE Directive.

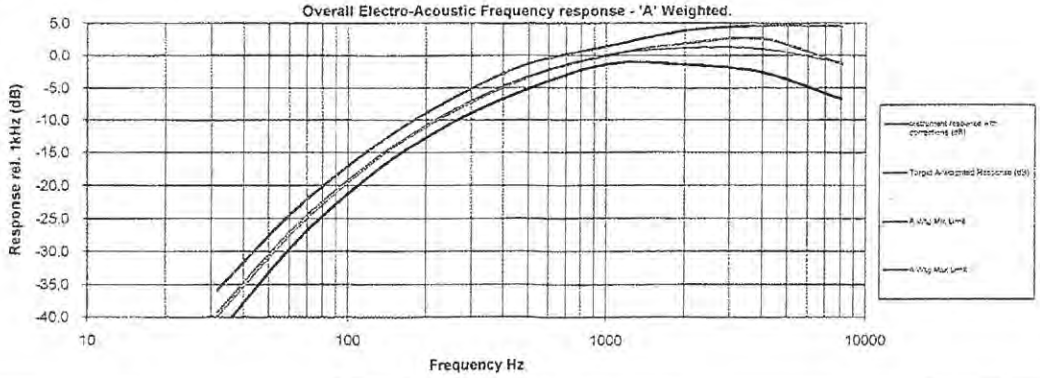
Test Summary:-

Self Generated Noise Test	All Tests Pass
Electrical Signal Test Of Frequency Weightings	All Tests Pass
Frequency & Time Weightings At 1 kHz	All Tests Pass
Level Linearity On The Reference Level Range	All Tests Pass
Toneburst Response Test	All Tests Pass
C-peak Sound Levels	All Tests Pass
Overload Indication	All Tests Pass
Acoustic Tests	All Tests Pass

Combined Electro-Acoustic Frequency Response - A Weighted

Combined Electro-Acoustic Frequency Response - A Weighted (IEC 61672-3:2006)

The following A-Weighted frequency response graph shows this instruments overall frequency response based upon the application of multi-frequency pressure field calibrations. The microphones Pressure to Free field correction coefficients are applied to pressure response. Reference level taken at 1kHz.



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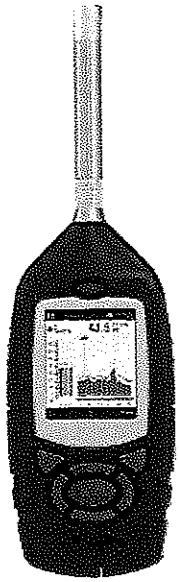
Certificate of Conformity and Calibration



Instrument Model:-	**CEL-633C**		
Serial Number	4637949		
Firmware revision	V129-09		
Microphone Type:-	**CEL-252**	**Preamplifier Type:-**	**CEL-495**
Serial Number	60590	Serial Number	002125
Instrument Class/Type:-	**2**		

Applicable standards:-

IEC 61672: 2013 / EN 60651 (Electroacoustics - Sound Level Meters)
IEC 60651 1979 (Sound Level Meters), ANSI S1.4: 1983 (Specifications For Sound Level Meters)

Note:- The test sequences performed in this report are in accordance with the current Sound level meter *Standard - IEC61672. The combination of tests performed are considered to confirm the products electro-acoustic performance to all applicable standards including superceeded Sound Level Meter Standards - IEC60651 and IEC60804.*

Test Conditions:-	23 °C	**Test Engineer:-**	Paul Blackwell
	33 %RH	**Date of Issue:-**	December 14, 2021
	1021 mBar		

Declaration of conformity:-

This test certificate confirms that the instrument specified above has been successfully tested to comply with the manufacturer's published specifications. Tests are performed using equipment traceable to national standards in accordance with Casella's ISO 9001:2015 quality procedures. This product is certified as being compliant to the requirements of the CE Directive.

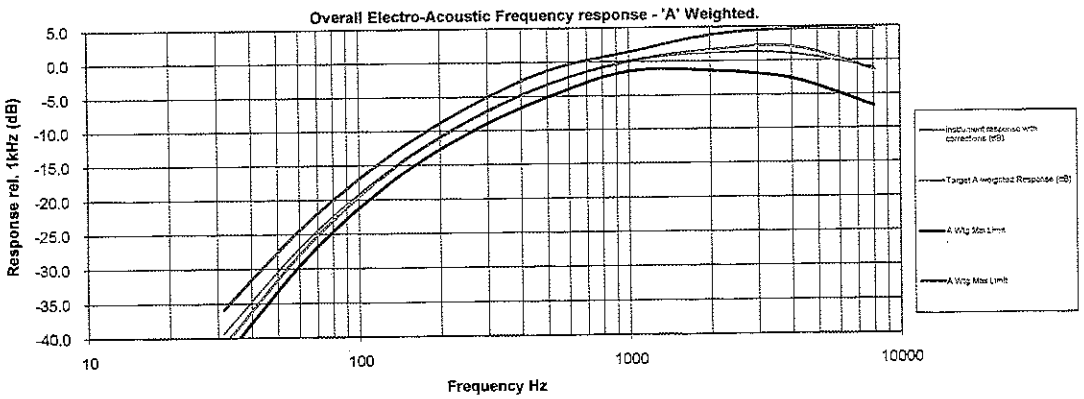
Test Summary:-

Self Generated Noise Test	**All Tests Pass**
Electrical Signal Test Of Frequency Weightings	**All Tests Pass**
Frequency & Time Weightings At 1 kHz	**All Tests Pass**
Level Linearity On The Reference Level Range	**All Tests Pass**
Toneburst Response Test	**All Tests Pass**
C-peak Sound Levels	**All Tests Pass**
Overload Indication	**All Tests Pass**
Acoustic Tests	**All Tests Pass**

Combined Electro-Acoustic Frequency Response - A Weighted

Combined Electro-Acoustic Frequency Response - A Weighted (IEC 61672-3:2006)

The following A-Weighted frequency response graph shows this instruments overall frequency response based upon the application of multi-frequency pressure field calibrations. The microphones Pressure to Free field correction coefficients are applied to pressure response. Reference level taken at 1kHz.



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Certificate of Conformity and Calibration



Instrument Model:-	**CEL-633C**		
Serial Number	2145334		
Firmware revision	V129-09		
Microphone Type:-	**CEL-251**	**Preamplifier Type:-**	**CEL-495**
Serial Number	5766	Serial Number	004239
Instrument Class/Type:-	1		

Applicable standards:-

IEC 61672: 2013 / EN 60651 (Electroacoustics - Sound Level Meters)
IEC 60651 1979 (Sound Level Meters), ANSI S1.4: 1983 (Specifications For Sound Level Meters)

Note:- The test sequences performed in this report are in accordance with the current Sound level meter *Standard - IEC61672. The combination of tests performed are considered to confirm the products electro-acoustic performance to all applicable standards including superceeded Sound Level Meter Standards - IEC60651 and IEC60804.*

Test Conditions:-	23 °C	**Test Engineer:-**	Paul Blackwell
	29 %RH	**Date of Issue:-**	April 12, 2022
	999 mBar		

Declaration of conformity:-

This test certificate confirms that the instrument specified above has been successfully tested to comply with the manufacturer's published specifications. Tests are performed using equipment traceable to national standards in accordance with Casella's ISO 9001:2015 quality procedures. This product is certified as being compliant to the requirements of the CE Directive.

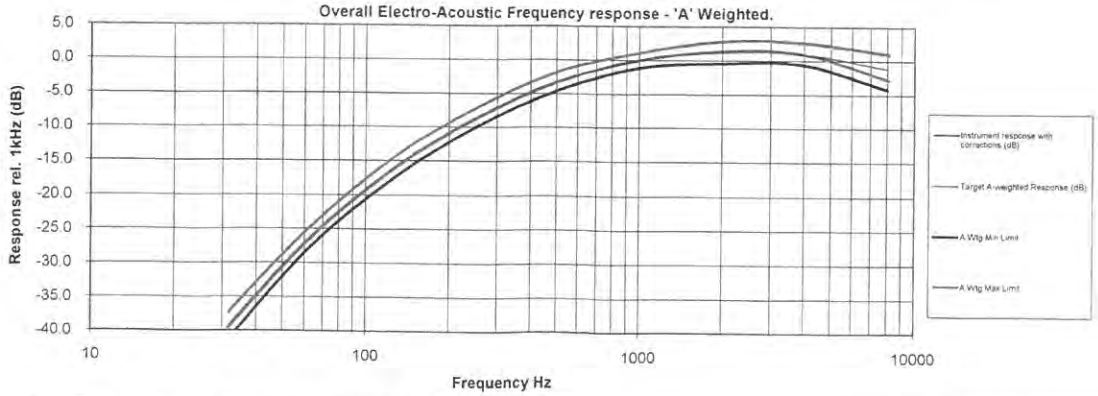
Test Summary:-

Self Generated Noise Test	**All Tests Pass**
Electrical Signal Test Of Frequency Weightings	**All Tests Pass**
Frequency & Time Weightings At 1 kHz	**All Tests Pass**
Level Linearity On The Reference Level Range	**All Tests Pass**
Toneburst Response Test	**All Tests Pass**
C-peak Sound Levels	**All Tests Pass**
Overload Indication	**All Tests Pass**
Acoustic Tests	**All Tests Pass**

Combined Electro-Acoustic Frequency Response - A Weighted

Combined Electro-Acoustic Frequency Response - A Weighted (IEC 61672-3:2006)

The following A-Weighted frequency response graph shows this instruments overall frequency response based upon the application of multi-frequency pressure field calibrations. The microphones Pressure to Free field correction coefficients are applied to pressure response. Reference level taken at 1kHz.



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CASELLA

Certificate of Conformity and Calibration

Customer:	Eco-Rental Solutions
Instrument:	CEL-120/1
Serial Number:	5230919
Job Number:	25508
Date of Issue:	12-Apr-2022
Engineer:	P Blackwell

Traceable Equipment:		
	Reference Calibrator	EQ11085
	DVM type Fluke 45	EQ00318

Test Conditions:

Ambient Temperature	23.0	°C
Ambient Humidity	29.0	%RH
Ambient Pressure	999	mBar

Results:

	Level 1	Level 2	Frequency
Initial Reading	114.04 dB	N/A dB	1.0000 kHz
Final Reading	114.00 dB	N/A dB	1.0000 kHz

Uncertainty:

Level	±	0.15	dB
Frequency	±	0.5	Hz

This test certificate confirms that the instrument specified above has been successfully tested to comply with the manufacturer's published specifications.
Tests are performed using equipment traceable to national standards in accordance with Casella's ISO 9000:2015 quality procedures.
The reported expanded uncertainty is based on a standard uncertainty multiplied by a coverage factor k=2, providing a level of confidence of approximately 95%.
This certificate may not be reproduced other than in full, except with prior written approval of the issuing laboratory.

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APPENDIX C -
PHOTO LOG

Photo 1: M-1 – Monitoring location M-1 is located adjacent to Residential Receptor R-2 located on Hale Hill Road at elevation 795 ft. amsl. 4,500 ft. from the Firing Pad.



Photo 2: M-2 – Monitoring Location M-2 is located south of the Firing Pad adjacent to Residential Receptor R-42 on Pulsifer Road at elevation 715 ft. amsl., 9,500 ft. from the Firing Pad.



Photo 3: M-3 – Monitoring Location M-3 is located southeast of the Firing Pad along Route 9 at elevation 660 ft. amsl., 7,700 ft. from the firing pad.



Photo 4: M-4 – Monitoring Location M-4 is located southwest of the Firing Pad adjacent to State Lands classified as Wild Forest at elevation 1,500 ft. amsl., 5,200 ft. from the firing pad.



Photo 5: M-5 – Monitoring Location M-5 is located northeast of the Firing Pad adjacent to State Lands classified as Wild Forest at elevation 1,380 ft. amsl., 510 ft. from the firing pad.

APPENDIX D -
MODEL DATA

SOUND SOURCE

SOURCE	SOUND POWER LEVEL dB	SOUND POWER LEVEL dB(A)	HEIGHT ABOVE GROUND (m)
M109A3GN (155 mm) Howitzer	180.8	163.2	2
40 Ton Haul Truck	117.6	115.7	2

MODEL CONFIGURATION

MODEL PARAMETER	SETTINGS
Atmospheric Absorption	20°C / 70% Humidity
Ground Absorption	0.7G Ground Factor
Receiver Height	1.5 meters for sound level isolines and receivers
Model Radius	3,218 m

MODELED SOUND LEVEL AT RECEIVERS

M 109 No Berm

RECEIVER	Molded Impulse Sound Level dB(A)	HEIGHT ABOVE GROUND (m)
M-1	75	1.5
M-2	71	1.5
M-3	73	1.5
M-4	79	1.5
M-5	107	1.5

M 109 with Berm

RECEIVER	Molded Impulse Sound Level dB(A)	HEIGHT ABOVE GROUND (m)
M-1	67	1.5
M-2	71	1.5
M-3	73	1.5
M-4	79	1.5
M-5	100	1.5

40-Ton Haul Truck No Berm

RECEIVER	Molded Impulse Sound Level dB(A)	HEIGHT ABOVE GROUND (m)
M-1	44	1.5
M-2	20	1.5
M-3	33	1.5
M-4	33	1.5
M-5	60	1.5

APPENDIX E –
2022 BALLISTICS TEST RANGE SOUND ANALYSES SCOPE OF WORK

H2H GEOSCIENCE ENGINEERING

179 River Street, Troy, New York 12180

Environmental Professionals
Geologic Consultants
Construction Services

(518) 270-1620/Fax (518) 270-1672

November 9, 2022

Fritz Aldinger
APA Environmental Program Specialist 1

Re: 2022 Ballistics Test Range Sound Analyses
Lewis, NY
APA Project No. 2021-0276

Dear Fritz:

H2H Geoscience and Engineering, PLLC is pleased to submit the following Scope of Work to perform a sound analysis at the above reference site.

Project Understanding

Unconventional Concepts, Inc. (UCI) intends to construct a ballistics test rang for use in supporting research and development operations of various kinetic systems used by the United States. A record of UCI's submission to the Adirondack Park Agency (APA) was provided to H2H Geoscience Engineering, PLLC (H2H) for review; based on our review of the provided reports, H2H has developed the following Scope of Work (SOW).

Scope of Work

H2H intends to collect ambient (no unapproved UCI operations taking place) sound levels, as well has additional sound level modeling to support a revised sound study, to address the APA's June 6, 2022 - Third Notice of Incomplete Permit Application.

Task 1: Sound Level Monitoring

H2H has developed a Site Overview Map (Figure 1) showing all identified receptors within a two-mile radius (Project Area) of the ballistics testing Firing Pad. The Firing Pad (100 ft. by 100 ft.) is in the northeast corner of parcel 38.1-1-31.000 (UCI Site). The Control Operations Area is located adjacent to the Firing Pad; the Target Area is located 590 ft. west of the Firing Pad (Figure 2).

Forty-two Residential Receptors (occupied residential structure) were identified with the two-mile radius. Four parcels of State Land classified as Wild Forest fall within the two-mile radius; no parcels of State Land classified as Wilderness are within the two-mile radius.

Based on the locations of identified receptors H2H selected five sound level monitoring locations surrounding the Firing Pad to best determine ambient sound level conditions in the Project Area. H2H will conduct sound level monitoring at each of the identified five-monitoring location (Figure 1) to identify, and note major sources of sound contributing to ambient conditions. Collected sound levels will be A-weighted, logged at 1-second intervals. Monitoring will take place during the anticipated hours of operation (10:00 AM – 4:00 PM) over the course of two weekdays. Monitoring will be conducted during fair weather conditions. The collected sound levels will serve as ambient sound levels for the area surrounding each monitoring location.

The following is a description of each sound monitoring location:

M-1 – Monitoring location M-1 is located adjacent to Residential Receptor R-2 located on Hale Hill Road at elevation 795 ft. amsl. 4,500 ft. from the Firing Pad. This monitoring location will provide ambient sound levels for R-2 (closest Residential Receptor), and the surrounding area of Hale Hill Road.

M-2 – Monitoring Location M-2 is located south of the Firing Pad adjacent to Residential Receptor R-42 on Pulsifer Road at elevation 715 ft. amsl., 9,500 ft. from the Firing Pad. This monitoring location will provide ambient sound levels for the area surround Pulsifer Rd.

M-3 – Monitoring Location M-3 is located southeast of the Firing Pad along Route 9 at elevation 660 ft. amsl., 7,700 ft. from the firing pad. This monitoring location will provide ambient sound levels for the area along State Route 9 and adjacent commercial area.

M-4 - Monitoring Location M-4 is located southwest of the Firing Pad adjacent to State Lands classified as Wild Forest at elevation 1,500 ft. amsl., 5,200 ft. from the firing pad. This monitoring location will provide ambient sound levels for land classified as Wild Forest to the southwest

M-5 – Monitoring Location M-5 is located northeast of the Firing Pad adjacent to State Lands classified as Wild Forest at elevation 1,380 ft. amsl., 510 ft. from the firing pad. This monitoring location will provide ambient sound levels of land classified as Wild Forest to the northeast.

Task 2: Sound Level Modeling

Based on source sound level data (loudest kinetic systems to be tested) provided by UCI, H2H will model the anticipated sound level at identified receptors under fair weather conditions, and worst case (overcast with wind toward receptor) weather conditions. H2H will follow NYSDEC Guidance documents for evaluating the modeled sound level at receptors vs. the measured ambient sound level at each receptor.

If you have any questions regarding this information, please contact me at 518.270.1620 ext. 102, or by email mpolacco@h2hg-e.com.

Sincerely,

H2H Geoscience Engineering, PLLC

Michael Polacco

Michael Polacco
Project Geologist

c. Richard A. Hisert, PhD PG – H2H
Lori Settle – Unconventional Concepts, Inc.

FIGURES

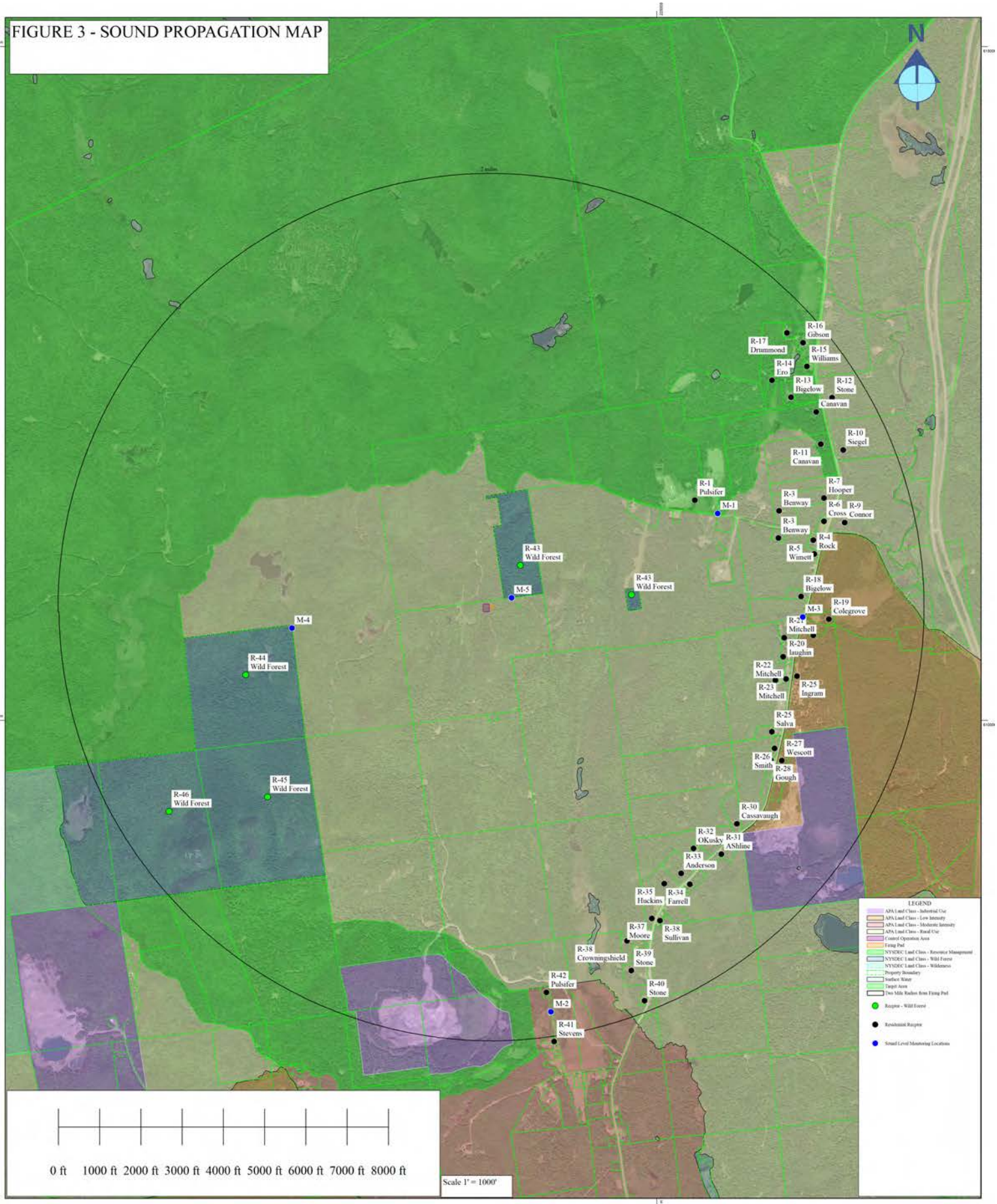
FIGURE 3 - SOUND PROPAGATION MAP
N
R-16 Gibson
R-17 Drummond
R-15 Williams
R-14 Ero
R-13 Bigelow
R-12 Stone
Canavan
R-10 Siegel
R-11 Canavan
R-1 Pulsifer
M-1
R-7 Hooper
R-3 Benway
R-6 Cross
R-9 Connor
R-3 Benway
R-4 Rock
R-5 Wimett
R-43 Wild Forest
M-5
R-43 Wild Forest
R-18 Bigelow
M-3
R-19 Colegrove
M-4
R-21 Mitchell
R-20 Laughin
R-44 Wild Forest
R-22 Mitchell
R-25 Ingram
R-23 Mitchell
R-25 Salva
R-27 Wescott
R-26 Smith
R-28 Gough
R-45 Wild Forest
R-46 Wild Forest
R-30 Cassavaugh
R-32 OKusky
R-31 AShline
R-33 Anderson
R-35 Huckins
R-34 Farrell
R-37 Moore
R-38 Sullivan
R-38 Crowningshield
R-39 Stone
R-42 Pulsifer
R-40 Stone
M-2
R-41 Stevens
LEGEND
APA Land Class - Industrial Use
APA Land Class - Low Intensity
APA Land Class - Moderate Intensity
APA Land Class - Rural Use
Control Operation Area
Firing Pad
NYSDEC Land Class - Resource Management
NYSDEC Land Class - Wild Forest
NYSDEC Land Class - Wilderness
Property Boundary
Surface Water
Target Area
Two Mile Radius from Firing Pad
Receptor - Wild Forest
Residential Receptor
Sound Level Monitoring Locations
0 ft 1000 ft 2000 ft 3000 ft 4000 ft 5000 ft 6000 ft 7000 ft 8000 ft
Scale 1" = 1000'

FIGURE - 2 SITE MAP



000501

APPENDIX F –
INPUT DATA and RESULTS of SOUND PROPGATION MODELS

Noise Mapping Results 40 ton haul truck / No Berm

*** Receiver Results - Summary ***

Receiver Name	Height (m)	Total dB(A)	31.5Hz	63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz	8kHz
M-1	1.5	44.39		21.03	19.76	23.27	35.13	42.26	38.29	23.78	-20.33
M-2	1.5	20.1		6.99	7.74	10.78	16.84	14.8	-0.03	-49.88	-225.27
M-3	1.5	32.75		14.6	12.56	16.68	26.08	30.73	23.04	-3.93	-95.95
M-4	1.5	32.8		12.96	14.15	18.5	27.88	29.95	22.73	-2.68	-87.75
M-5	1.5	60.42		32.52	36.21	37.12	49.88	57.52	55.59	48.12	31.51
Test Point	1.5	56.47		29.62	32.37	33.48	46.17	53.74	51.49	42.89	21.99

*** Receiver Results - Sources Analysis ***

Receiver Name	Point	Point-2	Point-3
M-1 [1.5m]	44.36	21.12	17.91
M-2 [1.5m]	12.74	16.13	16.29
M-3 [1.5m]	32.37	19.64	18.25
M-4 [1.5m]	18.79	28.99	30.17
M-5 [1.5m]	21.75	59.97	50.33
Test Point [1.5m]	14.09	55.98	46.69

*** Receiver Results - Full Detail ***

Receiver Name	Source Name	Distance to source (m)	Height including ground level (m)	Source height including ground level (m)	Frequency (Hz)	Lw	Ad	Aa	Ag	Ab (total)	Ab (top edge)	Ab (lateral 1)	Ab (lateral 2)	Adjustment	A-Weighting	Lp
M-1	Point	670.31	224.5	254.58	63	109	-67.53	-0.06	5.53	0	-	-	-	0	-26.2	20.74
M-1	Point	670.31	224.5	254.58	125	107	-67.53	-0.23	-3.86	0	-	-	-	0	-16.1	19.29
M-1	Point	670.31	224.5	254.58	250	107	-67.53	-0.76	-7.46	0	-	-	-	0	-8.6	22.66
M-1	Point	670.31	224.5	254.58	500	111	-67.53	-1.88	-3.38	0	-	-	-	0	-3.2	35.02
M-1	Point	670.31	224.5	254.58	1000	112	-67.53	-3.34	1.1	0	-	-	-	0	0	42.24
M-1	Point	670.31	224.5	254.58	2000	109	-67.53	-6.04	1.66	0	-	-	-	0	1.2	38.29
M-1	Point	670.31	224.5	254.58	4000	104	-67.53	-15.36	1.66	0	-	-	-	0	1	23.78
M-1	Point	670.31	224.5	254.58	8000	98	-67.53	-51.36	1.66	0	-	-	-	0	-1.1	-20.33
M-1	Point-2	1824.41	224.5	421.6	63	109	-76.22	-0.16	5.83	-5.55	-5.55	-	-	0	-26.2	6.69
M-1	Point-2	1824.41	224.5	421.6	125	107	-76.22	-0.62	-5.49	-0.84	-0.84	-	-	0	-16.1	7.72
M-1	Point-2	1824.41	224.5	421.6	250	107	-76.22	-2.07	-7.37	-0.17	-0.17	-	-	0	-8.6	12.57
M-1	Point-2	1824.41	224.5	421.6	500	111	-76.22	-5.1	-3.29	-5.95	-5.95	-	-	0	-3.2	17.23
M-1	Point-2	1824.41	224.5	421.6	1000	112	-76.22	-9.08	1.19	-11.4	-11.4	-	-	0	0	16.48
M-1	Point-2	1824.41	224.5	421.6	2000	109	-76.22	-16.45	1.75	-13.92	-13.92	-	-	0	1.2	5.36
M-1	Point-2	1824.41	224.5	421.6	4000	104	-76.22	-41.8	1.75	-16.65	-16.65	-	-	0	1	-27.93
M-1	Point-2	1824.41	224.5	421.6	8000	98	-76.22	-139.79	1.75	-19.52	-19.52	-	-	0	-1.1	-136.88
M-1	Point-3	1908.29	224.5	408.01	63	109	-76.61	-0.17	5.83	-6.58	-6.58	-	-	0	-26.2	5.27
M-1	Point-3	1908.29	224.5	408.01	125	107	-76.61	-0.65	-5.49	-2.36	-2.36	-	-	0	-16.1	5.79
M-1	Point-3	1908.29	224.5	408.01	250	107	-76.61	-2.16	-7.37	-2.27	-2.27	-	-	0	-8.6	9.99
M-1	Point-3	1908.29	224.5	408.01	500	111	-76.61	-5.34	-3.29	-8.58	-8.58	-	-	0	-3.2	13.98
M-1	Point-3	1908.29	224.5	408.01	1000	112	-76.61	-9.5	1.19	-14.43	-14.43	-	-	0	0	12.65
M-1	Point-3	1908.29	224.5	408.01	2000	109	-76.61	-17.21	1.75	-17.2	-17.2	-	-	0	1.2	0.93
M-1	Point-3	1908.29	224.5	408.01	4000	104	-76.61	-43.72	1.75	-20.09	-20.09	-	-	0	1	-33.67
M-1	Point-3	1908.29	224.5	408.01	8000	98	-76.61	-146.22	1.75	-23.03	-23.03	-	-	0	-1.1	-147.21
M-2	Point	3847.96	223.45	254.58	63	109	-82.7	-0.35	5.92	-4.77	-4.77	-	-	0	-26.2	0.9
M-2	Point	3847.96	223.45	254.58	125	107	-82.7	-1.31	-5.46	0	0.69	-	-	0	-16.1	1.43
M-2	Point	3847.96	223.45	254.58	250	107	-82.7	-4.36	-7.34	0	2.57	-	-	0	-8.6	4
M-2	Point	3847.96	223.45	254.58	500	111	-82.7	-10.77	-3.26	-1.51	-1.51	-	-	0	-3.2	9.56
M-2	Point	3847.96	223.45	254.58	1000	112	-82.7	-19.15	1.22	-4.77	-4.77	-	-	0	0	6.59
M-2	Point	3847.96	223.45	254.58	2000	109	-82.7	-34.7	1.78	-4.77	-4.77	-	-	0	1.2	-10.2
M-2	Point	3847.96	223.45	254.58	4000	104	-82.7	-88.16	1.78	-4.77	-4.77	-	-	0	1	-68.86
M-2	Point	3847.96	223.45	254.58	8000	98	-82.7	-294.83	1.78	-4.77	-4.77	-	-	0	-1.1	-283.63
M-2	Point-2	3033.08	223.45	421.6	63	109	-80.64	-0.27	5.9	-4.92	-4.92	-	-	0	-26.2	2.87
M-2	Point-2	3033.08	223.45	421.6	125	107	-80.64	-1.03	-5.47	0	0.41	-	-	0	-16.1	3.76
M-2	Point-2	3033.08	223.45	421.6	250	107	-80.64	-3.43	-7.35	0	2.02	-	-	0	-8.6	6.98
M-2	Point-2	3033.08	223.45	421.6	500	111	-80.64	-8.49	-3.27	-2.56	-2.56	-	-	0	-3.2	12.85
M-2	Point-2	3033.08	223.45	421.6	1000	112	-80.64	-15.1	1.21	-6.68	-6.68	-	-	0	0	10.8
M-2	Point-2	3033.08	223.45	421.6	2000	109	-80.64	-27.35	1.77	-7.99	-7.99	-	-	0	1.2	-4.01
M-2	Point-2	3033.08	223.45	421.6	4000	104	-80.64	-69.49	1.77	-9.82	-9.82	-	-	0	1	-53.19
M-2	Point-2	3033.08	223.45	421.6	8000	98	-80.64	-232.4	1.77	-12.1	-12.1	-	-	0	-1.1	-226.46
M-2	Point-3	3157.54	223.45	408.01	63	109	-80.99	-0.28	5.9	-4.8	-4.8	-	-	0	-26.2	2.63
M-2	Point-3	3157.54	223.45	408.01	125	107	-80.99	-1.07	-5.47	0	0.65	-	-	0	-16.1	3.37
M-2	Point-3	3157.54	223.45	408.01	250	107	-80.99	-3.58	-7.35	0	2.47	-	-	0	-8.6	6.49
M-2	Point-3	3157.54	223.45	408.01	500	111	-80.99	-8.83	-3.27	-1.7	-1.7	-	-	0	-3.2	13.01
M-2	Point-3	3157.54	223.45	408.01	1000	112	-80.99	-15.72	1.21	-5.16	-5.16	-	-	0	0	11.35
M-2	Point-3	3157.54	223.45	408.01	2000	109	-80.99	-28.47	1.77	-5.52	-5.52	-	-	0	1.2	-3.01
M-2	Point-3	3157.54	223.45	408.01	4000	104	-80.99	-72.34	1.77	-6.16	-6.16	-	-	0	1	-52.72
M-2	Point-3	3157.54	223.45	408.01	8000	98	-80.99	-241.93	1.77	-7.21	-7.21	-	-	0	-1.1	-231.46
M-3	Point	1562.38	204.5	254.58	63	109	-74.88	-0.14	5.8	0	-	-	-	0	-26.2	13.58
M-3	Point	1562.38	204.5	254.58	125	107	-74.88	-0.53	-5.49	0	-	-	-	0	-16.1	10
M-3	Point	1562.38	204.5	254.58	250	107	-74.88	-1.77	-7.38	0	-	-	-	0	-8.6	14.38
M-3	Point	1562.38	204.5	254.58	500	111	-74.88	-4.37	-3.3	0	-	-	-	0	-3.2	25.25
M-3	Point	1562.38	204.5	254.58	1000	112	-74.88	-7.78	1.18	0	-	-	-	0	0	30.53
M-3	Point	1562.38	204.5	254.58	2000	109	-74.88	-14.09	1.74	0	-	-	-	0	1.2	22.98
M-3	Point	1562.38	204.5	254.58	4000	104	-74.88	-35.8	1.74	0	-	-	-	0	1	-3.93
M-3	Point	1562.38	204.5	254.58	8000	98	-74.88	-119.71	1.74	0	-	-	-	0	-1.1	-95.95
M-3	Point-2	2315.51	204.5	421.6	63	109	-78.29	-0.21	5.86	-5.11	-5.11	-	-	0	-26.2	5.05
M-3	Point-2	2315.51	204.5	421.6	125	107	-78.29	-0.79	-5.48	0	0.06	-	-	0	-16.1	6.34
M-3	Point-2	2315.51	204.5	421.6	250	107	-78.29	-2.62	-7.36	0	1.37	-	-	0	-8.6	10.13
M-3	Point-2	2315.51	204.5	421.6	500	111	-78.29	-6.48	-3.28	-3.66	-3.66	-	-	0	-3.2	16.09
M-3	Point-2	2315.51	204.5	421.6	1000	112	-78.29	-11.53	1.2	-8.37	-8.37	-	-	0	0	15.01
M-3	Point-2	2315.51	204.5	421.6	2000	109	-78.29	-20.88	1.76	-10.31	-10.31	-	-	0	1.2	2.48
M-3	Point-2	2315.51	204.5	421.6	4000	104	-78.29	-53.05	1.76	-12.67	-12.67	-	-	0	1	-37.26
M-3	Point-2	2315.51	204.5	421.6	8000	98	-78.29	-177.42	1.76	-15.31	-15.31	-	-	0	-1.1	-172.36
M-3	Point-3	2450.06	204.5	408.01	63	109	-78.78	-0.22	5.87	-5.21	-5.21	-	-	0	-26.2	4.46
M-3	Point-3	2450.06	204.5	408.01	125	107	-78.78	-0.83	-5.48	-0.13	-0.13	-	-	0	-16.1	5.68
M-3	Point-3	2450.06	204.5	408.01	250	107	-78.78	-2.77	-7.36	0	1.05	-	-	0	-8.6	9.49
M-3	Point-3	2450.06	204.5	408.01	500	111	-78.78	-6.86	-3.28	-4.15	-4.15	-	-	0	-3.2	14.73
M-3	Point-3	2450.06	204.5	408.01	1000	112	-78.78	-12.2	1.2	-9.07	-9.07	-	-	0	0	13.16
M-3	Point-3	2450.06	204.5	408.01	2000	109	-78.78	-22.09	1.76	-11.18	-11.18	-	-	0	1.2	-0.1
M-3	Point-3	2450.06	204.5	408.01	4000	104	-78.78	-56.13	1.76	-13.67	-13.67	-	-	0	1	-41.82
M-3	Point-3	2450.06	204.5	408.01	8000	98	-78.78	-187.73	1.76	-16.39	-16.39	-	-	0	-1.1	-184.24
M-4	Point	2712.58	461.64	254.58	63	109	-79.67	-0.24	5.88	-4.83	-4.83	-	-	0	-26.2	3.94
M-4	Point	2712.58	461.64	254.58	125	107	-79.67	-0.92	-5.47	0	0.59	-	-	0	-16.1	4.84
M-4	Point	2712.58	461.64	254.58	250	107	-79.67	-3.07	-7.35	0	2.36	-	-	0	-8.6	8.31
M-4	Point	2712.58	461.64	254.58	500	111	-79.67	-7.59	-3.27	-1.94	-1.94	-	-	0	-3.2	15.34
M-4	Point	2712.58	461.64	254.58	1000	112	-79.67	-13.5	1.21	-5.6	-5.6	-	-	0	0	14.43
M-4	Point	2712.58	461.64	254.58	2000	109	-79.67	-24.46	1.77	-6.3	-6.3	-	-	0	1.2	1.54
M-4	Point	2712.58	461.64	254.58	4000	104	-79.67	-62.15	1.77	-7.43	-7.43	-	-	0	1	-42.48
M-4	Point	2712.58	461.64	254.58	8000	98	-79.67	-207.84	1.77	-9.07	-9.07	-	-	0	-1.1	-197.91
M-4	Point-2	1525.05	461.64	421.6	63	109	-74.67	-0.14	5.79	-4.77	-4.77	-	-	0	-26.2	9.02
M-4	Point-2	1525.05	461.64	421.6	125	107	-74.67	-0.52	-5.49	0	0.72	-	-	0	-16.1	10.23
M-4	Point-2	1525.05	461.64	421.6	250	107	-74.67	-1.73	-7.38	0	2.61	-	-	0	-8.6	14.63
M-4	Point-2	1525.05	461.64	421.6	500	111	-74.67	-4.27	-3.3	-1.47	-1.47	-	-	0	-3.2	24.1
M-4	Point-2	1525.05	461.64	421.6	1000	112	-74.67	-7.59	1.18	-4.77	-4.77	-	-	0	0	26.15
M-4	Point-2	1525.05	461.64	421.6	2000	109	-74.67	-13.75	1.74	-4.77	-4.77	-	-	0	1.2	18.75
M-4	Point-2	1525.05	461.64	421.6	4000	104	-74.67	-34.94	1.74	-4.77	-4.77	-	-	0	1	-7.64
M-4	Point-2	1525.05	461.64	421.6	8000	98	-74.67	-116.85	1.74	-4.77	-4.77	-	-	0	-1.1	-97.65
M-4	Point-3	1410.76	461.64	408.01	63	109	-73.99	-0.13	5.78	-4.77	-4.77	-	-	0	-26.2	9.69
M-4	Point-3	1410.76	461.64	408.01	125	107	-73.99	-0.48	-5.48	0	0.71	-	-	0	-16.1	10.95
M-4	Point-3	1410.76	461.64	408.01	250	107	-73.99	-1.6	-7.38	0	2.61	-	-	0	-8.6	15.43
M-4	Point-3	1410.76	461.64	408.01	500	111	-73.99	-3.95	-3.3	-1.47	-1.47	-	-	0	-3.2	25.09
M-4	Point-3	1410.76	461.64	408.01	1000	112	-73.99	-7.02	1.18	-4.77	-4.77	-	-	0	0	27.39
M-4	Point-3	1410.76	461.64	408.01	2000	109	-73.99	-12.72	1.73	-4.77	-4.77	-	-	0	1.2	20.45
M-4	Point-3	1410.76	461.64	408.01	4000	104	-73.99	-32.32	1.73	-4.77	-4.77	-	-	0	1	-4.35
M-4	Point-3	1410.76	461.64	408.01	8000	98	-73.99	-108.09	1.73	-4.77	-4.77	-	-	0	-1.1	-88.22
M-5	Point	1153.41	419.14	254.58	63	109	-72.24	-0.1	5.72	-8.13	-8.13	-	-	0	-26.2	8.05
M-5	Point	1153.41	419.14	254.58	125	107	-72.24	-0.39	-5.36	-4.63	-4.63	-	-	0	-16.1	8.28
M-5	Point	1153.41	419.14	254.58	250	107	-72.24	-1.31	-7.4	-4.9	-4.9	-	-	0	-8.6	12.55
M-5	Point	1153.41	419.14	254.58	500	111	-72.24	-3.23	-3.32	-11.59	-11.59	-	-	0	-3.2	17.42
M-5	Point	1153.41	419.14	254.58	1000	112	-72.24	-5.74	1.16	-17.71	-17.71	-	-	0	0	17.47
M-5	Point	1153.41	419.14	254.58	2000	109	-72.24	-10.4	1.72	-20.61	-20.61	-	-	0	1.2	8.67
M-5	Point	1153.41	419.14	254.58	4000	104	-72.24	-26.43	1.72	-23.56	-23.56	-	-	0	1	-15.51
M-5	Point	1153.41	419.14	254.58	8000	98	-72.24	-88.38	1.72	-25	-25	-	-	0	-1.1	-87
M-5	Point-2	154.71	419.14	421.6	63	109	-54.79	-0.01	3.96	0	-	-	-	0	-26.2	31.96
M-5	Point-2	154.71	419.14	421.6	125	107	-54.79	-0.05	-0.34	0	-	-	-	0	-16.1	35.71
M-5	Point-2	154.71	419.14	421.6	250	107	-54.79	-0.18	-7.51	0	-	-	-	0	-8.6	35.92
M-5	Point-2	154.71	419.14	421.6	500	111	-54.79	-0.43	-3.62	0	-	-	-	0	-3.2	48.96
M-5	Point-2	154.71	419.14	421.6	1000	112	-54.79	-0.77	0.66	0	-	-	-	0	0	57.1
M-5	Point-2	154.71	419.14	421.6	2000	109	-54.79	-1.39	1.19	0	-	-	-	0	1.2	55.2
M-5	Point-2	154.71	419.14	421.6	4000	104	-54.79	-3.54	1.19	0	-	-	-	0	1	47.85
M-5	Point-2	154.71	419.14	421.6	8000	98	-54.79	-11.85	1.19	0	-	-	-	0	-1.1	31.44
M-5	Point-3	268.37	419.14	408.01	63	109	-59.57	-0.02	4.83	-4.77	-4.77	-	-	0	-26.2	23.26
M-5	Point-3	268.37	419.14	408.01	125	107	-59.57	-0.09	-0.85	-3.93	-3.93	-	-	0	-16.1	26.46
M-5	Point-3	268.37	419.14	408.01	250	107	-59.57	-0.3	-7.63	0	2.85	-	-	0	-8.6	30.9
M-5	Point-3	268.37	419.14	408.01	500	111	-59.57	-0.75	-3.57	-1.21	-1.21	-	-	0	-3.2	42.7
M-5	Point-3	268.37	419.14	408.01	1000	112	-59.57	-1.34	0.89	-4.77	-4.77	-	-	0	0	47.21
M-5	Point-3	268.37	419.14	408.01	2000	109	-59.57	-2.42	1.45	-4.77	-4.77	-	-	0	1.2	44.88
M-5	Point-3	268.37	419.14	408.01	4000	104	-59.57	-6.15	1.45	-4.77	-4.77	-	-	0	1	35.95
M-5	Point-3	268.37	419.14	408.01	8000	98	-59.57	-20.56	1.45	-4.78	-4.78	-	-	0	-1.1	13.43
Test Point	Point	1132.57	424.34	254.58	63	109	-72.08	-0.1	5.72	-15.33	-15.33	-	-	0	-26.2	1.01
Test Point	Point	1132.57	424.34	254.58	125	107	-72.08	-0.38	-5.34	-12.89	-12.89	-	-	0	-16.1	0.2
Test Point	Point	1132.57	424.34	254.58	250	107	-72.08	-1.28	-7.4	-13.78	-13.78	-	-	0	-8.6	3.86
Test Point	Point	1132.57	424.34	254.58	500	111	-72.08	-3.17	-3.32	-20.83	-20.83	-	-	0	-3.2	8.4
Test Point	Point	1132.57	424.34	254.58	1000	112	-72.08	-5.64	1.16	-25	-25	-	-	0	0	10.44
Test Point	Point	1132.57	424.34	254.58	2000	109	-72.08	-10.21	1.72	-25	-25	-	-	0	1.2	4.62
Test Point	Point	1132.57	424.34	254.58	4000	104	-72.08	-25.95	1.72	-25	-25	-	-	0	1	-16.31
Test Point	Point	1132.57	424.34	254.58	8000	98	-72.08	-86.78	1.72	-25	-25	-	-	0	-1.1	-85.24
Test Point	Point-2	234.34	424.34	421.6	63	109	-58.4	-0.02	4.66	0	-	-	-	0	-26.2	29.04
Test Point	Point-2	234.34	424.34	421.6	125	107	-58.4	-0.08	-0.65	0	-	-	-	0	-16.1	31.77
Test Point	Point-2	234.34	424.34	421.6	250	107	-58.4	-0.27	-7.64	0	-	-	-	0	-8.6	32.1
Test Point	Point-2	234.34	424.34	421.6	500	111	-58.4	-0.66	-3.59	0	-	-	-	0	-3.2	45.15
Test Point	Point-2	234.34	424.34	421.6	1000	112	-58.4	-1.17	0.84	0	-	-	-	0	0	53.28
Test Point	Point-2	234.34	424.34	421.6	2000	109	-58.4	-2.11	1.4	0	-	-	-	0	1.2	51.09
Test Point	Point-2	234.34	424.34	421.6	4000	104	-58.4	-5.37	1.4	0	-	-	-	0	1	42.63
Test Point	Point-2	234.34	424.34	421.6	8000	98	-58.4	-17.96	1.4	0	-	-	-	0	-1.1	21.94
Test Point	Point-3	380.37	424.34	408.01	63	109	-62.6	-0.03	5.17	-4.77	-4.77	-	-	0	-26.2	20.56
Test Point	Point-3	380.37	424.34	408.01	125	107	-62.6	-0.13	-1.65	-3.12	-3.12	-	-	0	-16.1	23.4
Test Point	Point-3	380.37	424.34	408.01	250	107	-62.6	-0.43	-7.56	0	2.79	-	-	0	-8.6	27.8
Test Point	Point-3	380.37	424.34	408.01	500	111	-62.6	-1.06	-3.48	-1.29	-1.29	-	-	0	-3.2	39.36
Test Point	Point-3	380.37	424.34	408.01	1000	112	-62.6	-1.89	0.99	-4.77	-4.77	-	-	0	0	43.73
Test Point	Point-3	380.37	424.34	408.01	2000	109	-62.6	-3.43	1.55	-4.77	-4.77	-	-	0	1.2	40.95
Test Point	Point-3	380.37	424.34	408.01	4000	104	-62.6	-8.71	1.55	-4.77	-4.77	-	-	0	1	30.46
Test Point	Point-3	380.37	424.34	408.01	8000	98	-62.6	-29.14	1.55	-4.77	-4.77	-	-	0	-1.1	1.93

*** Objects ***

Receivers	x	y	Height
M-5	223928.1	-610911.14	1.5
M-1	225443.6	-611524.14	1.5
M-3	226117.97	-610772.77	1.5
M-2	224221.6	-607854.58	1.5
M-4	222268.48	-610680.36	1.5
Test Point	355.58	-8.26	1.5

Point Sources	x	y	Height	Lw	Hz
Point	1133.26	-813.94	2 -		31.5
-	-	-	-	109	63
-	-	-	-	107	125
-	-	-	-	107	250
-	-	-	-	111	500
-	-	-	-	112	1000
-	-	-	-	109	2000
-	-	-	-	104	4000
-	-	-	-	98	8000
Point-2	121.26	-6.94	2 -		31.5
-	-	-	-	109	63
-	-	-	-	107	125
-	-	-	-	107	250
-	-	-	-	111	500
-	-	-	-	112	1000
-	-	-	-	109	2000
-	-	-	-	104	4000
-	-	-	-	98	8000
Point-3	-9.74	-112.94	2 -		31.5
-	-	-	-	109	63
-	-	-	-	107	125
-	-	-	-	107	250
-	-	-	-	111	500
-	-	-	-	112	1000
-	-	-	-	109	2000
-	-	-	-	104	4000
-	-	-	-	98	8000

Ground Height Points	x	y	Height
-	134.08	295.24	480
-	514.08	-44.76	475

Ground Height Lines	x	y	Height
-	4476.27	2642.71	163
-	4430.44	2830.57	
-	4390.79	2796.89	
-	4201.84	2828.04	
-	4117.14	2864.1	
-	4098.98	2926.24	
-	4059.83	2971.18	
-	4011.51	2892.73	
-	3906.23	2834.88	
-	3824.28	2863.63	
-	3851.44	2784.45	
-	3811.91	2761.54	
-	3781.83	2689.14	
-	3742	2649.37	
-	3749.31	2601.68	
-	3791.18	2563.94	
-	3764.8	2488.74	
-	3773.32	2376.23	

-	3743.06	2360.98	
-	3687.72	2389.28	
-	3639.09	2389.21	
-	3535.5	2333.86	
-	3440.6	2250.16	
-	3416.01	2183.17	
-	3364.78	2120.28	
-	3372.67	2100.43	
-	3355.11	2100.73	
-	3388.22	1997.46	
-	3349.65	1865.71	
-	3366.62	1826.87	
-	3391.38	1935.46	
-	3464.55	1963.86	
-	3486.94	2004.47	
-	3519.04	2019.65	
-	3546.25	2121.98	
-	3653.14	2165.99	
-	3671.98	2282.77	
-	3764.26	2303.52	
-	3856.52	2368.63	
-	3940.82	2328.01	
-	3970.3	2287.25	
-	4019.57	2274.47	
-	4022.31	2292.04	
-	4124.68	2342.09	
-	4101.27	2381.59	
-	4107.37	2416.37	
-	4202.15	2523.69	
-	4283.96	2502.63	
-	4357.19	2438.58	
-	4363.94	2332.52	
-	4265.78	2257.63	
-	4178.56	2291.79	
-	4151.03	2283.02	
-	4199.26	2219.83	
-	4167.36	2192.97	
-	4138.45	2094.77	
-	4067.99	2086.64	
-	4063.55	2058.89	
-	4095.48	2017.32	
-	4128.51	2013.63	
-	4138.09	1941.77	
-	4178	1894.95	
-	4165.88	1861.5	
-	4255.87	1615.7	
-	4318.49	1539.34	
-	4382.92	1398.92	
-	4485.41	1294.85	
-	3594.69	3017.68	183
-	3645.24	2688.77	
-	3613.14	2673.89	
-	3588.39	2622.64	
-	3596.83	2558.97	
-	3572.11	2512.01	
-	3512.54	2496.05	
-	3419.5	2508.32	
-	3373.96	2471.03	
-	3329.68	2386.01	
-	3307.92	2383.31	
-	3312.02	2314.45	
-	3284.28	2210.16	
-	3232.54	2144.41	
-	3184.94	2145.89	
-	3272.35	2083.34	
-	3281.62	2043.17	
-	3269.04	2002.9	
-	3244.3	1991.11	
-	3235.51	1914.5	
-	3207.34	1915.27	
-	3195.96	1871.49	
-	3135.62	1808.15	
-	3165.66	1804.61	
-	3144.44	1776.45	
-	3162.67	1743.88	
-	3083.12	1685.93	
-	3063.16	1693.4	
-	2964.53	1640.22	
-	2870.85	1648.8	
-	2830.17	1605.47	
-	2799.61	1632.88	
-	2750.73	1633.43	
-	2728.07	1601.99	
-	2736.24	1570.55	
-	2717.33	1576.64	
-	2772.53	1483.59	
-	2770.73	1356.54	
-	2786.68	1338.7	
-	2824.25	1350.47	
-	2866.72	1329.11	
-	2896.16	1243.66	
-	2888.14	1125.91	
-	2923.34	1077.52	
-	2956.56	955.85	
-	2996.48	884.09	
-	3106	804.81	
-	3159.44	791.41	
-	3258.78	824.31	
-	3300.04	766.56	
-	3308.9	780.48	
-	3309.72	645.39	
-	3211.17	593.27	
-	3183.95	552.44	
-	3192.45	512.32	
-	3233.64	466.61	
-	3233.39	431.04	
-	3247.93	445.2	
-	3306.57	429.55	
-	3296.6	456.5	
-	3314.19	464.32	
-	3272.53	524.22	
-	3289.52	507.2	
-	3327.76	570.78	
-	3426.14	650.88	
-	3459.02	713.82	
-	3478.57	818.24	
-	3469.96	930.75	
-	3492.7	1027.54	
-	3535.9	1105.11	
-	3512.35	1196.06	
-	3559.09	1259.78	
-	3574.64	1319.83	
-	3538.39	1332.32	
-	3522.64	1284.06	
-	3496.08	1276.34	
-	3342.46	1359.41	
-	3308.89	1402.24	
-	3363.1	1549.61	
-	3364.78	1632.65	
-	3417.19	1713.09	
-	3405.82	1831.54	
-	3506.53	1944.13	
-	3567.49	2087.38	
-	3675.23	2146.6	
-	3699.02	2212.77	
-	3727.21	1934.65	
-	3742.56	1957.08	
-	3753.32	1942.74	
-	3763.88	2097.35	
-	3802.63	1954.75	
-	3811.73	1981.13	
-	3823.85	1964	
-	3805.88	2268.86	
-	3887.74	2241.66	
-	3899.55	2191.91	
-	3951.71	2185.71	
-	4028.1	2103.3	
-	4037.71	2028.61	
-	4100.34	1975.64	
-	4136.68	1889.99	
-	4108.07	1849.28	
-	4152.96	1821.6	
-	4224.07	1612.55	
-	4299.42	1518.06	
-	4341.39	1399.19	
-	4438.56	1271.46	
-	4485.41	1173.86	
-	4491.51	94.57	183
-	4491.51	79.63	
-	4473.22	2998.58	183
-	4431.61	2980.04	
-	4390.07	2913.96	
-	4202.89	2907.86	
-	4159.14	2935.69	
-	4104.34	3020.73	
-	4321.04	3023.78	183
-	4378.05	2984.28	
-	4417.29	2991.32	
-	4439.62	3023.78	
-	1000.84	4502.06	203
-	954.84	4439.32	
-	960.21	4413.69	
-	991.32	4408.65	
-	1061.56	4486.92	
-	1075.41	4456.85	
-	1026.49	4400.39	
-	1068.37	4386.16	
-	1036.16	4363.81	
-	1041.26	4335.29	
-	1008.27	4260.53	
-	961.91	4233.87	
-	906.99	4243.27	
-	915.7	4317.14	
-	892.65	4324.26	
-	888.74	4354.41	
-	822.78	4327.26	
-	776.27	4159.86	
-	749.64	3861.98	
-	815.66	3822.36	
-	778.52	3827.98	
-	778.04	3810.67	
-	819.16	3804.57	
-	910.08	3857.41	
-	940.68	3852.52	
-	949.03	3813.37	
-	959.1	3867.85	
-	1010.69	3904.69	
-	991.39	3820.65	
-	1022.9	3777.99	
-	1050.36	3788.82	
-	1044.76	3740.2	
-	1107.14	3750.28	
-	1100.79	3779.66	
-	1080.47	3767.72	
-	1065.77	3791.68	
-	1128.82	3847.37	
-	1168.94	3842.08	
-	1192.99	3736.75	
-	1223.21	3734.98	
-	1242.64	3674.62	
-	1309.49	3611.09	
-	1245.85	3530.27	
-	1266.82	3514.23	
-	1265.72	3457.1	
-	1349.42	3503.21	
-	1418.05	3482.05	
-	1430.86	3532.15	
-	1479	3591.78	
-	1479.68	3629.64	
-	1516.72	3669.66	
-	1504.93	3635.44	
-	1532.42	3633.49	
-	1532.37	3565.33	
-	1562.81	3528.73	
-	1506.47	3473.16	
-	1498.06	3388.71	
-	1472.71	3383.98	
-	1435.43	3418.95	
-	1361.71	3319.94	
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-	1341.48	3235.67	
-	1414.16	3191.69	
-	1393.23	3087.93	
-	1350.08	3083.67	
-	1357.99	3063.58	

-	1318.83	3041.23	
-	1336.6	3023.98	
-	1289.79	3002.04	
-	1344.05	2956.99	
-	1338.27	2877.19	
-	1392.81	2726.78	
-	1383	2678.53	
-	1422.31	2663.8	
-	1411.48	2642.5	
-	1439.32	2603.02	
-	1423.25	2539.15	
-	1458.81	2529.71	
-	1464.32	2485.21	
-	1516.68	2478.12	
-	1528.88	2459.87	
-	1497.89	2460.47	
-	1516.75	2415.03	
-	1468.95	2385.68	
-	1453.73	2319.69	
-	1507.38	2295.3	
-	1543.33	2148.74	
-	1634.02	2078.94	
-	1645.21	2037.42	
-	1724.46	2002.85	
-	1782.33	2000.15	
-	1816.22	2021.08	
-	1851.1	2006.75	
-	1837.39	1986.27	
-	1859.37	1914.33	
-	1895.15	1899.22	
-	1933.39	1912.26	
-	1955.87	1848.82	
-	1998.11	1835.06	
-	1965.79	1818.74	
-	1978.24	1786.31	
-	2010.46	1786.33	
-	2019.64	1729.19	
-	2080.23	1713.21	
-	2094.37	1664.51	
-	2159.95	1596.3	
-	2127.86	1539.4	
-	2167.29	1420.6	
-	2175.17	1235.14	
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-	2211.38	905.73	
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-	2257.49	566.09	
-	2193.88	529.56	
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-	2284.93	319.48	
-	2223.56	222.89	
-	2192.48	214.73	
-	2214.74	137.34	
-	2187.78	117.94	
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-	2294.13	240.72	
-	2352.67	250.18	
-	2359.68	179.73	
-	2415.84	114.28	
-	2416.05	140.13	
-	2427.84	134.27	
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-	2443.32	5.37	
-	2440.64	-84.52	
-	2365.07	-98.45	
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-	2568.32	-567.09	
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-	2588.47	-1592.87	
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-	3010.68	-1284.06	
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-	3009.11	-1626.41	
-	3089.42	-1535.99	
-	3086.47	-1577.84	
-	3056.97	-1598.07	
-	3053.32	-1625.42	
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-	3004.18	-1838.05	
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-	2977.09	-2114.81	
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-	2931.99	-2107.08	
-	2871.04	-2146.71	
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-	2702.83	-2331.07	
-	2716.75	-2337.38	
-	2878.19	-2255.49	
-	2929.91	-2273.28	
-	2943.12	-2345.21	
-	3009.23	-2328.42	
-	3098.19	-2371.89	
-	3179.82	-2373.85	
-	3205.75	-2404.22	
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-	3214.67	-2303.14	
-	3234.67	-2321.36	
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-	3289.53	-2223.82	
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-	3373.33	-1908.76	
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-	3347.44	-1797.1	
-	3354.48	-1767	
-	3321.03	-1755.51	
-	3351.35	-1736.43	
-	3331.93	-1639.69	
-	3293.93	-1604.61	
-	3263.17	-1618.38	
-	3232.59	-1573.47	
-	3272.55	-1562.72	
-	3323.84	-1511.6	
-	3372.99	-1558.32	
-	3342.56	-1634.27	
-	3353.92	-1642.58	
-	3394.23	-1596.95	
-	3405.34	-1626.4	
-	3415.57	-1538.99	
-	3419.08	-1622.37	
-	3430.8	-1600.17	
-	3449.19	-1643.67	
-	3451.06	-1745.27	
-	3471.84	-1351.55	
-	3418.5	-791.65	
-	3469.51	-1056.25	
-	3441.42	-828.88	
-	3441.04	-700.73	
-	3465.75	-641.37	
-	3446.01	-593.29	
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-	3767.16	-396.79	
-	3781.04	-373.92	
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-	3689.28	89.27	
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-	4184.05	38.74	
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-	4375.59	-150.46	
-	4436.7	-94.41	
-	4475.21	-99.37	
-	4476.18	-64.72	
-	4491.51	-60.58	
-	2393.22	-1995.02	203
-	2369.22	-1911.21	
-	2387.14	-1880.46	
-	2331.13	-1755.85	
-	2296.52	-1755.15	
-	2279.22	-1765.73	
-	2327.22	-1843.86	
-	2322.41	-1883.51	
-	2364.02	-1983.23	
-	3368.37	-1214.53	203
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-	3337.14	-1226.14	
-	3299.77	-1134.03	
-	3345.42	-887.06	
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-	3500.83	-1923.06	203
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-	3567.89	-1844.12	
-	3579.93	-1861.98	

-	3553.81	-1868.27	
-	3587.93	-1879.06	
-	3616.75	-1876.63	
-	3639.27	-1842.25	
-	3616.63	-1824.65	
-	3597.69	-1644.77	
-	3496	-1375.18	
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-	2559.18	-261.97	203
-	2525.77	-265.34	
-	2543.69	-250.32	
-	2519.25	-231.18	
-	2507.16	-175.68	
-	2514.22	-54.6	
-	2540.88	-107.47	
-	2523	-125.81	
-	2543.61	-139.74	
-	2534.83	-179.13	
-	2903.28	1743.62	203
-	2837.27	1794.44	
-	2832.79	1872.59	
-	2803.14	1892.65	
-	2854.83	1911.14	
-	2866.96	1979.68	
-	2909.69	1968.85	
-	2976.75	1812.77	
-	2955.08	1762.14	
-	1327.79	4059.99	203
-	1317.27	3980.75	
-	1285.4	3942.13	
-	1201.19	3924.44	
-	1135.83	3938.18	
-	1141.44	4022.81	
-	1170.44	4037.38	
-	1155.12	4080.55	
-	1190.54	4087.52	
-	1220.56	4059.3	
-	1352.38	4111.69	
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-	1546.57	4069.14	
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-	3535.33	2562.26	
-	3502.36	2549.92	
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-	2015.98	2584.71	
-	1986.78	2557.85	
-	1941.4	2553.32	
-	1947.79	2511.76	
-	1934.16	2507.23	
-	1888.35	2536.39	
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-	1864.13	2626.46	
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-	1680.17	3037.05	
-	1663.18	3121.4	
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-	1748.21	3391.73	
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-	2721.92	2184.5	
-	3141.35	1981.36	203
-	3104.04	1997.14	
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-	3024.56	1895.93	
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-	2939.98	1933.54	
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-	580.04	1722.02	
-	576.54	1568.25	
-	645.29	1401.18	
-	653.47	1292.42	
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-	705.99	997.45	
-	736.4	906.72	
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-	807.23	1326.28	
-	881.13	1332.33	
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-	850.45	1399.32	
-	832.95	1418.75	
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-	854.25	1709.91	
-	875.44	1825.84	
-	955.6	2009.6	
-	964.66	2140.27	
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-	1507.51	1987.5	
-	1553.25	1909.56	
-	1588.46	1918.48	
-	1668.75	1883.91	
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-	1951.69	1564.78	
-	1988.56	1510.19	
-	1999.58	1447.98	
-	2081.25	1323.1	
-	2109.3	1211.89	
-	2093.72	1141.75	
-	2126.73	785.66	
-	2076.07	565.48	
-	2058.81	391.24	
-	2074.22	390.61	
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-	2018.8	167.94	
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-		-4435.72	-1468.29	
-		-4500.11	-1529.23	
-		-4503.16	-791.51	723
-		-4427.34	-888.76	
-		-4287.91	-947.28	
-		-4195.26	-921.98	
-		-4137.56	-931.57	
-		-4108.73	-962.93	
-		-4077.74	-1059.1	
-		-4088.41	-1081.79	
-		-4219.61	-1078.92	
-		-4288.47	-1220.47	
-		-4372.95	-1277.46	
-		-4500.11	-1438.72	
-		-4503.16	-873.36	743
-		-4398.31	-954.43	
-		-4329.42	-965.65	
-		-4272.98	-1033.14	
-		-4311.19	-1182.42	
-		-4500.11	-1346.35	
-		-4503.16	-924.23	763
-		-4342.94	-1045.18	
-		-4329.39	-1088.89	
-		-4358.82	-1180.58	
-		-4500.11	-1296.15	
-		-4503.16	-980.48	783
-		-4395.56	-1049.23	
-		-4378.15	-1102.63	
-		-4399.26	-1161.42	
-		-4503.16	-1245.77	
-		-4503.16	-1032.33	803
-		-4445.51	-1065.1	
-		-4434.52	-1103.24	
-		-4445.71	-1140.49	
-		-4503.16	-1197	

*** Configuration ***
Heights for all calculation results are absolute
0.7G Ground Factor
20.0Â°C Temperature
70% Humidity
Results are A-weighted
Results are rounded to 0 decimal places
Second order reflections are included
Reflections are only considered at a distance of 1m or greater from a reflector (facade level)
ISO9613-2 barrier attenuation limit (20/25dB) is enabled
Vertical edges (lateral paths) are included
Limited to convex paths
Following ISO17534-3 recommendation 5.2
Ground reflections are screened (original ISO9613-2 method)

*** Key ***

Lw	Sound Power Level (dB)
Ad	Distance attenuation aka geometrical divergence" ISO9613-2 (dB)"
Ab	Barrier attenuation ISO9613-2 (dB)
Ag	Ground effect ISO9613-2 (dB)
Aa	Air absorption ISO9613-1 (dB)

Noise Mapping Results M 109 with Berm

*** Receiver Results - Summary ***

Receiver Name	Height (m)	Total dB(A)	31.5Hz	63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz	8kHz	16kHz	
M-5	1.5	100.39	83.36	92.65	87.57	77.14	94.53	95.69	91.67	83.74	65.77	20.97	
M-1	1.5	67.45	59.06	65.9	56.29	44.13	54.49	50.67	40.6	11.88	-92.02	-462.58	
M-3	1.5	73.34	62.12	71.18	63.68	52.04	64.72	61.2	47.96	9.35	-126.21	-607.39	
M-2	1.5	71.22	60.1	69.25	61.29	49.11	62.29	58.24	43.33	-3.65	-174.49	-789.01	
M-4	1.5	79.49	66.08	75.38	67.79	56.8	73.19	72.97	65.11	40.57	-47.17	-357.66	

*** Receiver Results - Sources Analysis ***

Receiver Name	Point
M-5 [1.5m]	100.39
M-1 [1.5m]	67.45
M-3 [1.5m]	73.34
M-2 [1.5m]	71.22
M-4 [1.5m]	79.49

*** Receiver Results - Full Detail ***

Receiver Name	Source Name	Distance to source (m)	Height including ground level (m)	Source height including ground level (m)	Frequency (Hz)	Lw	Ad	Aa	Ag	Ab (total)	Ab (top edge)	Ab (lateral 1)	Ab (lateral 2)	Adjustment	A-Weighting	Lp
M-5	Point	169.84	419.14	422.48	31.5	179.1	-55.6	0	4.14	-4.88	-4.88	-	-	0	-39.4	83.36
M-5	Point	169.84	419.14	422.48	63	175.3	-55.6	-0.02	4.14	-4.98	-4.98	-	-	0	-26.2	92.65
M-5	Point	169.84	419.14	422.48	125	164.5	-55.6	-0.06	-0.38	-4.79	-4.79	-	-	0	-16.1	87.57
M-5	Point	169.84	419.14	422.48	250	149.1	-55.6	-0.19	-7.57	0	2.03	-	-	0	-8.6	77.14
M-5	Point	169.84	419.14	422.48	500	160	-55.6	-0.48	-3.63	-2.57	-2.57	-	-	0	-3.2	94.53
M-5	Point	169.84	419.14	422.48	1000	158.7	-55.6	-0.85	0.7	-7.27	-7.27	-	-	0	0	95.69
M-5	Point	169.84	419.14	422.48	2000	155.2	-55.6	-1.53	1.24	-8.84	-8.84	-	-	0	1.2	91.67
M-5	Point	169.84	419.14	422.48	4000	151.9	-55.6	-3.89	1.24	-10.91	-10.91	-	-	0	1	83.74
M-5	Point	169.84	419.14	422.48	8000	147.6	-55.6	-13.01	1.24	-13.35	-13.35	-	-	0	-1.1	65.77
M-5	Point	169.84	419.14	422.48	16000	144.9	-55.6	-46.92	1.24	-16.05	-16.05	-	-	0	-6.6	20.97
M-1	Point	1815.25	224.5	422.48	31.5	179.1	-76.18	-0.04	5.83	-10.25	-10.25	-	-	0	-39.4	59.06
M-1	Point	1815.25	224.5	422.48	63	175.3	-76.18	-0.16	5.83	-12.68	-12.68	-	-	0	-26.2	65.9
M-1	Point	1815.25	224.5	422.48	125	164.5	-76.18	-0.62	-5.49	-9.83	-9.83	-	-	0	-16.1	56.29
M-1	Point	1815.25	224.5	422.48	250	149.1	-76.18	-2.06	-7.37	-10.77	-10.77	-	-	0	-8.6	44.13
M-1	Point	1815.25	224.5	422.48	500	160	-76.18	-5.08	-3.29	-17.76	-17.76	-	-	0	-3.2	54.49
M-1	Point	1815.25	224.5	422.48	1000	158.7	-76.18	-9.04	1.19	-24.01	-24.01	-	-	0	0	50.67
M-1	Point	1815.25	224.5	422.48	2000	155.2	-76.18	-16.37	1.75	-25	-25	-	-	0	1.2	40.6
M-1	Point	1815.25	224.5	422.48	4000	151.9	-76.18	-41.59	1.75	-25	-25	-	-	0	1	11.88
M-1	Point	1815.25	224.5	422.48	8000	147.6	-76.18	-139.09	1.75	-25	-25	-	-	0	-1.1	-92.02
M-1	Point	1815.25	224.5	422.48	16000	144.9	-76.18	-501.45	1.75	-25	-25	-	-	0	-6.6	-462.58
M-3	Point	2355.21	204.5	422.48	31.5	179.1	-78.44	-0.05	5.87	-4.96	-4.96	-	-	0	-39.4	62.12
M-3	Point	2355.21	204.5	422.48	63	175.3	-78.44	-0.21	5.87	-5.13	-5.13	-	-	0	-26.2	71.18
M-3	Point	2355.21	204.5	422.48	125	164.5	-78.44	-0.8	-5.48	0	0.02	-	-	0	-16.1	63.68
M-3	Point	2355.21	204.5	422.48	250	149.1	-78.44	-2.67	-7.36	0	1.3	-	-	0	-8.6	52.04
M-3	Point	2355.21	204.5	422.48	500	160	-78.44	-6.59	-3.28	-3.77	-3.77	-	-	0	-3.2	64.72
M-3	Point	2355.21	204.5	422.48	1000	158.7	-78.44	-11.72	1.2	-8.54	-8.54	-	-	0	0	61.2
M-3	Point	2355.21	204.5	422.48	2000	155.2	-78.44	-21.24	1.76	-10.52	-10.52	-	-	0	1.2	47.96
M-3	Point	2355.21	204.5	422.48	4000	151.9	-78.44	-53.96	1.76	-12.91	-12.91	-	-	0	1	9.35
M-3	Point	2355.21	204.5	422.48	8000	147.6	-78.44	-180.46	1.76	-15.58	-15.58	-	-	0	-1.1	-126.21
M-3	Point	2355.21	204.5	422.48	16000	144.9	-78.44	-650.6	1.76	-18.4	-18.4	-	-	0	-6.6	-607.39
M-2	Point	3025.51	223.45	422.48	31.5	179.1	-80.62	-0.07	5.9	-4.81	-4.81	-	-	0	-39.4	60.1
M-2	Point	3025.51	223.45	422.48	63	175.3	-80.62	-0.27	5.9	-4.86	-4.86	-	-	0	-26.2	69.25
M-2	Point	3025.51	223.45	422.48	125	164.5	-80.62	-1.03	-5.47	0	0.53	-	-	0	-16.1	61.29
M-2	Point	3025.51	223.45	422.48	250	149.1	-80.62	-3.43	-7.35	0	2.24	-	-	0	-8.6	49.11
M-2	Point	3025.51	223.45	422.48	500	160	-80.62	-8.47	-3.27	-2.16	-2.16	-	-	0	-3.2	62.29
M-2	Point	3025.51	223.45	422.48	1000	158.7	-80.62	-15.06	1.21	-5.99	-5.99	-	-	0	0	58.24
M-2	Point	3025.51	223.45	422.48	2000	155.2	-80.62	-27.28	1.77	-6.94	-6.94	-	-	0	1.2	43.33
M-2	Point	3025.51	223.45	422.48	4000	151.9	-80.62	-69.32	1.77	-8.38	-8.38	-	-	0	1	-3.65
M-2	Point	3025.51	223.45	422.48	8000	147.6	-80.62	-231.82	1.77	-10.33	-10.33	-	-	0	-1.1	-174.49
M-2	Point	3025.51	223.45	422.48	16000	144.9	-80.62	-835.77	1.77	-12.69	-12.69	-	-	0	-6.6	-789.01
M-4	Point	1496.32	461.64	422.48	31.5	179.1	-74.6	-0.03	5.79	-4.77	-4.77	-	-	0	-39.4	66.08
M-4	Point	1496.32	461.64	422.48	63	175.3	-74.6	-0.14	5.79	-4.77	-4.77	-	-	0	-26.2	75.38
M-4	Point	1496.32	461.64	422.48	125	164.5	-74.6	-0.51	-5.49	0	0.72	-	-	0	-16.1	67.79
M-4	Point	1496.32	461.64	422.48	250	149.1	-74.6	-1.71	-7.38	0	2.61	-	-	0	-8.6	56.8
M-4	Point	1496.32	461.64	422.48	500	160	-74.6	-4.24	-3.3	-1.47	-1.47	-	-	0	-3.2	73.19
M-4	Point	1496.32	461.64	422.48	1000	158.7	-74.6	-7.54	1.18	-4.77	-4.77	-	-	0	0	72.97
M-4	Point	1496.32	461.64	422.48	2000	155.2	-74.6	-13.65	1.74	-4.77	-4.77	-	-	0	1.2	65.11
M-4	Point	1496.32	461.64	422.48	4000	151.9	-74.6	-34.7	1.74	-4.77	-4.77	-	-	0	1	40.57
M-4	Point	1496.32	461.64	422.48	8000	147.6	-74.6	-116.03	1.74	-4.77	-4.77	-	-	0	-1.1	-47.17
M-4	Point	1496.32	461.64	422.48	16000	144.9	-74.6	-418.32	1.74	-4.77	-4.77	-	-	0	-6.6	-357.66

*** Objects ***

Receivers	x	y	Height
M-5	223928.1	-610911.14	1.5
M-1	225443.6	-611524.14	1.5
M-3	226117.97	-610772.77	1.5
M-2	224221.6	-607854.58	1.5
M-4	222268.48	-610680.36	1.5

Point Sources	x	y	Height	Lw	Hz	
Point	223773.84	-610840.15	2	179.1	31.5	
-	-	-	-	175.3	63	
-	-	-	-	164.5	125	
-	-	-	-	149.1	250	
-	-	-	-	160	500	
-	-	-	-	158.7	1000	
-	-	-	-	155.2	2000	
-	-	-	-	151.9	4000	
-	-	-	-	147.6	8000	
-	-	-	-	144.9	16000	

Ground Height Points	x	y	Height
-	224184.6	-610862.89	476
-	222718.9	-610748.33	453

Ground Height Lines	x	y	Height
-	228142.27	-608184.3	163
-	228096.44	-607996.43	
-	228056.79	-608030.11	
-	227867.84	-607998.96	
-	227783.14	-607962.9	
-	227764.98	-607900.76	
-	227725.83	-607855.82	
-	227677.51	-607934.28	
-	227572.23	-607992.12	
-	227490.28	-607963.37	
-	227517.44	-608042.55	
-	227477.91	-608065.46	
-	227447.82	-608137.86	
-	227408	-608177.63	
-	227415.31	-608225.32	
-	227457.18	-608263.06	
-	227430.8	-608338.26	
-	227439.32	-608450.77	
-	227409.06	-608466.02	
-	227353.72	-608437.72	
-	227305.09	-608437.79	
-	227201.5	-608493.14	
-	227106.6	-608576.84	
-	227082.01	-608643.83	
-	227030.78	-608706.72	
-	227038.67	-608726.57	
-	227021.11	-608726.27	
-	227054.22	-608829.54	
-	227015.64	-608961.29	
-	227032.62	-609000.13	
-	227057.38	-608891.54	
-	227130.55	-608863.14	
-	227152.94	-608822.53	
-	227185.04	-608807.35	
-	227212.25	-608705.02	
-	227319.14	-608661.01	
-	227337.98	-608544.23	
-	227430.26	-608523.48	
-	227522.52	-608458.37	
-	227606.82	-608498.99	
-	227636.3	-608539.75	
-	227685.57	-608552.53	
-	227688.31	-608534.96	
-	227790.68	-608484.91	
-	227767.27	-608445.41	
-	227773.37	-608410.63	
-	227868.15	-608303.31	
-	227949.96	-608324.38	
-	228023.19	-608388.42	
-	228029.94	-608494.48	
-	227931.78	-608569.37	
-	227844.56	-608535.21	
-	227817.03	-608543.98	
-	227865.26	-608607.17	
-	227833.36	-608634.03	
-	227804.45	-608732.23	
-	227733.99	-608740.36	
-	227729.55	-608768.11	
-	227761.48	-608809.68	
-	227794.51	-608813.37	
-	227804.09	-608885.23	
-	227843.99	-608932.05	
-	227831.88	-608965.5	
-	227921.87	-609211.3	
-	227984.49	-609287.66	
-	228048.91	-609428.08	
-	228151.41	-609532.15	
-	227260.69	-607809.32	183
-	227311.24	-608138.23	
-	227279.14	-608153.11	
-	227254.39	-608204.36	
-	227262.83	-608268.03	
-	227238.11	-608314.99	
-	227178.53	-608330.95	
-	227085.5	-608318.68	
-	227039.96	-608355.98	
-	226995.68	-608440.99	
-	226973.92	-608443.69	
-	226978.02	-608512.55	
-	226950.28	-608616.84	
-	226898.54	-608682.59	
-	226850.94	-608681.11	
-	226938.35	-608743.66	
-	226947.62	-608783.83	
-	226935.04	-608824.1	

-	225119.73	-608507.31		
-	225134.95	-608441.32		
-	225182.75	-608411.97		
-	225163.89	-608366.53		
-	225194.88	-608367.13		
-	225182.68	-608348.88		
-	225130.32	-608341.79		
-	225124.81	-608297.29		
-	225089.25	-608287.85		
-	225105.32	-608223.98		
-	225077.48	-608184.5		
-	225088.31	-608163.2		
-	225049	-608148.47		
-	225058.81	-608100.22		
-	225004.27	-607949.81		
-	225010.05	-607870.01		
-	224955.79	-607824.96		
-	225002.6	-607803.02		
-	224984.83	-607785.77		
-	225023.99	-607763.42		
-	225016.08	-607743.33		
-	225059.23	-607739.07		
-	225080.16	-607635.31		
-	225007.48	-607591.33		
-	224980.32	-607618.9		
-	224952.58	-607616.04		
-	224999.92	-607516.85		
-	225057.47	-607531.75		
-	225027.71	-607507.07		
-	225101.43	-607408.05		
-	225138.71	-607443.02		
-	225164.06	-607438.29		
-	225172.47	-607353.84		
-	225228.81	-607298.27		
-	225198.36	-607261.67		
-	225198.42	-607193.51		
-	225170.93	-607191.56		
-	225182.72	-607157.34		
-	225145.68	-607197.36		
-	225145	-607235.22		
-	225096.86	-607294.85		
-	225084.05	-607344.95		
-	225015.42	-607323.79		
-	224931.72	-607369.9		
-	224932.82	-607312.78		
-	224911.85	-607296.73		
-	224975.49	-607215.91		
-	224908.64	-607152.38		
-	224889.21	-607092.02		
-	224858.99	-607090.25		
-	224834.94	-606984.92		
-	224794.82	-606979.63		
-	224731.77	-607035.32		
-	224746.47	-607059.28		
-	224766.79	-607047.34		
-	224773.14	-607076.72		
-	224710.76	-607086.8		
-	224716.36	-607038.18		
-	224657.39	-607006.35		
-	224676.69	-606922.31		
-	224625.1	-606959.16		
-	224615.03	-607013.63		
-	224606.68	-606974.48		
-	224576.08	-606969.59		
-	224485.16	-607022.43		
-	224444.03	-607016.33		
-	224444.52	-606999.02		
-	224481.66	-607004.64		
-	224415.64	-606965.02		
-	224442.27	-606667.14		
-	224488.78	-606499.74		
-	224554.74	-606472.59		
-	224558.65	-606502.74		
-	224581.69	-606509.86		
-	224572.99	-606583.73		
-	224627.91	-606593.13		
-	224674.27	-606566.47		
-	224707.26	-606491.71		
-	224702.16	-606463.19		
-	224734.37	-606440.84		
-	224692.49	-606426.61		
-	224741.41	-606370.15		
-	224727.55	-606340.08		
-	224657.32	-606418.35		
-	224626.21	-606413.31		
-	224620.84	-606387.68		
-	224666.83	-606324.94	203	
-	228105.62	-607803.22		
-	228083.29	-607835.68		
-	228044.05	-607842.72		
-	227987.04	-607803.22	183	
-	227770.34	-607806.27		
-	227825.14	-607891.31		
-	227868.89	-607919.14		
-	228056.07	-607913.04		
-	228097.61	-607846.96		
-	228139.22	-607828.42	183	
-	228157.51	-610747.38		
-	228157.51	-610732.43	183	
-	228151.41	-609653.14		
-	228104.56	-609555.54		
-	228007.39	-609427.81		
-	227965.42	-609308.94		
-	227890.07	-609214.45		
-	227818.96	-609005.4		
-	227774.07	-608977.72		
-	227802.68	-608937.01		
-	227766.34	-608851.36		
-	227703.71	-608798.39		
-	227694.1	-608723.7		
-	227617.71	-608641.29		
-	227565.55	-608635.09		
-	227553.74	-608585.34		
-	227471.88	-608558.14		
-	227489.84	-608863		
-	227477.73	-608845.87		
-	227468.63	-608872.25		
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-	219790.86	-611694.21	
-	219751	-611705.34	
-	219695.12	-611634.81	
-	219744.7	-611626.18	
-	219850.53	-611667.51	
-	219897.42	-611698.61	
-	220132.81	-609351.61	623
-	220117.98	-609424.38	
-	220007.16	-609481.26	
-	219883.34	-609489.76	
-	219729.23	-609452.34	
-	219672.8	-609464.48	
-	219415.33	-609397.83	
-	219324.19	-609464.16	
-	219147.6	-609530.73	
-	219150.65	-609996.97	623
-	219272.33	-610005.49	
-	219378.71	-610100.36	
-	219406.59	-610183.93	
-	219367.64	-610349	
-	219156.75	-610649.35	
-	221689.64	-608892.94	623
-	221835.37	-609128.27	
-	221977.69	-609091	
-	222050.7	-609141.34	
-	222076.13	-609217.87	
-	222056.45	-609282.56	
-	222021.8	-609298.13	
-	221760.52	-609251.23	
-	221710.28	-609303.24	
-	221637.53	-609315.87	
-	221563.79	-609274.94	
-	221550.66	-609183.97	
-	221466.01	-609075.86	
-	221466.74	-608970	
-	221501.38	-608921.41	
-	221582.61	-608883.24	
-	221560.65	-608861.21	
-	221570.78	-608821.26	
-	221631.81	-608761.97	
-	221695.83	-608767.95	
-	221727.58	-608802.84	
-	221715.06	-608875.81	
-	222483.57	-609083.38	623
-	222520.9	-609211.69	
-	222502.77	-609262.53	
-	222442.42	-609276.84	
-	222327.01	-609233.01	
-	222313.98	-609198.19	
-	222325.94	-609169.27	
-	222438.8	-609079.85	
-	219159.79	-611444.77	643
-	219250.91	-611497.14	
-	219376.11	-611619.87	
-	219458.25	-611635.49	
-	219503.3	-611610.16	
-	219563.46	-611626.64	
-	219702.44	-611745.46	
-	219733.7	-611824.88	
-	219771.61	-611982.33	
-	219754.52	-612030.09	
-	219650.42	-612136.21	
-	219596.6	-612146.72	
-	219550.32	-612124.33	
-	219522.52	-612177.12	
-	219414.82	-612246.21	
-	219424.21	-612288.77	
-	219406.11	-612314.11	
-	219458.57	-612356.94	

-		219211.83	-609357.7	643
-		219187.03	-609384.92	
-		219147.6	-609391.45	
-		219150.65	-610082.31	643
-		219186.87	-610102.31	
-		219269.52	-610093.01	
-		219304.1	-610151.49	
-		219270.11	-610198.72	
-		219255.41	-610351.08	
-		219153.7	-610531.41	
-		220097.87	-609351.61	643
-		220105.83	-609378.86	
-		220086.84	-609416.04	
-		219994.97	-609453.77	
-		219936.8	-609423.55	
-		219902.69	-609354.66	
-		221508.23	-609083.38	643
-		221485.4	-609020.27	
-		221509.27	-608954.76	
-		221581.37	-608901.92	
-		221630.31	-608899.17	
-		221717.08	-608979.75	
-		221769.54	-609090.66	
-		221774.95	-609162.91	
-		221713.17	-609226.8	
-		221619.53	-609256.99	
-		221573.94	-609148.2	
-		219159.79	-611493.89	663
-		219214.44	-611515.31	
-		219380.32	-611680.76	
-		219498.44	-611649.83	
-		219649.14	-611721.69	
-		219729.71	-611954.59	
-		219721.21	-612018.04	
-		219683.36	-612067.78	
-		219595.88	-612087.72	
-		219515.83	-612068.03	
-		219454.87	-612165.57	
-		219315.35	-612271.72	
-		219318.36	-612356.94	
-		219153.7	-610132.63	663
-		219197.95	-610171.54	
-		219184.79	-610296	
-		219153.7	-610357.67	
-		220058.25	-609351.61	663
-		220054.29	-609389.51	
-		219981.88	-609409.55	
-		219949.01	-609390.15	
-		219944.86	-609354.66	
-		221546.95	-609083.38	663
-		221513.84	-609046.61	
-		221510.12	-608992.36	
-		221622.73	-608914.45	
-		221684.84	-608975.09	
-		221740.36	-609112.59	
-		221707.26	-609153.88	
-		221645.02	-609160.4	
-		219159.79	-611543.96	683
-		219200.35	-611540.97	
-		219262.84	-611640.01	
-		219370.85	-611716.83	
-		219480.13	-611691.62	
-		219598.7	-611723.01	
-		219637.59	-611784.2	
-		219691.64	-611966.77	
-		219659.58	-612022.98	
-		219489.33	-612023.54	
-		219439.58	-612101.51	
-		219305.85	-612207.31	
-		219226.01	-612356.94	
-		219159.79	-611577.57	703
-		219195.32	-611594.59	
-		219264.55	-611686.65	
-		219377.68	-611750.27	
-		219470.87	-611721.86	
-		219568.22	-611753.51	
-		219651.15	-611938.99	
-		219635.29	-611957.63	
-		219462.23	-611972.41	
-		219418.88	-612058.25	
-		219266.53	-612189.36	
-		219230.28	-612295.29	
-		219165.89	-612356.24	
-		219162.84	-611618.51	723
-		219238.66	-611715.76	
-		219378.09	-611774.28	
-		219470.74	-611748.98	
-		219528.44	-611758.58	
-		219557.27	-611789.93	
-		219588.26	-611886.1	
-		219577.59	-611908.8	
-		219446.39	-611905.92	
-		219377.53	-612047.47	
-		219293.05	-612104.46	
-		219165.89	-612265.72	
-		219162.84	-611700.36	743
-		219267.69	-611781.43	
-		219336.58	-611792.65	
-		219393.02	-611860.14	
-		219354.81	-612009.42	
-		219165.89	-612173.36	
-		219162.84	-611751.23	763
-		219323.06	-611872.18	
-		219336.61	-611915.89	
-		219307.18	-612007.58	
-		219165.89	-612123.15	
-		219162.84	-611807.48	783
-		219270.44	-611876.23	
-		219287.85	-611929.63	
-		219266.74	-611988.42	
-		219162.84	-612072.77	
-		219162.84	-611859.33	803
-		219220.49	-611892.1	
-		219231.48	-611930.24	
-		219220.29	-611967.49	
-		219162.84	-612024	
-		223733.07	-610796.57	420
-		223735.15	-610837.38	
-		223715.21	-610861.92	
-		223742.95	-610882.22	
-		223771.02	-610873.83	
-		223798.61	-610864.32	
-		223804.87	-610858.06	
-		223809.74	-610841.82	
-		223812.29	-610827.68	
-		223812.76	-610811.91	
-		223810.9	-610800.55	
-		223808.58	-610789.65	
-		223805.11	-610767.62	
-		223805.34	-610767.62	
-		223734.09	-610868.46	420
-		223763.47	-610853.96	
-		223792.34	-610843.21	
-		223796.22	-610833.83	
-		223799.34	-610840.15	424
-		223793.15	-610857.71	
-		223744.84	-610874.83	

*** Configuration ***
Heights for all calculation results are absolute
0.7G Ground Factor
20.0Â°C Temperature
70% Humidity
Results are A-weighted
Results are rounded to 0 decimal places
Second order reflections are included
Reflections are only considered at a distance of 1m or greater from a reflector (facade level)
ISO9613-2 barrier attenuation limit (20/25dB) is enabled
Vertical edges (lateral paths) are included
Limited to convex paths
Following ISO17534-3 recommendation 5.2
Ground reflections are screened (original ISO9613-2 method)

*** Key ***

Lw	Sound Power Level (dB)
Ad	Distance attenuation aka geometrical divergence" ISO9613-2 (dB)"
Ab	Barrier attenuation ISO9613-2 (dB)
Ag	Ground effect ISO9613-2 (dB)
Aa	Air absorption ISO9613-1 (dB)

Noise Mapping Results / No Berm

*** Receiver Results - Summary ***

Receiver Name	Height (m)	Total dB(A)	31.5Hz	63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz	8kHz	16kHz
M-1	1.5	75.44	64.22	73.15	65.55	54.79	66.99	64.12	52.61	21	-86.65	-463.6
M-2	1.5	71	60.01	69.12	61.24	49.06	61.66	57.2	41.75	-5.92	-177.9	-795.41
M-3	1.5	73.5	62.23	71.3	63.8	52.17	64.98	61.55	48.45	10.25	-123.75	-599.18
M-4	1.5	79.49	66.08	75.38	67.79	56.8	73.18	72.96	65.1	40.56	-47.19	-357.75
M-5	1.5	107.17	88.55	97.93	92.78	77.57	97.51	103.37	100.95	95.19	80.07	39.47

*** Receiver Results - Sources Analysis ***

Receiver Name	Source
M-1 [1.5m]	75.44
M-2 [1.5m]	71
M-3 [1.5m]	73.5
M-4 [1.5m]	79.49
M-5 [1.5m]	107.17

*** Receiver Results - Full Detail ***

Receiver Name	Source Name	Distance to source (m)	Height including ground level (m)	Source height including ground level (m)	Frequency (Hz)	Lw	Ad	Aa	Ag	Ab (total)	Ab (top edge)	Ab (lateral 1)	Ab (lateral 2)	Adjustment	A-Weighting	Lp
M-1	Source	1815.25	224.5	421.21	31.5	179.1	-76.26	-0.04	5.83	-5	-5	-	-	0	-39.4	64.22
M-1	Source	1815.25	224.5	421.21	63	175.3	-76.26	-0.16	5.83	-5.35	-5.35	-	-	0	-26.2	73.15
M-1	Source	1815.25	224.5	421.21	125	164.5	-76.26	-0.62	-5.49	-0.47	-0.47	-	-	0	-16.1	65.55
M-1	Source	1815.25	224.5	421.21	250	149.1	-76.26	-2.08	-7.37	0	0.41	-	-	0	-8.6	54.79
M-1	Source	1815.25	224.5	421.21	500	160	-76.26	-5.13	-3.29	-5.13	-5.13	-	-	0	-3.2	66.99
M-1	Source	1815.25	224.5	421.21	1000	158.7	-76.26	-9.12	1.19	-10.38	-10.38	-	-	0	0	64.12
M-1	Source	1815.25	224.5	421.21	2000	155.2	-76.26	-16.52	1.75	-12.75	-12.75	-	-	0	1.2	52.61
M-1	Source	1815.25	224.5	421.21	4000	151.9	-76.26	-41.99	1.75	-15.4	-15.4	-	-	0	1	21
M-1	Source	1815.25	224.5	421.21	8000	147.6	-76.26	-140.42	1.75	-18.22	-18.22	-	-	0	-1.1	-86.65
M-1	Source	1815.25	224.5	421.21	16000	144.9	-76.26	-506.25	1.75	-21.13	-21.13	-	-	0	-6.6	-463.6
M-2	Source	3025.51	223.45	421.21	31.5	179.1	-80.65	-0.07	5.9	-4.86	-4.86	-	-	0	-39.4	60.01
M-2	Source	3025.51	223.45	421.21	63	175.3	-80.65	-0.27	5.9	-4.94	-4.94	-	-	0	-26.2	69.12
M-2	Source	3025.51	223.45	421.21	125	164.5	-80.65	-1.03	-5.47	0	0.36	-	-	0	-16.1	61.24
M-2	Source	3025.51	223.45	421.21	250	149.1	-80.65	-3.44	-7.35	0	1.93	-	-	0	-8.6	49.06
M-2	Source	3025.51	223.45	421.21	500	160	-80.65	-8.5	-3.27	-2.71	-2.71	-	-	0	-3.2	61.66
M-2	Source	3025.51	223.45	421.21	1000	158.7	-80.65	-15.13	1.21	-6.93	-6.93	-	-	0	0	57.2
M-2	Source	3025.51	223.45	421.21	2000	155.2	-80.65	-27.4	1.77	-8.36	-8.36	-	-	0	1.2	41.75
M-2	Source	3025.51	223.45	421.21	4000	151.9	-80.65	-69.63	1.77	-10.3	-10.3	-	-	0	1	-5.92
M-2	Source	3025.51	223.45	421.21	8000	147.6	-80.65	-232.86	1.77	-12.66	-12.66	-	-	0	-1.1	-177.9
M-2	Source	3025.51	223.45	421.21	16000	144.9	-80.65	-839.53	1.77	-15.3	-15.3	-	-	0	-6.6	-795.41
M-3	Source	2355.21	204.5	421.21	31.5	179.1	-78.33	-0.05	5.86	-4.95	-4.95	-	-	0	-39.4	62.23
M-3	Source	2355.21	204.5	421.21	63	175.3	-78.33	-0.21	5.86	-5.12	-5.12	-	-	0	-26.2	71.3
M-3	Source	2355.21	204.5	421.21	125	164.5	-78.33	-0.79	-5.48	0	0.04	-	-	0	-16.1	63.8
M-3	Source	2355.21	204.5	421.21	250	149.1	-78.33	-2.63	-7.36	0	1.34	-	-	0	-8.6	52.17
M-3	Source	2355.21	204.5	421.21	500	160	-78.33	-6.51	-3.28	-3.7	-3.7	-	-	0	-3.2	64.98
M-3	Source	2355.21	204.5	421.21	1000	158.7	-78.33	-11.58	1.2	-8.44	-8.44	-	-	0	0	61.55
M-3	Source	2355.21	204.5	421.21	2000	155.2	-78.33	-20.98	1.76	-10.4	-10.4	-	-	0	1.2	48.45
M-3	Source	2355.21	204.5	421.21	4000	151.9	-78.33	-53.3	1.76	-12.77	-12.77	-	-	0	1	10.25
M-3	Source	2355.21	204.5	421.21	8000	147.6	-78.33	-178.26	1.76	-15.42	-15.42	-	-	0	-1.1	-123.75
M-3	Source	2355.21	204.5	421.21	16000	144.9	-78.33	-642.67	1.76	-18.24	-18.24	-	-	0	-6.6	-599.18
M-4	Source	1496.32	461.64	421.21	31.5	179.1	-74.61	-0.03	5.79	-4.77	-4.77	-	-	0	-39.4	66.08
M-4	Source	1496.32	461.64	421.21	63	175.3	-74.61	-0.14	5.79	-4.77	-4.77	-	-	0	-26.2	75.38
M-4	Source	1496.32	461.64	421.21	125	164.5	-74.61	-0.51	-5.49	0	0.72	-	-	0	-16.1	67.79
M-4	Source	1496.32	461.64	421.21	250	149.1	-74.61	-1.72	-7.38	0	2.61	-	-	0	-8.6	56.8
M-4	Source	1496.32	461.64	421.21	500	160	-74.61	-4.24	-3.3	-1.47	-1.47	-	-	0	-3.2	73.18
M-4	Source	1496.32	461.64	421.21	1000	158.7	-74.61	-7.54	1.18	-4.77	-4.77	-	-	0	0	72.96
M-4	Source	1496.32	461.64	421.21	2000	155.2	-74.61	-13.66	1.74	-4.77	-4.77	-	-	0	1.2	65.1
M-4	Source	1496.32	461.64	421.21	4000	151.9	-74.61	-34.7	1.74	-4.77	-4.77	-	-	0	1	40.56
M-4	Source	1496.32	461.64	421.21	8000	147.6	-74.61	-116.05	1.74	-4.77	-4.77	-	-	0	-1.1	-47.19
M-4	Source	1496.32	461.64	421.21	16000	144.9	-74.61	-418.41	1.74	-4.77	-4.77	-	-	0	-6.6	-357.75
M-5	Source	169.84	419.14	421.21	31.5	179.1	-55.21	0	4.06	0	-	-	-	0	-39.4	88.55
M-5	Source	169.84	419.14	421.21	63	175.3	-55.21	-0.01	4.06	0	-	-	-	0	-26.2	97.93
M-5	Source	169.84	419.14	421.21	125	164.5	-55.21	-0.06	-0.36	0	-	-	-	0	-16.1	92.78
M-5	Source	169.84	419.14	421.21	250	149.1	-55.21	-0.18	-7.54	0	-	-	-	0	-8.6	77.57
M-5	Source	169.84	419.14	421.21	500	160	-55.21	-0.45	-3.62	0	-	-	-	0	-3.2	97.51
M-5	Source	169.84	419.14	421.21	1000	158.7	-55.21	-0.81	0.68	0	-	-	-	0	0	103.37
M-5	Source	169.84	419.14	421.21	2000	155.2	-55.21	-1.46	1.22	0	-	-	-	0	1.2	100.95
M-5	Source	169.84	419.14	421.21	4000	151.9	-55.21	-3.72	1.22	0	-	-	-	0	1	95.19
M-5	Source	169.84	419.14	421.21	8000	147.6	-55.21	-12.44	1.22	0	-	-	-	0	-1.1	80.07
M-5	Source	169.84	419.14	421.21	16000	144.9	-55.21	-44.84	1.22	0	-	-	-	0	-6.6	39.47

*** Objects ***

Receivers	x	y	Height
M-5	223928.1	-610911.14	1.5
M-1	225443.6	-611524.14	1.5
M-3	226117.97	-610772.77	1.5
M-2	224221.6	-607854.58	1.5
M-4	222268.48	-610680.36	1.5

Point Sources	x	y	Height	Lw	Hz
Source	110.34	-11.5	2	179.1	31.5
-	-	-		175.3	63
-	-	-		164.5	125
-	-	-		149.1	250
-	-	-		160	500
-	-	-		158.7	1000
-	-	-		155.2	2000
-	-	-		151.9	4000
-	-	-		147.6	8000
-	-	-		144.9	16000

Ground Height Points	x	y	Height
-	134.08	295.24	480
-	514.08	-44.76	475

Ground Height Lines	x	y	Height
-	4476.27	2642.71	163
-	4430.44	2830.57	
-	4390.79	2796.89	
-	4201.84	2828.04	
-	4117.14	2864.1	
-	4098.98	2926.24	
-	4059.83	2971.18	
-	4011.51	2892.73	
-	3906.23	2834.88	
-	3824.28	2863.63	
-	3851.44	2784.45	
-	3811.91	2761.54	
-	3781.83	2689.14	
-	3742	2649.37	
-	3749.31	2601.68	
-	3791.18	2563.94	
-	3764.8	2488.74	
-	3773.32	2376.23	
-	3743.06	2360.98	
-	3687.72	2389.28	
-	3639.09	2389.21	
-	3535.5	2333.86	
-	3440.6	2250.16	
-	3416.01	2183.17	
-	3364.78	2120.28	
-	3372.67	2100.43	
-	3355.11	2100.73	
-	3388.22	1997.46	
-	3349.65	1865.71	
-	3366.62	1826.87	
-	3391.38	1935.46	
-	3464.55	1963.86	
-	3486.94	2004.47	
-	3519.04	2019.65	
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-	4382.92	1398.92	
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-	3572.11	2512.01	
-	3512.54	2496.05	
-	3419.5	2508.32	
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-	3329.68	2386.01	
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-	3272.35	2083.34	
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-	3244.3	1991.11	
-	3235.51	1914.5	
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-	3135.62	1808.15	
-	3165.66	1804.61	
-	3144.44	1776.45	
-	3162.67	1743.88	
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-	2870.85	1648.8	
-	2830.17	1605.47	
-	2799.61	1632.88	
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-	2736.24	1570.55	
-	2717.33	1576.64	
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-	2824.25	1350.47	
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-	2923.34	1077.52	
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-	-4503.16	-1197	

*** Configuration ***
Heights for all calculation results are absolute
0.7G Ground Factor
20.0Â°C Temperature
70% Humidity
Results are A-weighted
Results are rounded to 0 decimal places
Second order reflections are included
Reflections are only considered at a distance of 1m or greater from a reflector (facade level)
ISO9613-2 barrier attenuation limit (20/25dB) is enabled
Vertical edges (lateral paths) are included
Limited to convex paths
Following ISO17534-3 recommendation 5.2
Ground reflections are screened (original ISO9613-2 method)

*** Key ***

Lw	Sound Power Level (dB)
Ad	Distance attenuation aka geometrical divergence" ISO9613-2 (dB)"
Ab	Barrier attenuation ISO9613-2 (dB)
Ag	Ground effect ISO9613-2 (dB)
Aa	Air absorption ISO9613-1 (dB)

RESPONSE TO SIXTH NOTICE OF INCOMPLETE PERMIT APPLICATION

New York State Adirondack Park Agency

KATHY HOCHUL
Governor

BARBARA RICE
Executive Director

NEW YORK STATE OF OPPORTUNITY. Adirondack Park Agency

RECEIVED

Date: September 11, 2025

SIXTH NOTICE OF INCOMPLETE PERMIT APPLICATION

APA Project No. 2021-0276

Project Sponsor:	**Authorized Representative:**
Michael Hopmeier 620 Herndon Parkway, Suite 120A Herndon, VA 20170	Matthew D. Norfolk, Esq. 1936 Saranac Ave, Suite 106 Lake Placid, NY 12946

Date Permit Application Received: November 19, 2021
Type of Project: Commercial Use – Munitions testing facility
Location of Project: Town of Lewis, Essex County
Land Use Area: Rural Use
Tax Map No.: 38.1-1-31.000 & 38.1-1-29.000

Thank you for the recent submission in relation to APA Project No. 2021-0276, received by the Agency on July 10, 2025.

The following clarification is necessary to review the application:

- Please identify any solvents, lubricants, coatings, etc. that are applied to the inside or outside of the 155mm howitzer barrel assembly and/or used in the testing process. Please describe the process and location for application of any of these products, including any details related to transportation into and/or out of the proposed site, storage, and/or disposal. Please identify the products proposed to be used and their chemical composition, including but not limited to product labels, material safety data sheets, or other information sufficient to identify the chemical compounds being applied, transported, stored, and/or disposed of as part of the proposed project.

Response: The Applicant objects to this latest request as it is in violation of Executive Law §809(b). The Agency is prohibited to issue multiple notices of incomplete application and request the Applicant to supplement its application unless there is a change in the application or the proposed project or information was received by the Agency that gives cause for a notice of incomplete application and the request(s) therein. Here, the application, as supplemented by the Applicant with its responses to the five previous notices of incomplete permit application, provides all the information required by statute and the Agency previously. The Agency was required to request information about any products applied to the barrel of the subject howitzer with its first notice of incomplete application. There has been no change in the application or the proposed project nor new information provided since the submission of the application to give the Agency

cause to now seek, nearly four years later, information about products Agency Staff speculates are applied to the barrel. The Agency is abusing its discretion, in violation of the Adirondack Park Agency Act (Executive Law, Article 27), with its random, endless requests for information and clarification.

Notwithstanding the foregoing and without waiving the Applicant's objection expressed above, there are no solvents, lubricants, coatings or other products that are applied to the inside or outside of the howitzer barrel nor used in the testing procedure. As a consequence, there are no such products transported in or out of the proposed site nor stored or disposed of on the proposed site. The barrel does not require cleaning given the minimal use or limited number of shots required for testing. As stated in previous submissions, there will be 30 shots per year for five years resulting in 7,500 milliseconds of impulse sound over the life of the proposed project.

Norfolk Beier PLLC

By: 
_____

EXHIBIT H

Powell, Teri

From: Matthew D. Norfolk <mnorfolk@norfolkbeier.com>
Sent: Friday, January 2, 2026 5:14 PM
To: VanCott, Paul
Cc: Barbara.Rice@apa.ny.gov; Greenwood, David N (DEC); Sullivan, Grace (APA)
Subject: Re: APA Project No. 2021-0276

CAUTION: This email originated from outside of the firm. Do not click links or open attachments unless you recognize the sender and are expecting the message.

I'll look at what you sent, but the Council is not a party to the proceeding. It has no standing to raise any perceived conflicts.

Have a great weekend,
Matt

Sincerely,
Matthew D. Norfolk, Esq.
NORFOLK BEIER PLLC
O: 518.302.8080
F: 518.302.7100
A: The Outpost Plaza
1936 Saranac Avenue, Ste.106
Lake Placid, NY 12946
E: mnorfolk@norfolkbeier.com

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From: VanCott, Paul <PVanCott@woh.com>
Sent: Friday, January 2, 2026 4:04 PM
To: Matthew D. Norfolk <mnorfolk@norfolkbeier.com>
Cc: Barbara.Rice@apa.ny.gov <Barbara.Rice@apa.ny.gov>
Subject: APA Project No. 2021-0276

This message's attachments contains at least one web link. This is often used for phishing attempts. Please only interact with this attachment if you know its source and that the content is safe. If in doubt, confirm the legitimacy with the sender by phone.

Please see the attached correspondence in reference to the above matter.

Thank you.

Paul

Paul Van Cott | **Whiteman Osterman & Hanna LLP**
Of Counsel
One Commerce Plaza | Albany | New York | 12260
| o | 518.487.7733| f | 518.487.7777
| e | pvancott@woh.com | w | www.woh.com

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Paul VanCott
Of Counsel
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pvancott@woh.com

January 21, 2026

Via Email

Barbara Rice, Executive Director
Adirondack Park Agency
1199 NYS Route 86
Ray Brook, New York 12977

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

Dear Ms. Rice:

The Adirondack Park Agency ("APA") was copied on our January 2, 2026 letter to Norfolk Beier PLLC concerning its conflicted representation of the Project Sponsor in the above-referenced matter (copy attached). This conflict arose in May 2025 when former APA attorney Sarah Reynolds, who had direct involvement in APA's review of this application, joined Norfolk Beier PLLC. This resulted in a conflict with Rule 1.11 of New York's Rules of Professional Conduct and required Norfolk Beier PLLC to provide APA with notice of the conflict and to obtain APA's informed consent to the firm's continued representation of the Project Sponsor in this matter. Based upon all available information, Norfolk Beier PLLC never complied with this ethical obligation which attached pursuant to Rule 1.11 when Ms. Reynolds joined that firm.

As required by Rule 1.11, this conflict should have been addressed by Norfolk Beier PLLC in a timely manner after Ms. Reynolds join the firm in May 2025. Instead, Norfolk Beier PLLC continued its representation of the Project Sponsor without, apparently, obtaining a waiver from APA. This included making at least two submissions to APA in this matter after May 2025, one of which involved a response to an APA staff information request that Ms. Reynolds had worked on while still at APA. When Norfolk Beier PLLC failed to respond to our January 2, 2026 letter, we were forced to file a motion in the adjudicatory hearing seeking Norfolk Beier PLLC's demonstrated compliance with Rule 1.11, including a waiver from APA for its continued representation of the Project Sponsor in this matter.

Norfolk Beier PLLC now seeks relief from APA in this matter outside of the adjudicatory hearing presided upon by ALJ David Greenwood. We respectfully submit that before those requests for relief can be decided, or further proceedings in the adjudicatory hearing can occur, that APA should require Norfolk Beier PLLC to fulfill its ethical responsibilities under Rule 1.11 by demonstrating is compliance with the Rule's screening and other requirements since May 2025, as well as how they will be complied with prospectively, and by obtaining a waiver from APA for its continued representation of the Project Sponsor in this matter.

Thank you for APA's consideration of this proposal for ensuring the integrity of the hearing process in this matter.

Very truly yours,



Paul Van Cott

Attachment

Cc: Service List

WHITEMAN
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www.woh.com

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518.487.7757 phone
518.487.7777 fax

Paul VanCott
Of Counsel
518.487.7733 phone
pvancott@woh.com

January 2, 2026

Via Email and Regular Mail

Matthew D. Norfolk, Esq.
Norfolk Beier, PLLC
1936 Saranac Ave, Suite 106
Lake Placid, NY 12946

Re: Representation Conflict for APA Project # 2021-0276 (Hopmeier)

Dear Matt:

We represent the Adirondack Council, Inc. in relation to the above matter and have advised our client that it is our responsibility as its attorneys to bring an apparent conflict in your firm's continued representation of the applicant in this matter to your and the Adirondack Park Agency's ("APA") attention.

In reviewing the record, we have learned that Sarah Reynolds, who is now Senior Counsel to your firm (https://norfolkbeier.com/firm) worked directly on this matter in her former role as an APA attorney. Specifically, this work included drafting a detailed memorandum (copy attached) to APA's Regulatory Programs Committee in response to your client's appeal of an APA staff information request, as well as a presentation by Ms. Reynolds to the Committee at its May 2024 meeting. See https://vimeo.com/showcase/11632607?video=1065189837.

There is no question that Ms. Reynolds is prohibited from involvement in your firm's representation of the applicant in this matter, given her past work on the matter as an APA attorney. This follows from her disqualification pursuant to both Public Officer's Law § 73(8)(a) and Rule 1.11 of the New York Rules of Professional Conduct for attorneys. Rule 1.11 further imputes that prohibition to your firm unless it has taken required measures to:

> (1) Notify, as appropriate, lawyers and nonlawyer personnel within the firm that the personally disqualified lawyer is prohibited from participating in the representation of the current client;
> (2) Implement effective screening procedures to prevent the flow of information about the matter between the personally disqualified lawyer and the others in the firm;
> (3) Ensure that the disqualified lawyer is apportioned no part of the fee therefrom; and

(4) Give written notice to APA to enable it to ascertain compliance with the provisions of Rule 1.11.

There is a substantial real or perceived risk to the integrity of the hearing process from the continued representation of the applicant in this matter by your firm which "screening procedures" cannot fully or effectively[1] resolve. This stems from Ms. Reynolds's direct and in-depth participation in this matter as an APA attorney as reflected above. Also, in addition to her work on this matter, Ms. Reynolds served in a management-confidential position at APA and was very involved in the day-to-day interpretation and application of APA's laws and regulations in her role. Even if screening procedures are implemented by your firm, there is no way that the public can be certain of their effectiveness.

Since you represented the applicant in the same 2024 appeal to the APA Board that Ms. Reynolds worked on, you are obviously aware of her former involvement in this matter. We bring this issue to your firm's attention at the earliest opportunity and before your firm makes any formal submissions as part of the adjudicatory hearing record to provide you with an opportunity to resolve it. At this point, we are aware of the following options for your firm to avoid disqualification from its continued representation of the applicant in this matter:

- Withdrawing from your representation of the applicant; or
- Providing a written waiver from APA with respect to your firm's continued representation of the applicant based upon its determination that your firm has satisfactorily complied with the requirements of Rule 1.11(b).

Please let us know how you intend to resolve this issue by January 9, 2026, so that we can avoid potentially unnecessary motion practice or other actions to protect our client's interests. We reserve all of our client's rights to seek appropriate relief to ensure that the risks of this apparent conflict are properly and fully addressed.

Very truly yours,



Paul Van Cott

Attachment

Cc: Barbara Rice, Executive Director

[1] The Comment to Rule 1.11 recognizes the difficulty that a small firm may have in instituting and maintaining effective screening, requiring "special care and vigilance."

NEW YORK STATE | Adirondack Park Agency

KATHY HOCHUL
Governor

BARBARA RICE
Executive Director

MEMORANDUM

TO: Regulatory Programs Committee

FROM: Sarah Reynolds, Associate Counsel SR

DATE: May 8, 2024

RE: Unconventional Concepts, Inc./Hopmeier
Permit Application 2021-0276
Appeal of Agency staff's January 2024 request for information

Summary

Unconventional Concepts, Inc. (UCI) seeks a permit from the Adirondack Park Agency to allow for the establishment of a commercial use involving the installation of a firing range for the testing of artillery on Rural Use lands in the Town of Lewis, Essex County. On January 2, 2024, Agency staff forwarded a fifth request for information regarding the application. On February 29, 2024, the applicant submitted an appeal of this request.

Since receipt of the initial application on November 21, 2021, the applicant's submissions have provided incomplete and conflicting information regarding the proposal. The type of weapon proposed for testing, the charge proposed for use with the weapon, specifics on the target and any other equipment proposed for use on the site, the proposed firing and target locations, and the number of shots proposed per day, month, and year, have all remained uncertain or changed. Even more significantly, the decibel level for the impulse noise source – the noise level produced at the moment of firing and the basis for any noise analysis – has changed with every response to staff's requests for information. In addition, none of the applicant's submissions have been stamped with the seal of a New York State-licensed professional engineer, as required under State professional standards for projects involving engineering principles and data.

The first four Notices of Incomplete Permit Application (NIPAs), along with numerous follow-up letters and meetings with the applicant, reflect staff's efforts to confirm the specifics of the proposed project and the resulting analysis of potential impacts. The fifth NIPA constitutes a further attempt to determine the information necessary for a complete application, with questions addressing previously submitted information that has changed or has remained unclear or unanswered.

The applicant's February 29, 2024, appeal of the fifth NIPA includes new information that has not been previously provided to the Agency. Staff analysis of this new information indicates that the record now contains sufficient documentation to allow for review of the proposal in relation to Questions 3 and 5 of the fifth NIPA. However, Questions 1, 2, 4, 6, 7, 8, and 9 remain unanswered.

Given the continuing inconsistencies in the record and the potential for impacts from the proposal, staff request that the Agency members affirm the need for the information requested in Questions 1, 2, 4, 6, 7, 8, and 9 of the fifth NIPA.

Legal Background and Review Process

The proposal at issue involves a new commercial use on Rural Use lands, and requires an Agency permit under the Adirondack Park Agency Act (APA Act). Prior to approving this project, the Agency must find that the proposal:

- will be consistent with the land use and development plan;
- will be compatible with the character description and purposes, policies, and objectives of the Rural Use land use area;
- will be consistent with the overall intensity guidelines for the Rural Use land use area;
- will comply with the shoreline restrictions of § 806 of the Act; and
- will not have an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the Park or upon the ability of the public to provide supporting facilities and services made necessary by the project, taking into account the commercial, industrial, residential, recreational or other benefits that might be derived from the project.

Staff analyze any proposal that requires an Agency permit to ensure that the application is "complete for the purpose of commencing review," as set forth in §809(2)(b) of the APA Act. To do this, staff request information from applicants as necessary to allow for Agency consideration of the findings listed above. For any project not approved pursuant to the Agency's Delegation Resolution, staff make a recommendation to the Agency board as to whether the proposal appears approvable under the required findings, based on staff's analysis of the application materials. The Board may choose to follow or not follow staff's recommendation.

When a complete permit application contains sufficient information to allow the Agency to make the required findings, the Agency may approve the project, with conditions as necessary. When a complete permit application contains disputed facts or insufficient documentation to support approval, the Agency may require an adjudicatory-style public hearing on the proposal. The Agency may only deny a proposal after holding an adjudicatory-style hearing.

Relevant Facts and Project Review History

Project Site

The project site is a 197±-acre parcel of land located on Hale Hill Lane in the Town of Lewis, Essex County, in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 38.1 Block 1, Parcel 31, and is currently owned by Pulsifer Logging, LLC.

The eastern portion of the project site contains two mountains, Little Church Mountain and Big Church Mountain, which are approximately 1,500 to 1,600 feet in height. A 50±-acre parcel of State lands included in the Taylor Pond Wild Forest adjoins the northeastern portion of the project site; the remainder of the site borders large tracts of Rural Use lands. The closest residence to the site is located approximately 5,800 feet to the northeast, and is currently owned by James Pulsifer. Additional residences are located along Hale Hill Road to the north and east of the site, along State Route 9 to the east of the site, and along Pulsifer Road to the south of the site.

A pre-existing missile silo, currently used as a commercial use, is owned by Diversified Upstate Enterprises, LLC, and located just over a mile to the east of the site. In addition, a sawmill subject to Agency permits is located just under a mile to the north of the site, and the "Oak Hill" mine, also subject to Agency permits, is located approximately a mile and a half to the south. Additional State lands in the Taylor Pond Wild Forest are located to the east and west, and the Jay Mountain Wilderness Area is located approximately two miles to the north and west of the site.

The project site is accessed by an existing drive used for timber harvesting. The site is currently improved by a cabin. A trail traverses the northwestern portion of the site and connects to adjacent Rural Use parcels.

Jurisdictional Inquiry and Permit Application

On August 26, 2021, the Agency received a Jurisdictional Inquiry Form from Michael Hopmeier for the installation of a ballistic testing range on the project site. The Agency responded to this inquiry on September 22, 2021, advising that the proposal involved the establishment of a new commercial use, and that an Agency permit would be required.

On November 19, 2021, the Agency received a permit application from Michael Hopmeier as Project Sponsor and James Pulsifer as representative for landowner Pulsifer Logging, LLC, for the establishment of a new commercial use. Specifically, the application proposed leasing a portion of the project site for the establishment of a "firing range" to:

> be developed and used to assess the internal ballistics of various kinetic systems used by the United States. The focus is to determine the effectiveness of various manufacturing approaches and techniques used in the manufacture of cannon barrels. The goal of the overall project is to decrease the weight of these systems to ensure the most efficient means of manufacturing and recuring cost of ownership, thereby reducing waste and cost, as well as improving performance... In effect, we are building a shooting range and will fire non-toxic, inert, steel projectiles over a distance of approximately 300 yards [or 900 feet].

The testing of artillery would occur in coordination with work occurring at the missile silo facility located to the east of the project site.

The application stated that "no more than three tests per month are anticipated," with operations occurring in "all seasons" and each test consisting of 1-3 shots over 1-2 days between 10am and 4pm on weekdays, and "an average of no more than 30 shots per year." Impulse noise from each shot was "not expected to exceed 180dB." The application also explained that "a small grouping of mountains" on the site would "act as a projectile backstop... thereby allowing for the reflection/deflection of noise away from more populated areas and into a large open space that can absorb and dampen any impact."

The application stated that approximately 100 tons of gravel from the Oak Hill mine would be used to construct an approximately 100-foot by 100-foot firing platform structure; other site work would include "clearing brush and a limited number of trees," using "herbicides to control unrestricted undergrowth," and using the existing access road to bring in materials for each test, including "a mobile power supply such as a generator on a trailer, portable instrumentation carriers, a trailer, a porta potty, and other mobile support equipment." The application noted that "a portable steel cargo container... filled with sand or other aggregate" might be brought on the site as "a projectile-catcher," but was "not expected to be necessary." The application did not offer any further specifics on the type of equipment or weapons that would be used on the project site.

Maps included with the application showed the location of the existing cabin on the property and the general location of the proposed firing pad and range.

First Notice of Incomplete Permit Application and Response

On December 6, 2021, Agency staff issued a first NIPA for the project. This first NIPA included requests for:

- A site map depicting the lease subdivision lines to allow for confirmation of potential subdivision jurisdiction, and documentation of the location of the other proposed activities;

- A noise impact evaluation using the NYS DEC Program Policy for Assessing and Mitigating Noise Impact (DEC Noise Policy)[1];
- Confirmation as to whether any contaminants would be used on site;
- Confirmation as to whether improvements to the existing access road would be required;
- Additional plans, including a plan for removal of spent projectiles, a design guide, a stormwater management plan, an unexploded ordnance plan, and a decommissioning plan;
- An alternatives analysis; and
- Information regarding coordination with other federal, state, and local agencies.

On December 15, 2021, Agency staff attended a site visit with the applicant. On December 22, 2021, the Agency received from the applicant a response to the first NIPA. This response included an un-scaled aerial photograph overlaid with approximations of the proposed lease and firing range areas. In response to staff's questions regarding contaminants and the removal of spent projectiles, the response stated that the "projectiles used during testing will normally consist of solid bullets of steel" and that, "in the event a target is used... the current design envisions a contained quantity of sand or soil (approximately 8 X 8 X 40 ft) into which projectiles will be fired," but noted that "this design may be modified based on actual operation and empirical data." The response also stated that, "if operations do not require a target, then direct impact into the ground... and projectile recovery will be utilized."

The December 22, 2021, response included a written noise evaluation and overlays of aerial photographs using "a complex non-linear topographic multi-variate inverse square law model for noise distribution that considered propagation over a distance, insertion of a barrier, ground effect, and air absorption" to examine impacts at two receptors: the missile silo located just over a mile to the east of the site, and the Pulsifer residence located just over a mile to the northeast. The evaluation stated that the noise level at the location of firing was "not expected to exceed 185 dB." A noise source of 183 dB was used in the calculations, based on which the applicant stated that "we can anticipate a reduction at both sites to approximately 82 dB centered on 125 Hz peak energy frequency, or a reduction of 101 dB." The evaluation then listed the noise levels of shotguns, rifles, Magnums, chainsaws, and thunder from nearby lightning strikes. For mitigation, the December 22, 2021, response proposed following the blasting notification procedures used by the nearby Oak Hill mine, which would be "part of the [firing range's] site security and operations plan." The noise evaluation was not signed by an engineer or any other New York State licensed professional.

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[1] When reviewing projects, Agency staff regularly require completion of a noise impact evaluation for the proposed activity following the review standards established by the DEC in its Program Policy for Assessing and Mitigating Noise Impact. The DEC Noise Policy is available on the DEC website at Assessing and Mitigating Noise Impacts (ny.gov).

The December 22, 2021, response asserted that no stormwater management plan, unexploded ordnance plan, or decommissioning plan was necessary, and declined to confirm whether the proposal involved any upgrades to the existing access road. The applicant also declined to provide a design guide, stating that, "We will be working closely with the US Army Development Command… they will provide guidance and approval for the range design and operating procedures… All operations will be in accordance with either approved and designated Army protocols, or based on best engineering and technical judgment developed in coordination with relevant Army staff and personnel." In relation to potential alternatives, the response stated that "other sites… were considered," but were not chosen because of the existing natural features of the project site. The response declined to propose any on-site alternatives, such as a berm or other sound barrier as suggested by the DEC Noise Policy.

Second Notice of Incomplete Permit Application and Response

On January 13, 2022, Agency staff issued a second NIPA for the project. This second NIPA included requests for:

- A site map and documentation of the location of the proposed activities, including the lease subdivision lines and other details;
- A revised noise impact evaluation using 185 dB as the maximum anticipated impulse noise level as referenced in the applicant's December 22, 2021, response and analyzing potential noise impacts to additional receptors within a two-mile radius;[2]
- A noise mitigation plan, as well as the "site security and safety operations plan" referenced as providing for noise mitigation in the applicant's December 22, 2021, response;
- Information regarding the existing trail that traverses the project site and connects to adjacent private lands;
- An additional analysis of alternatives to the proposal; and
- Additional coordination between the Agency and other state and federal entities.

On February 11, 2022, the Agency received from the applicant a partial response to the second NIPA. This partial response stated that, according to the landowner, there are no outside parties with the right to access the road/trail that traverses the project site. In relation to staff's request for an additional analysis of alternatives, the partial response stated that "it would be impractical to move the testing to a location farther from" the missile silo to the east of the site and that "any attempt to relocate the testing to a significantly more distant area would be cost prohibitive." Finally, in relation to staff's request for an updated noise impact evaluation, this partial response "revised the numbers in the model to accurately reflect the impulse noise value of 185 dBa."[3] The

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[2] Pursuant to the DEC Noise Policy, noise evaluations require determining and calculating potential impacts from "the maximum amount of sound created at a single point."

results of this updated assessment were shown on a "Noise Map" depicting noise levels overlaid on an aerial photograph of the area.

At the applicant's request, on February 25, 2022, Agency staff attended a meeting with the applicant to discuss the second NIPA and the materials received on February 11, 2022. Following this meeting and a follow-up letter from staff to the applicant on March 1, 2022, confirming that portions of the second NIPA were considered "either satisfied or no longer required," on May 12, 2022, the Agency received from the applicant an additional response to the second NIPA. In relation to staff's request for a scaled site plan, this additional response included two scaled plans showing a portion of the project site. No lease subdivision lines were shown on these plans. In addition, no dimensions or distances were shown, and not all markings were labeled. According to the scale on the plans, the firing pad measured approximately 30 feet by 80 feet, and the distance between the pad and the target measured approximately 571 feet.

The additional response received on May 12, 2022, stated that, "based on recommendation from the APA, further research on the noise source was performed," with the noise source now "assumed to be 166.1 dB." Specifically, in two locations, the May 12, 2022, response described the "Noise Source" as a "M109A5/6; Paladin, 155mm self-propelled Howitzer firing M4A2 zone 7 charges," with a "Noise Level" of 166.1 dB. The reference materials cited for this noise level showed that the 166.1 dB measurement was taken from "in fighting compartment with hatches open except drivers," rather than from open air firings.

The additional response received on May 12, 2022, also stated that the proposal had been updated to use a soft catch system for projectiles, rather than using direct impact into the mountains as the target as previously proposed. Using an "ambient noise level... assumed to be approximately 80 dB at the [Pulsifer] residence," the additional response then included a series of calculations performed by the applicant and concluded that "there is a negligible difference in noise level [at the Pulsifer residence] across an 8-hr day between a day when two shots are fired and [a] day when no shots are fired." No calculations were provided for any other potential noise receptors, and the noise evaluation was not signed by an engineer or any other New York State licensed professional.

In relation to the Agency's request for a noise mitigation plan, the additional response received on May 12, 2022, described "active noise mitigation measures," such as

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[3] This is the first incidence in the record of a reference to dBa (also referred to as dBA or dB(A)). According to the DEC Noise Policy, "perceived loudness is expressed in decibels (dB) or A-weighted decibel scale dB(A) which is weighted towards those portions of the frequency spectrum, between 20 and 20,000 Hertz, to which the human ear is most sensitive." In general, the same impulse noise source level would be expressed as a higher number when measured in decibels (dB) than in A-weighted decibels (dB(A)). The applicant's submissions vary between references to dB and dB(A) in relation to the impulse noise level and noise impact evaluation. Question 9 of the fifth NIPA requests an updated noise impact evaluation documenting both dB and dB(A) measurements for all relevant sound pressure levels.

limiting the number of shots fired annually, limiting the hours of operation, and providing "early warning of the event" pursuant to the procedures used by the nearby Oak Hill Mine as well as "audible warnings (siren) that can be discerned at" the Pulsifer residence, and concluded that the proposal was "not expected to cause any hearing damage or increases in anxiety or stress in nearby residents." The additional response also described "passive noise mitigation measures," such as the distance from the Pulsifer residence to the proposed testing range, the natural vegetation and local topography, and the fact that, because of "the rock structure of the mountains," noise coming from the proposed range "will be reflected back to the west," toward State lands and "away from the residences and populations in the surrounding areas." The response proposed no new noise mitigation measures.

Third Notice of Incomplete Permit Application and Response

On June 6, 2022, Agency staff issued a third NIPA for the project. This third NIPA included requests for:

- An updated site map with all markings labeled that depicted and confirmed the size of the lease area, which remained unknown, and the dimensions and locations of the firing pad and target area, which appeared to have changed from the initial application;
- An updated noise impact evaluation comporting with the DEC Noise Policy, prepared by a NYS licensed professional, and including an explanation of the decrease in proposed maximum noise levels from 185 dB to 166.1 dB;
- An explanation of the assumed ambient noise level of 80 dB at the site and the Pulsifer residence;
- Clarification of the procedures for public notification of tests;
- Inclusion of additional noise mitigation measures;
- Confirmation of the equipment and machinery proposed for use on site; and
- Clarification of numerous other discrepancies between submissions.

The third NIPA noted that "the proposal as presented consists of testing munitions year-round up to 120 times per year with an estimated munitions firing noise source of 185 dB with no noise source mitigation measures proposed," while the U.S. Department of the Army considers any impulse noise greater than 140 dB to be hazardous, and the US Bureau of Mining has documented damage to residential dwelling window glass from over air pressure blasts of greater than 133 dB.

On September 16, 2022, and November 9, 2022, the Agency received from H2H Associates, LLC (now H2H Geoscience Engineering, PLLC; referred to herein as H2H) an initial and revised Scope of Work proposal for performing a noise analysis at the project site. Staff responded to these letters on September 28, 2022, and November 28, 2022. The specific changes to the Scope of Work requested in staff's responses were later incorporated by H2H, though no final approval of the proposed Scope of Work was ever issued by staff.

On February 28, 2023, the Agency received a partial response to the third NIPA from Matthew Norfolk, Esq., as attorney for UCI, which was now described as the applicant. This response stated that the applicant was no longer proposing a lease subdivision, and would instead "have access to the area at certain times to perform ballistic testing in coordination with" the landowner.

In response to staff's request for clarification of the dimensions and locations of the firing pad and target area, the February 28, 2023, response stated that: "The specific placement of instrumentation and test articles will vary within a general range based on test requirements. All instrumentation and test articles are portable and will be emplaced before and after each test. As no permanent structures will be deployed, exact position of placement may vary each time."

In response to staff's request for confirmation as to the equipment and machinery proposed for use on site, the February 28, 2023, response declined to name any specifics, instead stating only that "all vehicles and equipment used on site will not exceed current noise levels created by" vehicles commonly used in sawmill operations. In response to staff's request for clarification of the procedures for public notification of tests, the response stated that, seven days prior to any test, UCI would notify the Town and mail notice to landowners "within a two-mile radius."

On March 1, 2023, the Agency received a document titled "Sound Study Unconventional Concepts, Inc. APA Project #2021-0276," prepared by H2H, and dated February 2023 (February 2023 Sound Study). The Project Background section introducing the February 2023 Sound Study included an explanation of the proposed testing process: "Each test will consist of four-five shots, and each series of shots will last no more than two days. Testing will only occur on weekdays, between 10:00 AM and 4:00 PM local time. No more than two shots will be fired in one day... The Sound Source (system being tested) will be located on a 100 ft. X 100 ft. crushed gravel pad (Firing Pad)... The Target Area is 590 ft. east of the Firing Pad."

The February 2023 Sound Study updated the specific weapon proposed for firing at the project site: an M109A3GN (155 mm) Howitzer. The February 2023 Sound Study also clarified for the first time some of the additional equipment proposed for use: a 40-ton haul truck for transporting the howitzer and other materials to and from and across the site.

The February 2023 Sound Study named 176 dB(A) as the noise level for the howitzer, stating that this "sound level data for the Sound Source is provided in" an older study, titled "Noise emission data for M109, 155 mm field howitzer," prepared by Morten Huseby for the Norwegian Defence Research Establishment, and dated December 5, 2007 (the 2007 Norwegian Study). The 2007 Norwegian Study, which was included with the materials received on March 1, 2023, examined the firing of M109, 155 mm field howitzers with a charge of up to 5 modules DM72, with each module containing 2.44 kilograms propelling charge.

The 2007 Norwegian Study was "conducted at the Norwegian Defence Research Establishment... to estimate noise pollution around military firing ranges." The study stated that the "M109 [Howitzer] is one of the noisiest weapons in the Norwegian defence, and as such represents a limiting factor for activity at firing ranges and training fields." The Study also repeatedly stated that, to the author's knowledge, there existed no "consensus" or "commonly accepted methods" for producing free field emission data to use for analyzing potential sound impact levels from howitzers.

Using 176 dB(A) as the noise source, the February 2023 Sound Study modeled impulse sound levels at five receptors within two miles of the project site: Receptors M-1, M-2, and M-3 located along residential lands to the east and south of the site, and Receptors M-4 and M-5 located on State lands to the west and northeast of the site. The modeled impulse sound levels were calculated as 75, 71, and 73 dB(A) at Receptors M-1, M-2, and M-3; 79 dB(A) at Receptor M-4; and 107 dB(A) at Receptor M-5.

As part of the February 2023 Sound Study, H2H also recorded and modeled ambient noise levels at the receptor sites, and then charted the difference between the ambient sound levels and the modeled impulse sound levels. The study modeled the impulse noise as being between 17.8 dB(A) and 72.3 dB(A) higher than the ambient noise levels.

Finally, the February 2023 Sound Study analyzed the overall change in ambient sound levels that would occur during the six-hour period from 10am to 4pm on a day with two shots fired. This modeling found that, because the impulse noises were so short, the increase in overall ambient noise levels over the six-hour period ranged from 0 to 0.4 dB(A) at Receptors M-1 through M-3, and from 2.0 to 32.0 at Receptors M-4 and M-5. The Study then found that "the proposed project does not pose a potentially significant environmental impact due to an increase in sound levels at receptors in the area."

The February 2023 Sound Study included an overlay of an aerial photograph, labeled Figure 1 – Site Overview Map. Figure 1 is scaled at 1 inch : 1,000 feet, and shows the region of the project site and approximate locations of the firing pad, howitzer, target, and property lines.

The February 2023 Sound Study was not signed by an engineer or any other New York State licensed professional.

Fourth Notice of Incomplete Permit Application and Response

On March 16, 2023, Agency staff issued a fourth NIPA for the project. This fourth NIPA included requests for:

- A revised noise impact evaluation that complies with the DEC Noise Policy, clarifies and documents the method for determining 176 dB(A) as the accurate noise source level for the howitzer, clarifies and documents the modeling used

for sound levels at the receptor sites, and clarifies numerous facts and other discrepancies among the prior submissions, including between the number of shots proposed for each test and the proposed charge for each test; and

- Confirmation of the equipment proposed for use at the site, noting that an "armored tracked vehicle" was documented as transporting the howitzer in the 2007 Norwegian Study.

The fourth NIPA also stated that, "until an acceptable full noise assessment has been provided, the Agency cannot assess whether the currently proposed public notification and mitigation is adequate."

At the applicant's request, on June 26, 2023, Agency staff attended a meeting with the applicant to discuss the fourth NIPA. On August 1, 2023, the Agency received from UCI a partial response to the fourth NIPA. In response to staff's questions regarding the noise source level for the proposed howitzer and the modeling used for sound levels at the receptor sites, the UCI response noted that the applicant had been required "to develop data that could be used to model the attenuation of sound produced by a howitzer due to the previous lack of available information."

In response to staff's request for confirmation of the equipment proposed for use at the site, the August 1, 2023, UCI response reiterated the applicant's earlier assertion that only "a diesel truck similar to what has historically operated on site in support of logging activities will be used to transport the" howitzer around the site. In response to staff's request for clarification of the number of shots proposed for each test, the response stated that no more than two shots are proposed for any given day, with up to three days of shots associated with each test. Finally, in response to staff's question regarding the maximum proposed charge, the response asserted that "the level of sound for all charge sizes employed will not exceed those acceptable levels determined by H2H's assessments and testing." The response concluded that "there are no other practicable means to mitigate noise."

The August 1, 2023, UCI response stated that "the Source sound power level was transcribed incorrectly in the H2H February 2023 Sound Study Report. Source sound power level is 180.8 dB (163.2 dB(A)), not 175.9 dB."

An updated Sound Study, prepared by H2H, dated July 2023, and included with the partial response (the July 2023 Sound Study), explained that the 180.8 dB sound power level was determined by using a Table in the 2007 Norwegian Study that documented a sound pressure level of 130.5 dB at a sensor located 803 feet away and at a 32-degree angle from a howitzer. There is no indication of variables such as terrain, vegetation, or wind and temperature conditions at the time of firing in the 2007 Norwegian Study. Nevertheless, using "industry standard calculations," the applicant used its own model to calculate back to determine the originating sound pressure level for the howitzer in the Norwegian study, and then determined that the sound level would be 127 dB at this same distance and angle from a howitzer on the project site. The July 2023 Sound

Study then asserted that the difference of 3.5 dB between the 130.5 dB recorded sound pressure reading in the Norwegian study and the applicant's modeled sound pressure reading of 127 dB showed "correlation within ISO standards." Therefore, according to the applicant, a level of 180.8 dB at the location of the howitzer should be considered accurate.

The July 2023 Sound Study was not signed by an engineer or any other New York State licensed professional.

On August 16, 2023, Agency staff issued a letter confirming receipt of the August 1, 2023, response, and noting that the Sound Study had not been sufficiently updated as requested and that the response had not confirmed the maximum charge proposed. The letter noted that, using the applicant's modeled potential error discrepancy of 3.5 dB, the application documented a potential for impulse noise levels at nearby State lands above the 133-dB level determined capable of breaking windows as documented by the US Bureau of Mining.

On December 15, 2023, the Agency received from UCI an additional response to the fourth NIPA. For the first time in the application process, this additional response proposed a noise mitigation measure that did not rely on the natural features of the site or notification to nearby landowners: the applicant now proposed to install a "Sound Mitigation Berm" on the site. The response stated that the berm would be 13 feet in height and "constructed along the northern boundary of the Firing Pad," but gave no specifics on the materials that would be used for construction or the location of the berm in relation to the howitzer. The December 15, 2023, UCI response also included modeling of sound levels by temperature and humidity, noting that "testing is not anticipated to take place" at lower temperatures, as well as additional sound power level and sound pressure level calculations, charts, and conclusions.

An updated Sound Study, prepared by H2H and dated September 2023 (the September 2023 Sound Study), was included with the materials received on December 15, 2023. The September 2023 Sound Study modeled impulse sound levels at Receptors M-1 through M-5 with and without the berm, although the study did not contain the modeling of sound levels by temperature and humidity or the additional sound power level and sound pressure level calculations, charts, and conclusions submitted with the UCI response.

The September 2023 Sound Study included a new color-coded model of sound pressure levels. This model is labeled "Image 1," and is described by the September 2023 Sound Study as "demonstrat[ing] the accuracy of the sound propagation model." "Image 1" appears to be an overlay of an aerial photograph of the site, although the locations of the firing pad, howitzer, target, and property lines are not visible. The September 2023 Sound Study also included the aerial photograph overlay labeled Figure 1 – Site Overview Map that had been included with the prior sound studies; this map shows the region of the project site with the locations of the firing pad, howitzer,

target, and property lines approximated, but without the color-coded sound pressure level modeling distinct to "Image 1."

The September 2023 Sound Study was not signed by an engineer or any other New York State licensed professional.

On January 2, 2024, Agency staff issued a fifth NIPA for the project. On January 18, 2024, the Agency received a request for an extension to the deadline for filing an appeal of the fifth NIPA pursuant to 9 NYCRR § 572.22(c). On January 18, 2024, staff responded by letter agreeing to the extension. On February 29, 2024, the Agency received the applicant's appeal of the fifth NIPA.

Appeal

Pages 1-12 of the appeal contain a summary by the applicant of the history of project submissions and Agency staff responses regarding the proposed firing range. Staff disagree with a number of the factual and other statements made in this summary. The applicant's summary, along with all other submissions and staff correspondence, are part of the record for this appeal.

The matter presented for review and action by the Agency members at this time is a challenge to the questions included by staff in the fifth NIPA. However, staff analysis of new information included in the appeal indicates that the application now contains sufficient information to allow for analysis of the proposal in relation to Questions 3 and 5. Accordingly, the remaining challenges to the fifth NIPA involve Questions 1, 2, 4, 6, 7, 8, and 9.

Responses Considered Sufficient

- Question 3 of the fifth NIPA

Since receipt of the initial application on November 21, 2021, the applicant's submissions have provided incomplete and conflicting information regarding the impulse noise level and location of proposed noise source. The maximum impulse noise level was stated as 180 dB in the initial application on November 21, 2021, 185 dB in the response to the first NIPA, 185 dB and then 166.1 dB in response to the second NIPA, 176 dB(A) in response to the third NIPA, and 180.8 dB (163.2 dB(A)) in response to the fourth NIPA. The proposed size and location of the firing pad has also been inconsistent throughout the applicant's submissions. Staff have continually noted that, due to the potential for impacts based on the impulse noise level and location of proposed noise source, additional noise mitigation measures may be required.

Until December 15, 2023, the applicant's responses to these comments regarding mitigation centered on the mitigation measures described in the initial application: that notification to nearby landowners of upcoming tests would not cause hearing damage or

increase anxiety or stress in nearby residents, and that the natural features of the site would reflect noise away from residences and towards uninhabited State lands to the west. On December 15, 2023, in a response to the fourth NIPA, the applicant proposed installing a berm as a new mitigation measure.

Question 3 of the fifth NIPA recommended additional potential mitigation measures, and requested an evaluation of whether any could be added to further limit noise impacts from the proposal. The applicant responded to this question on page 15 of the appeal, explaining that these additional measures would be unacceptable.

For the purpose of commencing review, staff have no additional questions regarding this issue. The applicant's response, along with staff's technical review and analysis, will be included as part of the permit application for future Agency review.

- Question 5 of the fifth NIPA

Since receipt of the initial application on November 21, 2021, the applicant's submissions have provided incomplete and conflicting information regarding the proposed timing and number of shots. Specifically, the initial application stated that there would be an average of 30 total shots per year under the proposal, but according to later submissions, there would be up to 10 shots per month, year-round. In addition, the applicant's December 15, 2023, written response suggested that no testing would occur at times of the year with lower temperatures, despite earlier indications that testing would occur in all months.

Question 5 of the fifth NIPA requested confirmation of the proposed maximum number of shots per week, month, and year, and whether there were any atmospheric conditions under which testing would not occur. The applicant responded to this question on pages 16-17 of the appeal, confirming that testing is proposed to occur year-round, with a maximum of 10 shots per month, and with no atmospheric restrictions.

For the purpose of commencing review, staff have no additional questions regarding this issue. The applicant's response, along with staff's technical review and analysis, will be included as part of the permit application for future Agency review.

Questions Remaining

- Question 1 of the fifth NIPA

Since receipt of the initial application on November 21, 2021, the applicant's submissions have provided incomplete and conflicting information regarding the proposed location of the noise source and the distance between the noise source and the private and State land receptor sites used in the noise analysis. As noted in the first paragraph of Question 1 of the fifth NIPA, in a submission received on February 28,

2023, the applicant stated that the location and distance would vary from test to test: "The specific placement of instrumentation and test articles will vary within a general range based on test requirements. All instrumentation and test articles are portable and will be emplaced before and after each test. As no permanent structures will be deployed, exact position of placement may vary each time." Noise impact evaluations depend on calculations using precise locations and distances; accordingly, the exact locations and distances must either be confirmed and used in the noise analysis, or the analysis must account for the worst-case-scenario for these factors.

> Staff request: *"Please provide cross-section sheet(s) depicting the proposed typical M109 155 mm howitzer and assembly set up to be utilized on site, including all proposed instrumentation and test articles, that is drawn to scale and depicts howitzer barrel and assembly dimensions and muzzle location. Please label the location of the noise source and its associated sound pressure level source height as measured from the finished grade of the pad."*

This request attempts to document the size of the proposed howitzer in face view. In particular, the requested sheet(s) would document the distance of the muzzle – which was the noise source location used in the 2007 Norwegian Study – from the rest of the artillery, and the height of the muzzle from the ground or firing pad.

> Staff request: *"To allow for review of worst-case scenario noise impacts, please provide scaled cross-section plan sheet(s) depicting the distance between the closest point of the proposed gravel pad or the noise source, whichever is closer, to each of M1-M5, and between the closest point of the proposed gravel pad and the receptor located at the southwest corner of the nearest state land parcel. Please depict the proposed berm on each of these plan sheets."*

This request attempts to document the location of the proposed howitzer in plan view. In particular, the requested sheet(s) would document and confirm the distance of the noise source from the receptor sites used in the noise impact evaluation. In addition, as the only indication in the record of the location for the proposed berm is that it would be "constructed along the northern boundary of the Firing Pad," this request also requires a scaled depiction of the berm in plan view.

The appeal states that "previous submissions" show that the "howitzer barrel assembly" will be "located in the center of the 100-foot by 100-foot firing pad;" however, a search of the record by staff finds no evidence that this information has been previously submitted. The appeal also supplies calculations not previously in the record purporting to model sound pressure levels at Receptors M-1 through M-5 with the sound source at "the edge of the firing pad;" however, these calculations were not provided and stamped by a NYS-licensed engineer and, in any event, do not account for the possibility of the noise source extending beyond the edge of the pad toward the receptor sites. Finally, the appeal points to the fact that the H2H Sound Studies use "a Sound Source height of

6.5 feet;" however, there remains no documentation in the record that 6.5 feet is or will be the accurate height of the noise source from the ground or firing pad.

As noise impact evaluations depend on calculations using precise locations and distances, the exact locations and distances must either be confirmed and used in the noise analysis, or the analysis must account for the worst-case-scenario for these factors. Therefore, given the importance of documenting and confirming the exact location of the proposed noise source in relation to the receptor sites, staff request that the Agency members affirm the need for the plan sheets requested in Question 1 of the fifth NIPA.

- Question 2 of the fifth NIPA

  Staff request: *"Please clarify what materials the berm will be constructed with, and any associated stabilization measures and other erosion and sediment controls."*

Despite numerous requests and suggestions for potential noise mitigation measures, no on-site mitigation was proposed until December 15, 2023, in the additional response to the fourth NIPA, when the applicant proposed installation of a berm "along the northern boundary of the Firing Pad." The record contains no specifics on the materials that would be used for construction, the location of the berm in relation to the noise source, or even whether the berm would be permanent or temporary and subject to movement or re-construction for individual tests.

As noted in the DEC Noise Policy, installation of a berm can be helpful in reducing potential noise impacts. However, any reduction in noise would depend on the type, size, and location of the berm in relation to the noise source; these factors must be known to allow for calculations of the angle of reflection and barrier attenuation. In addition, stabilization measures and erosion and sediment controls are sometimes necessary to protect nearby resources from berms, depending on the materials and method used for construction.

Given the importance of documenting the details related to the proposed berm, staff request that the Agency members affirm the need for the information requested in Question 2 of the fifth NIPA.

- Question 4 of the fifth NIPA

  Staff request: *"Please explain why there are separate tables, calculations and conclusions made in the UCI written response received on December 7, 2023, that are not included in the [September 2023 Sound Study by H2H]."*

UCI's December 15, 2023, additional response to the fourth NIPA included modeling of sound levels by temperature and humidity and other sound power level and sound

pressure level calculations, charts, and conclusions that are not included or reflected in the September 2023 Sound Study completed by H2H. Question 4 of the fifth NIPA attempts to reconcile these differences, to ensure that the record for Agency review and decision reflects consensus on the final proposal and modeled impacts.

Given the importance of documenting the details related to potential noise impacts, staff request that the Agency members affirm the need for the information requested in Question 4 of the fifth NIPA.

- Question 6 of the fifth NIPA

  Staff request: *"Please revise Image 1 to depict the location of the 100-foot by 100-foot pad, all state land boundaries, the southwest corner of the nearest state land parcel located approximately 300 feet from the northeast corner of the firing pad, the nearest dwellings (including the Pulsifer residence), receptor locations M1 – M4, and the closest point of the proposed gravel pad or the noise source, whichever is closer, to each receptor."*

H2H's September 2023 Sound Study modeled impulse sound levels at Receptors M-1 through M-5 with and without the berm. The study then asserted that "the accuracy of th[is] sound propagation model" was demonstrated in "Image 1."

"Image 1" is a color-coded model of sound pressure levels that was first submitted to the Agency with the September 2023 Sound Study, received on December 15, 2023. "Image 1" appears to be an overlay of an aerial photograph of the site; the locations of the firing pad, howitzer, target, and property lines are illegibly hidden beneath the color-coding of sound pressure levels.

In the appeal, the applicant states that Question 6 has been "asked and answered," because "UCI has already supplied Agency Staff with the requested information in Figure 1, 'Site Overview Map,' provided in H2H's September 2023 Sound Study." However, while Figure 1 in the September 2023 Sound Study does approximate the locations of the firing pad, howitzer, target, and property lines on an aerial photograph, Figure 1 does not contain the color-coded sound pressure level modeling distinct to "Image 1."

Given the importance of documenting the accuracy of the sound propagation model used in the sound studies in the record and the applicant's insistence that "Image 1" provides this documentation, staff request that the Agency members affirm the need for the revision to "Image 1" requested in Question 6 of the fifth NIPA.

- Question 7 of the fifth NIPA

In response to the request in the fourth NIPA for information as to how the decibel level of the noise source was determined by the applicant, the July 2023 Sound Study and

the September 2023 Sound Study both state that the level was calculated using a Table in the 2007 Norwegian Study. Specifically, the sound studies explain that this table showed a documented sound pressure level of 130.5 dB at a sensor located 803 feet away and at a 32-degree angle from a howitzer. There is no indication of variables such as terrain, vegetation, or wind and temperature conditions at the time of firing in the 2007 Norwegian Study. Nevertheless, using "industry standard calculations," the applicant used its own model to calculate back to determine the originating sound pressure level for the howitzer in the Norwegian study, and then determined that the sound level would be 127 dB at this same distance and angle from a howitzer on the project site. The July 2023 Sound Study then asserted that the difference of 3.5 dB between the 130.5 dB recorded sound pressure reading in the Norwegian study and the applicant's modeled sound pressure reading of 127 dB showed "correlation within ISO standards." Therefore, according to the applicant's response to the fourth NIPA, a sound power level of 180.8 dB at the location of the howitzer should be considered accurate.

> Staff request: *"Please provide an explanation of these ISO standards and the asserted correlation, including a clarification of whether the ISO standards are appropriately used in this context. Please also provide any other available documentation confirming that 3.5 dB is appropriately cited as the maximum limit of error for this proposal.*
>
> *Please confirm through field-verification at an authorized location and through independent third party verifications that 180.8 dB is the noise level produced by M109 155 mm howitzers."*

The DEC Noise Policy requires determining the maximum amount of sound created at a noise source, and then conducting a noise impact evaluation based on this level. Accordingly, it is imperative that the noise level of a noise source is accurately determined, to allow for analysis of potential impacts at receptor locations.

Question 7 of the fifth NIPA requests confirmation of the accuracy of the applicant's assertion of 180.8 dB as the noise level of an M109 155 mm howitzer. Staff remain concerned about the accuracy of this number for several reasons: every prior submission posited a different decibel level for the noise source; the 180.8 dB figure was calculated based a single measurement from one study in 2007 conducted in unknown conditions and with other unknown variables; the only confirmation of the accuracy of the applicant's calculation is based on their finding of a noise level 3.5 decibels lower than was documented in the 2007 Norwegian Study when the distance and angle of the 2007 measurement were inputted in the applicant's model; and the applicant asserts that a discrepancy of 3.5 decibels "show[s] correlation with ISO standards," where ISO standards have not been used in relation to other recent commercial and mining projects within the Park.

Given the importance of documenting the accuracy of the noise level of the noise source used in the sound studies in the record, staff request that the Agency members affirm the need for the information requested in Question 6 of the fifth NIPA.

- Question 8 of the fifth NIPA

  Staff request: *"The 'Noise emission data for M109, 155 mm field howitzer' study referenced in the [December 2023 Sound Study] references a maximum charge of 5 modules DM72 with each module containing 2.44 kilograms propelling charge, while USACHPPM materials referenced in the UCI response received by the Agency [on] July 18, 2022 reference the sound level for a M4A2 zone 7 charge. Please confirm that this will be the maximum charge used. Please also explain how the two charges compare and the effect [the charge] will have on the level of sound produced."*

UCI's May 12, 2022, submission to the Agency in response to the second NIPA described the noise source for the project as M4A2 zone 7 charges. However, the 2007 Norwegian Study, which was submitted on March 1, 2023, in response to the third NIPA and was used to model the decibel level of the proposed noise source for the H2H Sound Studies, involved a charge of up to 5 modules DM72, with each module containing 2.44 kilograms propelling charge.

The charge used in a howitzer may significantly alter the impulse noise level produced from firing. Accordingly, Question 8 of the fifth NIPA was first asked in the fourth NIPA, in response to the differing charges proposed after the second and third NIPAs. UCI's response to the fourth NIPA stated only that "the level of sound for all charge sizes employed will not exceed those acceptable levels determined by H2H's assessments and testing."

Given the importance of confirming that the maximum charge proposed will not result in impulse noise levels above the levels used in the sound studies in the record, staff request that the Agency members affirm the need for the information requested in Question 8 of the fifth NIPA.

- Question 9 of the fifth NIPA

  Staff request: *"Please provide an updated noise analysis that accounts for the confirmed height of the noise source from the gravel pad and the location of the noise source at the closest point of the gravel pad to each receptor. This updated noise analysis must include all tabular, calculated, and conclusory information included in the latest UCI response, Modal Data in Appendix D, and barrier attenuation calculations that account for the most conservative/worst case scenario height and location of the noise source in relation to each receptor. The updated noise analysis must also account for all proposed months of operation and any proposed atmospheric operating restrictions. In addition, the analysis*

must include revised tabular information, Modal Data in Appendix D, and barrier attenuation calculations that account for the height and location of the noise source in relation to each receptor, and must include sound pressure levels expressed as both dB and dBA. This updated analysis must include a cover sheet with the seal of a NYS licensed professional engineer."

Given the continuing inconsistencies in the record and the potential for impacts to Park resources from the proposal, staff request that the Agency members affirm the need for the updated noise impact evaluation requested in Question 9 of the fifth NIPA. In addition, as New York State professional standards require that projects involving the application of engineering principles and data be signed and stamped with the seal of a New York State licensed professional engineer, staff also request that the Agency members affirm the need for the updated noise impact evaluation to include a cover sheet with the appropriate seal.

Conclusion

For the reasons stated above, staff request that the Agency members affirm the need for responses to Questions 1, 2, 4, 6, 7, 8, and 9 of the NIPA.

PROTECT THE ADIRONDACKS!

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Staff

Claudia K. Braymer, Esq.
Executive Director

Christopher Amato, Esq.
Conservation Director and Counsel

Peter Bauer
Fundraising Coordinator

Via Email

January 22, 2026

Barbara Rice
Executive Director
Adirondack Park Agency
P.O. Box 99
Ray Brook, NY 12977

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

Dear Executive Director Rice:

Attached please find an Affidavit submitted on behalf of Protect the Adirondacks in opposition to the request by counsel for the applicants in the above-referenced proceeding that Administrative Law Judge David N. Greenwood be disqualified from presiding over the adjudicatory hearing.

Respectfully submitted,



Christopher A. Amato, Esq.
Conservation Director and Counsel

Cc: Hon. David N. Greenwood
Matthew Norfolk, Esq.
Shane Kelly, Esq.
Grace Sullivan, Esq.
Jennifer Hubbard, Esq.
Philip H. Gitlen, Esq.
Anna V. Seitelman, Esq.

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Todd Ommen, Esq.
Roger Downs
David Gibson

STATE OF NEW YORK
ADIRONDACK PARK AGENCY

In the Matter of the Application of

UNCONVENTIONAL CONCEPTS, INC.
and MICHAEL HOPMEIER

AFFIDAVIT

For a Permit Pursuant to Section 809 of the
Adirondack Park Agency Act and
9 NYCRR Parts 573 and 574

Project No. 2021-0276

STATE OF NEW YORK)

COUNTY OF ALBANY) SS.:

CHRISTOPHER A. AMATO, being duly sworn, deposes and says:

1. I am Conservation Director and Counsel for Intervenor Protect the Adirondacks! Inc. (PROTECT). I respectfully submit this affidavit pursuant to 9 NYCRR § 580.8(b) and Section 303 of the State Administrative Procedure Act (SAPA) in further response to the January 20, 2026 submission from Matthew Norfolk, Esq., counsel for the applicants in the above-referenced proceeding, which purports to challenge the qualifications of Administrative Law Judge (ALJ) David N. Greenwood.
2. Although Mr. Norfolk has now resubmitted his challenge in affidavit form, the submission remains fatally deficient. It is untimely and fails to present any evidence that ALJ Greenwood is affected by personal bias. Because both a timely filing and a showing of bias are required under Part 580.8(b) and SAPA § 303 before an ALJ may be disqualified, Mr. Norfolk's demand that ALJ Greenwood be removed must be denied.
3. Moreover, Mr. Norfolk's latest submission is nearly identical to the challenge he filed in November 2025—one that you have already denied. He offers no grounds, new facts, or

justification for revisiting or overturning that prior determination. Accordingly, this attempt to revive a previously disallowed challenge should be rejected.

The Latest Challenge is Untimely

4. Mr. Norfolk acknowledges in his affidavit that he initially challenged ALJ Greenwood's designation as hearing officer and requested his recusal by letter to you dated November 24, 2025. He omits, however, that you responded by letter dated November 26, 2025, explaining that his submission failed to comply with the requirements of Part 580.8 and SAPA § 303; failed to identify any disqualifying relationship or connection between ALJ Greenwood and the Adirondack Council; failed to offer evidence that ALJ Greenwood was involved in the Adirondack Council's submissions to the Adirondack Park Agency regarding the proposed project; and that, "without more," the challenge was therefore "insufficient to create an appearance of bias." Your letter nevertheless afforded Mr. Norfolk additional time to cure these deficiencies, or raise any other issues. A copy of your November 26, 2025 letter is annexed hereto as **Exhibit A**.
5. Mr. Norfolk also fails to acknowledge his November 26, 2025 response to your letter, in which he rejected your offer of additional time, characterizing it as "an abuse of discretion" and asserting that it demonstrated bias against his clients. He further stated that, "I will not be filing papers at this time to challenge ALJ Greenwood's designation as the hearing officer and I object to and reject your unauthorized, extra-jurisdictional attempt to convert my letter of November 24, 2025, to ALJ Greenwood to a challenge of his designation as the hearing officer pursuant to 9 NYCRR § 580.8." A copy of Mr. Norfolk's November 26, 2025 letter is annexed as **Exhibit B**.

6. Despite expressly declining to pursue a challenge at that time, Mr. Norfolk waited nearly two months—until the day before the pre-hearing issues conference scheduled by ALJ Greenwood—to renew his request. He offers no explanation for this delay. Filing a renewed challenge on the eve of the issues conference, after expressly refusing the opportunity to supplement the earlier submission, renders this challenge untimely. On this basis alone, it must be denied.

The Challenge is Unsupported by Any Evidence of Bias

7. Mr. Norfolk's affidavit also omits the fact that, by letter dated December 1, 2025, ALJ Greenwood advised you and counsel that he had "considered potential parties or intervenors to the Agency's hearing on the project application and ensured that I have no current or recent professional or financial connections that might raise an issue of bias or other disqualification." A copy of ALJ Greenwood's letter is annexed as **Exhibit C**.
8. Mr. Norfolk offers no evidence to rebut this representation by the ALJ. Instead, he merely asserts that ALJ Greenwood has an "inherent conflict of interest" based solely on prior employment with the Adirondack Council more than twenty years ago. He cites no legal authority for the proposition that past employment in the remote past, without more, constitutes a *per se* conflict requiring disqualification.
9. The cases cited by counsel do not support his position. In *Johnson v. Hornblass*, 93 AD2d 732 (1st Dept. 1983), the presiding judge personally visited a criminal defendant during a pending proceeding to assess compliance with court orders. Although the Appellate Division denied the requested writ of prohibition, it suggested recusal to avoid an appearance of impropriety based on the judge's direct, case-specific involvement. Mr.

Norfolk has shown no comparable involvement by ALJ Greenwood in the Adirondack Council's review of or opposition to this project. *Johnson* is therefore readily distinguishable.

10. In addition, *Janczewski v. Janczewski*, 169 AD3d 773 (2d Dept. 2019), is inapposite. That case concerned disqualification of opposing counsel based on prior representation of an adversary and turned on attorney-ethics rules, not judicial disqualification standards. It has no bearing here.

11. By contrast, controlling authority makes clear that disqualification requires record evidence of actual bias or a demonstrable conflict of interest. The Court of Appeals has held that "[t]o establish Hearing Officer bias as a matter of fact, there must be support in the record for bias and proof that the outcome flowed from the alleged bias." *Hughes v. Suffolk Cty. Dep't of Civil Serv.*, 74 NY2d 833, 834 (1989) (allegation that hearing officer was respondent's employee held insufficient). *See also Flores v. N.Y. State Educ. Dep't*, 146 AD2d 881, 881 (3d Dept. 1989) (holding that member of Health Department hearing panel's prior employment by Department of Health was insufficient to establish bias due to "absence of proof of a personal or financial conflict of interest"); *Grant v. Senkowski*, 146 AD2d 949, 950 (3d Dept. 1989) (rejecting challenge to administrative tribunal "absent a demonstrable conflict of interest or record evidence of real bias").

12. Mr. Norfolk has offered no such proof here, and his bald assertion of an "inherent conflict" finds no support in law or fact.

No Grounds Exist for Revisiting the Prior Ruling

13. Counsel attempts to draw a distinction between his November 2025 request for recusal and his present demand for disqualification, but this is a distinction without a difference. Both

submissions rest on the same allegations of "implicit bias," "inherent conflict," and an asserted "appearance of impropriety." Indeed, the third paragraph of Mr. Norfolk's January 20, 2026 affidavit seeking disqualification is identical to the second paragraph of his November 24, 2025 letter seeking recusal.

14. You have already ruled that these allegations are insufficient to warrant disqualification. *See* Exhibit A. Mr. Norfolk's renewed submission presents no new facts, no new legal authority, and no basis for reconsideration. Accordingly, there are no grounds to revisit, let alone reverse, your prior determination.

WHEREFORE, Intervenor Protect the Adirondacks respectfully requests that the applicants' demand that ALJ Greenwood be disqualified be denied.

CHRISTOPHER A. AMATO

Sworn to Before Me
This 22nd Day of January 2026

Notary Public

Nathan S. Carlson
Notary Public, State of New York
Qualified in Albany County
No. 01CA6342135
Commission Expires May 16, 2028

EXHIBIT A

NEW YORK STATE | Adirondack Park Agency

KATHY HOCHUL
Governor

BARBARA RICE
Executive Director

November 26, 2025

(By E-Mail: mnorfolk@norfolkbeier.com)

Matthew D. Norfolk, Esq.
Norfolk Beier PLLC
The Outpost
55 Barn Road, Suite 201
Lake Placid, New York 12946

Re: APA Project 2021-0276
Recusal Request

Dear Mr. Norfolk,

I am in receipt of your letter dated November 24, 2024 to Administrative Law Judge David Greenwood requesting his voluntary recusal for the above project.

While your letter does not follow the requirements set out in section 508.8 of the Agency's regulations, including the form and standard required under Section 303 of the State Administrative Procedure Act, I am deeming your November 24th letter as a challenge under section 580.8 to my decision to appoint Judge Greenwood as hearing officer. As set out below, please submit any additional materials you wish me to consider in reviewing Judge Greenwood's selection by November 28, 2025 at 3 P.M. Responding affidavits, if any, including any submitted by Judge Greenwood, must be received by Monday, December 1, 2025 at 3 P.M. I shall issue my decision thereafter pursuant to 580.8(d).

I note that your letter suggests Judge Greenwood be disqualified because he was employed with the Adirondack Council from 1993 to 2000, and that the Adirondack Council has taken public positions on your client's proposed project. Further, you state that "applicable judicial ethical standards" require his disqualification, however, none of those standards are cited.

Even accepting your unsworn statements as true, they do not appear to identify a disqualifying connection or relationship to the Adirondack Council's public comments on the project, nor any fact upon which to suggest that Judge Greenwood was involved in the Council's submissions to the Agency about the project. Without more, prior employment with an organization that has taken a position – one way or the other – on an adjudicatory hearing would appear insufficient to create an appearance of bias. Your

letter also does not seem to include any specific information that challenges Judge Greenwood's impartiality.

Accordingly, as noted above, I am providing you with additional time to submit any information you believe might address these deficiencies, or to raise any other issues you wish to address, so I have a complete record upon which to render my decision. Please submit any additional materials you wish me to consider in reviewing Judge Greenwood's selection by November 28, 2025 at 3 P.M. Responding affidavits, if any, including any submitted by Judge Greenwood, must be received by Monday, December 1, 2025 at 3 P.M. I shall issue my decision thereafter pursuant to 580.8(d).

Sincerely,



Barbara Rice
Executive Director

cc: Hon. David Greenwood (By E-Mail)
Chief Administrative Law Judge Michele M. Stefanucci (By E-Mail)
Damion K. L. Stodola, Counsel (By E-Mail)

EXHIBIT B

NORFOLK BEIER PLLC
ATTORNEYS AT LAW

November 26, 2025

Via Email Only
N.Y.S. Adirondack Park Agency
Attn: Ms. Barbara Rice, Executive Director
1133 NYS Route 86
Ray Brook, New York 12977
barbara.rice@apa.ny.gov

Re: APA Project 2021-0276
Request for Recusal of David Greenwood as Hearing Officer

Dear Ms. Rice:

I am in receipt of your letter of November 26, 2025, in response to mine of November 24, 2025, *which is addressed to Administrative Law Judge ("ALJ") David Greenwood* wherein I request he voluntarily recuse himself as the hearing officer to preside over the public hearing to be scheduled in the above-referenced proceeding. I did not submit a request to you or anyone at the Adirondack Park Agency. I had no obligation to even copy you on the letter. ALJ Greenwood has been directly asked to recuse himself. He is the one that my clients and I expect to respond to the request for his recusal. ALJ Greenwood has an independent duty as an administrative law judge and attorney to assess whether he should recuse himself.[1] In light of the foregoing, I will not withdraw my request to ALJ Greenwood that he voluntarily recuse himself. If ALJ Greenwood voluntarily recuses himself, my clients will have no need to consider filing a challenge of his designation as the hearing officer pursuant to 9 NYCRR §580.8.

Furthermore, I stated in my November 24, 2025, letter that the request sent to ALJ Greenwood seeking his voluntary recusal is not a challenge of ALJ Greenwood's designation as the hearing officer pursuant to 9 NYCRR §580.8 or State Administrative Procedure Act ("SAPA") §303. Indeed, I have not filed a challenge or application of any kind to date, nor do I wish to do so at the moment. You have no authority to convert my request to ALJ Greenwood to voluntarily recuse himself to a challenge pursuant to 9 NYCRR §580.8 or SAPA §303, or otherwise. You cannot compel me to file challenges and other applications of any kind. That would be unlawful, as is the case now. Accordingly, I object to your attempt to do so and repeat that I have not filed a challenge on my clients' behalf.

Additionally, even if you had the authority to unilaterally convert my November 26, 2025, letter to ALJ Greenwood to a challenge under 9 NYCRR §580.8, to do so now would prejudice my

1 I will not waste my clients' financial resources citing to the ethical standards ALJ Greenwood must follow. I am sure he is well-aware of them, and the APA should have competent legal counsel that can provide you with the standards I reference above and in my letter of November 24, 2025.

clients and be contrary to the procedural structure for challenging a hearing officer's designation under 9 NYCRR §580.8. Pursuant to 9 NYCRR §580.8(a), ALJ Greenwood is required to "make full disclosure, as part of the record, of all information he deems relevant to the issue of bias or other disqualification." ALJ Greenwood has yet to make such disclosure. To file a challenge of his designation before he makes full disclosure of all information he deems relevant to the issue of bias or other disqualification, frankly, would be a stupid thing to do. Any challenge of ALJ Greenwood's designation will not be submitted until after ALJ Greenwood's disclosure of all information he deems relevant to the issue of bias or other disqualification; that is, if he does not recuse himself.

Also, pursuant to 9 NYCRR §580.8(b), "any issue concerning the disqualification of the hearing officer shall be resolved in a pre-hearing conference, if possible." Notably, the filing of a challenge is not needed to have a pre-hearing conference. Here, it is undoubtedly possible to have a pre-hearing conference to address issues concerning ALJ Greenwood's disqualification – if, of course, ALJ Greenwood does not voluntarily recuse himself as I have requested on behalf of my clients. Notwithstanding the foregoing, if ALJ Greenwood does not voluntarily recuse himself, a conference should not be had until he complies with 9 NYCRR §580.8(a) and makes "full disclosure, as a part of the record, of all information he deems relevant to the issue of bias or other disqualification."

Finally, 9 NYCRR §580.8(b) states, in pertinent part, "[a]ll parties *shall be given sufficient opportunity to challenge* his [the hearing officer's] designation by the filing the affidavit referred to in section 303 of the State Administrative Procedure Act with the executive director, on notice to the hearing officer and other parties." (Emphasis added.) For you to direct me to submit papers in support of a challenge, notably which I did not file, in just two days, one of which is Thanksgiving, is absurd. It is an abuse of discretion, seriously prejudices my clients, demonstrates a bias in general, and gives the appearance that you are punishing my clients for requesting ALJ Greenwood voluntarily recuse himself, or, perhaps for filing the application for an APA permit in the first place. I am certain the NYS Supreme Court would agree with me on all fronts.

In closing, I will not be filing papers at this time to challenge ALJ Greenwood's designation as the hearing officer and I object to and reject your unauthorized, extra-jurisdictional attempt to convert my letter of November 24, 2025, to ALJ Greenwood to a challenge of his designation as the hearing officer pursuant to 9 NYCRR §580.8. If and when I file such a challenge, I will follow the rules and regulations governing such an application, and I expect you, as the Executor Director, to do the same.

Kindly include this letter in the official record of the above-referenced project application.

Nothing in this letter is intended to waive any claim or defense Mr. Hopmeier and Unconventional Concepts, Inc. possess or may possess in the future.

[SIGNATURE ON FOLLOWING PAGE]

Sincerely,

Norfolk Beier PLLC



By: Matthew D. Norfolk, Esq.

cc: Michael Hopmeier

EXHIBIT C

December 1, 2025
(Via Email Only)

Barbara Rice
Executive Director
Adirondack Park Agency
1133 State Route 86
Ray Brook, NY 12977

Re: APA Project 2021-0276
Sponsor/Applicant: Michael Hopmeier/Unconventional Concepts, Inc.

Dear Executive Director Rice,

By letter dated November 20, 2025, I was appointed to serve as hearing officer for the Agency's hearing on the above referenced project application pursuant to section 580.8(a) of the Agency's regulations. By this letter I make full disclosure, as part of the record, of all information relevant to the issue of bias or disqualification. Prior to accepting the appointment as hearing officer in this matter I ensured that I had no professional or financial connection with Michael Hopmeier, Unconventional Concepts, Inc., Diversified Upstate Enterprises, LLC, Pulsifer Logging, LLC and James Pulsifer and determined that there was no issue of bias or other disqualification pursuant to 9 NYCRR 580.8 of the Agency Regulations. Additionally, I considered potential parties or intervenors to the Agency's hearing on the project application and ensured that I have no current or recent professional or financial connections that might raise an issue of bias or other disqualification.

The role of hearing officer in this matter, as set forth in APA Project Order 2021-0276 issued November 14, 2025, is to develop an evidentiary hearing record on the three issues identified in the Order. The Agency is not requesting that the hearing officer make findings of fact or conclusions of law and reserves to itself the exclusive right to make its own findings of fact and conclusions of law as part of its final Agency determination and order pursuant to 9 NYCRR 580.18. I am confident that I can fulfil the duties of hearing officer in this matter impartially and without any bias to any current or future party with respect to any determination I may make during the hearing.

Sincerely,

Hon. David Greenwood
Administrative Law Judge

cc: Mattew D. Norfolk, Attorney for the applicant
Michele M. Stefanucci, Chief Administrative Law Judge
Damion K. L. Stodola, APA Counsel
Shane Kelly, Norfolk Beier PLLC
Angela Bates, APA

Proposed Hearing Issues for APA Project 2021-0276

January 20, 2026

Issue #1: Whether the proposed howitzer testing range is ~~subject to APA permitting jurisdiction under APA Act § 809 as~~ a commercial use (APA Act § 810(2)(c)(16)) ~~, another use in APA Act § 810(2)(e),~~ or ~~as~~ a use that is not "included on either the list of primary uses or the list of secondary uses for rural use areas" (APA Act § 810(2)(c)(16)).

~~**Issue #2** Whether the applicant has contractual or other legal arrangements with persons or other legal entities for testing howitzers on the proposed range and substantiation of national security concerns, if any, with respect to such proposed testing.~~

~~**Issue #3** Whether the applicant has conducted activities at and surrounding the project site that are not authorized by and violate the APA Act and the applicant's existing APA permit, APA Permit 2023-0111, and the relevance of such noncompliance to any reasonable expectation that the applicant will comply with permit conditions in the event the howitzer testing range is approved by APA.~~

Issue #24: Whether the howitzer testing range would have any adverse impacts upon the natural, scenic, ecological, wildlife, recreational or open space resources of the park ~~[APA Act § 809(10)(e)],~~ considering the development considerations contained in APA Act § 805(4) and 9 NYCRR 574.5, including, but not limited to the following:

i. Whether the howitzer testing range involves any potential discharges, residues, or other pollutants that may adversely affect water resources, land resources, or air resources. [APA Act § 805(4)(a)(1) – (3)]

ii. Whether the howitzer testing range would have any adverse impacts to land resources within the park, such as soils, forest and open space resources, including the quality and availability of nearby lands for outdoor recreational purposes. [APA Act § 805(4)(a)(1) and (2)]

iii. Whether the applicant has provided a reliable, comprehensive and accurate modeling of the noise that would be produced by the howitzer testing range and whether such noise will have any adverse impacts upon the Park's resources or nearby uses. [APA Act § 805(4)(a)(1)]

iv. Whether noise mitigation measures exist that are feasible to implement that would minimize or avoid any adverse impacts to the Park's resources from the howitzer testing range. [APA Act § 805(4)(a)(1)]

v. Whether the howitzer testing range would create any ecological impacts or disruption to native or migrating wildlife and their habitats at or near the howitzer testing range, considering species' sensitivities. [APA Act § 805(4)(a)(5) and (6)]

Commented [GS1]: The APA hearing staff reject to framing this as a threshold jurisdictional question. The Agency staff has determined that the project is subject to Agency jurisdiction as either a commercial use or as a use that is not included on either the list of primary uses or the list of secondary uses for rural use areas. The Agency has determined that it would not be appropriately categorized as any other use listed in 810(2)(c).

This issue was included because whether the project is classified as a commercial use or as an unlisted use impacts the evidentiary burden of the Project Sponsor with respect to compatibility with the rural land use category under 809(10)(b).

The APA hearing staff do not object to separating this sub-issue out and moving it to the top of the issues list.

Commented [GS2]: These questions may be explored by the parties if they believe relevant to any of the legal issues identified by the Board in the November Order, but the APA hearing staff do not believe that it needs to be addressed as a unique issue nor does it require the board to make a determination as this is not part of the approval criteria.

Commented [GS3]: The APA hearing staff object to the inclusion of this issue. Whether the applicant is compliant with existing permits is not part of the approval criteria.

Commented [GS4]: APA hearing staff have removed the cite to 809(10)(e) as the modified language no longer makes it the appropriate citation & whether the project is consistent with 809(10)(e) is to be evaluated by the Board separately under issue 5. The rationale for separating out this issue and these sub-issues is that the evidence gathered here would be helpful to the Board in its review of the three remaining issues, not just under 809(10)(e).

vi. Whether the howitzer testing range could have adverse health and safety impacts relating to the operation, storage, and transport of military equipment. [APA Act § 805(4)(c)(2)(a)]

vii. Whether the howitzer testing range would adversely impact nearby Wilderness and Wild Forest areas or their use and enjoyment. [APA Act § 805(4)(c)(2)(a)]

viii. Whether the howitzer testing range would have an adverse economic impact on adjoining and nearby land uses, such as property values. [APA Act § 805(4)(c)(2)(a)]

Issue #~~35~~: Whether the howitzer testing range would be consistent with the Adirondack Park land use and development plan, including, but not limited to, whether the howitzer testing range would be consistent with the purpose of insuring overall conservation, protection, preservation, development and use of the unique scenic, wildlife, recreational, open space, ecological, and natural resources of the Adirondack Park.~~?~~ [APA Act § 809(10)(a)]

Issue #~~46~~: Whether the howitzer testing range would be compatible within the Rural Use land area classification, and whether it would be compatible with the character description and purposes, policies and objectives of the Rural Use land area classification.~~?~~ [APA Act § 809(10)(b)]

Issue #~~57~~: Whether the howitzer testing range would have any undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the park or upon the ability of the public to provide supporting facilities and services made necessary by the project, taking into account the commercial, industrial, residential, recreational or other benefits that might be derived from the project.~~?~~ [APA Act § 809(10)(e)]

Commented [GS5]: This language wasn't included in the Project order, but APA hearing staff feel that this is appropriate to include the full statutory language in the revised issues list

WHITEMAN
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Of Counsel
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January 27, 2026

Via Email

Barbara Rice, Executive Director
Adirondack Park Agency
1199 NYS Route 86
Ray Brook, New York 12977

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

Dear Ms. Rice:

We write in response to Norfolk Beier PLLC's comments in the January 24, 2026 Adirondack Daily Enterprise article regarding the firm's conflicted representation of the applicant in the above-referenced matter. We also respond based on the indication in the article that APA may address this issue further publicly this week.

In the article, Mr. Norfolk maintains that he had no affirmative obligation to obtain APA's informed consent and maintains that Norfolk Beier PLLC fully complied with Rule 1.11. His unwillingness to acknowledge that his firm was required to obtain APA's informed consent with respect to its conflict in this matter should raise concerns about Mr. Norfolk's unsupported assertions in the article that his firm complied with its duties under Rule 1.11.

For the approximately seven months during which Sarah Reynolds was employed by Norfolk Beier PLLC while the firm continued its representation in this matter, even responding during that time to an APA staff information request that Ms. Reynolds had worked on while still at APA, there is no documented showing that she had no involvement in the representation of the applicant prohibited by Rule 1.11(a) or that she was effectively screened from the representation of the applicant in this matter in compliance with Rule 1.11(b). With Ms. Reynolds's departure from the firm, the question remains as to whether Norfolk Beier PLLC complied with Rule 1.11 while she was there.

Rule 1.11 is clear on what was specifically expected of Norfolk Beier PLLC during Ms. Reynolds's association with the firm. Norfolk Beier PLLC failed to comply with Rule 1.11 by not informing APA of the conflict or obtaining APA's informed consent with respect to the measures it would take to ensure compliance with Rule 1.11. As with any other compliance issue APA investigates, we respectfully submit that documented proof of compliance is now required here to properly address this failure. Absent the same, the parties in the adjudicatory hearing cannot have confidence that Norfolk Beier PLLC attorneys have complied with Rule 1.11. By failing to fulfill its ethical responsibilities at the outset and for the duration of Ms. Reynolds's association with the firm, Norfolk Beier PLLC has created this threat to the integrity of the hearing process.

Only through such documented compliance by Norfolk Beier PLLC and by APA's affirmatively consenting to the firm's continued representation of the applicant in this matter can the firm's noncompliance with Rule 1.11 now be potentially resolved. We do not take this position lightly and fully appreciate the implications for the applicant of Norfolk Beier PLLC's disqualification and the unnecessary burden placed on APA but cannot take the risk that the hearing will be prejudiced by this conflict. Since Norfolk Beier PLLC's noncompliance with Rule 1.11 created this threat to the integrity of the hearing process, the firm should be made to demonstrate that no harm has occurred.

Thank you for considering our request, which is pertinent to our pending motion to ALJ Greenwood in the adjudicatory hearing. We trust that APA will ensure that Norfolk Beier PLLC provides the documented compliance with Rule 1.11 necessary for APA to make an informed determination as to whether to consent to the firm's continued representation of the applicant in this matter.

Very truly yours,



Paul Van Cott

Cc: Service List

STATE OF NEW YORK
ADIRONDACK PARK AGENCY

In the Matter of the Application of

UNCONVENTIONAL CONCEPTS, INC. and MICHAEL HOPMEIER,

APA Project No. 2021-0276

APA Hearing Officer
David N. Greenwood

Attorney Affirmation of Matthew D. Norfolk, Esq. in Opposition to Motion to Disqualify

1. I, Matthew D. Norfolk, Esq., am a member of Norfolk Beier PLLC (hereinafter referred to as "Norfolk Beier"), attorneys for Unconventional Concepts, Inc. and Michael Hopmeier (hereinafter collectively referred to as the "Applicants").

2. I affirm this 3rd day of February, 2026, under the penalties of perjury under the laws of the State of New York, which may include a fine or imprisonment, that the following herein is true, and I understand that this document may be filed in an action or proceeding in a court of law and, of course, in the above-captioned administrative proceeding.

3. I make this affirmation in opposition to the motion of Adirondack Council, Inc. (hereinafter referred to as "Adirondack Council"), a newcomer to the six-year old permit application proceeding, seeking to disqualify Norfolk Beier as attorneys for the Applicants. Adirondack Council's motion is based upon an alleged conflict of interest arising from Norfolk Beier's since-ended employment of Sarah Reynolds, a former attorney of the Adirondack Park Agency (hereinafter referred to as the "APA"). Except where stated to be upon information and belief, the following allegations are based upon my personal knowledge, review of the application record, and correspondence and documents exchanged in this matter.

POINT I. **The Motion Must Be Denied Because the Hearing Officer Lacks Authority to Disqualify Attorneys.**

4. According to State Administrative Procedure Act (hereinafter referred to as "SAPA") §501:

> **[a]ny person compelled to appear in person or who voluntarily appears before any agency or representative thereof shall be accorded the right to be accompanied, represented and advised by counsel. In a proceeding before an agency, every party or person shall be accorded the right to appear in person or by or with counsel.**

Whether or not to disqualify an attorney or law firm is a matter which rests in the sound discretion of the courts. *Gulino v. Gulino*, 35 A.D.3d 812, 812 (2d Dept. 2006) (emphasis added). A party's entitlement to be represented in ongoing litigation by counsel of his own choosing is a valued right which should not be abridged absent a clear showing that disqualification is warranted. *Feeley v. Midas Props*., 199 A.D.2d 238, 238 (2d Dept. 1993). The court's authority to disqualify an attorney or craft appropriate relief to punish or deter attorney misconduct derives from a court's equitable powers. *Matter of Milbauer*, 2015 NY Slip Op 31300(U), 10 (Sur. Ct. Nassau Cnty.). "An individual's right to select an attorney who he believes is most capable of providing competent representation implicates both the First Amendment guarantees of freedom of association (*N.A.A.C.P. v Button*, 371 U.S. 415; NY Const, art I, § 9) and the Sixth Amendment right to counsel (*cf. Faretta v California*, 422 U.S. 806; NY Const, art I, § 6) and will not yield unless confronted with some overriding competing public interest." *In re Abrams*, 62 N.Y.2d 183, 196 (1984).

5. Here, Administrative Law Judge David N. Greenwood (hereinafter referred to as "Hearing Officer") does not have any statutory, constitutional, or common-law-based authority upon which to deprive the Applicants of their right to chosen counsel. This explains why Adirondack Council does not cite any such authority. To the extent Adirondack Council seeks to

have the Hearing Officer declare that Norfolk Beier has breached an ethical duty under 22 NYCRR Part 1200 or violated Public Officers Law §73(8)(a)(ii), such declarations by the Hearing Officer would be without any effect. There is no provision of SAPA, the Adirondack Park Agency Act, or 9 NYCRR Part 580 imbuing a hearing officer the authority to disqualify a party's counsel in a public hearing before the APA. Only courts of record have the power to disqualify an attorney. Furthermore, the Hearing Officer is not an ethics committee empowered to hear grievances arising from the Rules of Professional Conduct. The attorneys for Adirondack Council surely know this, and have engaged in motion practice for tactical reasons - to cause the Applicants to needlessly expend resources and to delay conclusion of the hearing. *See McDade v. McDade*, 240 A.D.2d 1010, 1011 (3d Dept. 1997) ("to allow disqualification at this advanced stage of litigation would severely prejudice defendant in both a tactical and financial sense").[1]

6. For the reasons stated above, the instant motion must be denied without further deliberation, as the scope of the relief requested exceeds that of the Hearing Officer's quasi-judicial powers.

POINT II. The Motion Must Be Denied Because Adirondack Council Has No Standing to Challenge Norfolk Beier's Involvement in This Public Hearing as It Is Not a Former or Current Client of Norfolk Beier.

7. The party seeking disqualification bears the burden of establishing (1) the existence of a prior attorney-client relationship, and (2) that the former and current representations are both adverse and substantially related. *McDade*, 240 A.D.2d at 1010. "The basis of a disqualification motion is an allegation of a breach of fiduciary duty owed by an attorney to a current or former client." *Rowley v. Waterfront Airways, Inc.*, 113 A.D.2d 926, 926 (2d Dept. 1985); *A.F.C. Enters.,*

[1] It should be noted that the strategy of filing unwarranted motions and causing delay was implemented by the environmental groups in the APA hearing proceedings involving the Adirondack Club and Resort project in Tupper Lake. The groups caused the applicant there to become insolvent and abandon the project.

Inc. v. N.Y.C. Sch. Constr. Auth., 33 A.D.3d 736, 736 (2d Dept. 2006). Here, Norfolk Beier has never represented Adirondack Council. Indeed, no attorney-client relationship between Adirondack Council and Norfolk Beier has ever existed. Norfolk Beier owes no fiduciary duty to Adirondack Council and, thus, Adirondack Council has no basis for seeking disqualification.

8. Furthermore, Adirondack Council has no standing to raise issues pursuant to 22 NYCRR §1200.1.11 or Public Officers Law §73. These provisions relate to the professional responsibilities of a former employee of a state agency when practicing before that state agency after leaving employment. Adirondack Council is not a state agency, and, although it purports to seek redress for its own harms suffered, it is essentially attempting to step into the shoes of the APA. Yet, Adirondack Council cannot properly seek relief on behalf of the APA.

9. Based upon the foregoing, Adirondack Council's motion to disqualify Norfolk Beier must be denied for lack of standing.

POINT III. The Motion Must Be Denied Because Any Potential Conflict Has Been Waived by the APA Through Its Failure to Object.

10. Attorney Reynolds began working for Norfolk Beier in May of 2025. The Applicants' application was deemed complete in October of 2025 and sent to a public hearing in November of 2025. To date, the APA has not raised issue with regard to Attorney Reynolds' employment at Norfolk Beier. To date, no objection from the APA has been received on any alleged effect of Attorney Reynolds' employment at Norfolk Beier on the public hearing - even in response to the present motion. Any objection of the APA to Norfolk Beier's continued representation of the Applicants has been waived through its failure to timely object. *See Develop Don't Destroy Brooklyn v. Empire State Dev. Corp.*, 31 A.D.3d 144 (1st Dept. 2006); *Ike & Sam's Grp., LLC v. Brach*, 138 A.D.3d 690, 692 (2d Dept. 2016). Consent is now implied as a matter of law.

11. Based upon the foregoing, Adirondack Council's motion to disqualify Norfolk Beier must be denied.

POINT IV. The Motion Should Be Denied Because the Issue of Disqualification Is Moot.

12. Adirondack Council's motion argues, "Ms. Reynolds is disqualified by Public Officer's Law § 73(8)(a)(ii) and Rule 1.11(a)(ii) from any representation of the Project Sponsor in this matter." *See* Affirmation of Paul Van Cott, Esq., affirmed January 20, 2026 (hereinafter referred to as the "Van Cott Affm."), ¶14. Attorney Reynolds is no longer employed by Norfolk Beier and will not have any participation in this matter.

13. Attorney Reynolds ended her employment with Norfolk Beier in December of 2025. Her leaving was for personal reasons, unrelated to this matter. Since the commencement of the hearing proceedings, Attorney Reynolds was no longer an attorney with Norfolk Beier. There is no case or controversy, no possible threat of prejudice to any party in the hearing, and nothing to be resolved by disqualification.

14. Based upon the foregoing, the issue is moot and Adirondack Council's motion to disqualify Norfolk Beier must be denied.

POINT V. The Motion Must Be Denied Because No Conflict or Prejudice to Adirondack Council Exists.

15. "When considering a motion to disqualify counsel, the court must consider the totality of the circumstances and carefully balance the right of a party to be represented by counsel of [its] choosing against the other party's right to be free from possible prejudice due to the questioned representation." *Parnes v. Parnes*, 80 A.D.3d 948, 952 (3d Dept. 2011) (citations omitted). The proponent of such disqualification must show sufficient proof to warrant such a determination, and the burden is a heavy one. *Petrossian v. Grossman*, 219 A.D.2d 587, 588 (2d Dept. 1995); *Mayers v. Stone Castle Partners, LLC*, 126 A.D.3d 1, 6 (1st Dept 2015).

16. Aside from the proverbial pointing of fingers, and complaining that Norfolk Beier did not obtain consent from the APA, Adirondack Council's motion does not explain how any conflict of interest arising from Attorney Reynolds' employment at Norfolk Beier is of any consequence to the public hearing, or how it causes Adirondack Council any prejudice. The purpose of the public hearing is to develop an evidentiary record on which the APA Board will render a decision on whether to grant or deny the Applicants' application. Any information Attorney Reynolds obtained during her time at the APA would also be known to the APA and, therefore, could not have been given to Norfolk Beier for their exclusive use to provide some sort of advantage. Indeed, there is no advantage to be had. Moreover, the APA is not an adversary of the Applicants. Attorney Reynolds' employment at Norfolk Beier cannot possibly prejudice any party in its efforts to collectively develop a factual record.

17. Adirondack Council, by asserting that Norfolk Beier "may have gained or may gain factual, legal or other information from Ms. Reynolds, either directly or indirectly, based upon her prior involvement in APA staff's review of this matter during her tenure as an APA attorney" implies the corruption of Attorney Reynolds, the APA and myself. *See* Van Cott Affm. ¶28. Personally, and on behalf of the Applicants, I object to Attorney Paul Van Cott's implication here. Again, any information Attorney Reynolds obtained during her tenure at the APA is also information available to the APA and to the public at large through a Freedom of Information Law request. To imply that the APA and its attorneys are withholding information from the parties, the public or the rest of the agency is tantamount to asserting corruption within the APA.

18. Based upon the foregoing, Adirondack Council's motion to disqualify Norfolk Beier must be denied.

POINT VI. Any Conflict of Interest Held by Attorney Reynolds Is Not Imputed to Norfolk Beier.

19. The motion must be denied because, even if Attorney Reynolds' employment at Norfolk Beier created a conflict for her, it is not imputed on the rest of the firm. Attorney Reynolds had no involvement in the matter while employed at Norfolk Beier. She did not participate in any capacity in the representation of the Applicants, either in front of the APA, before or after the Notice of Complete Application, or in the public hearing. Attorney Reynolds did not provide any advice or direction or information that she may have obtained from her tenure at the APA. Attorney Reynolds was not apportioned any fee from Norfolk Beier's work performed on this matter. This was a firm policy I implemented upon hiring Attorney Reynolds. It should be noted that Attorney Reynolds made it clear during the interview process that she could not and would not participate in any way in the present matter. Accordingly, the previous employment of Attorney Reynolds at Norfolk Beier does not disqualify Norfolk Beier from representing the Applicants in the public hearing.

20. Based upon the foregoing, Adirondack Council's motion to disqualify Norfolk Beier must be denied.

POINT VII. The Motion Must Be Denied Because Disqualification Would Unfairly Prejudice the Applicants.

21. Norfolk Beier's disqualification would unfairly prejudice the Applicants. *See McDade*, 240 A.D.2d at 1011. Since January of 2022**,** Norfolk Beier has represented the Applicants in connection with its application to the APA. That is over six years of participation in this matter as counsel for the Applicants. To deprive the Applicants of their right to chosen counsel and force them to find new representation (weeks before the hearing is to commence) and bring the new attorney(s) up to speed on the six-year application process would severely prejudice the Applicants - at a great expense. *See Aerojet Props., Inc. v. State of New York*, 138 A.D.2d 39, 42

(3d Dept. 1988) (denying motion to disqualify law firm as counsel for the claimant where the firm had extensively involved in the action for more than four years). The Applicants are entitled to continue being represented in this matter by Norfolk Beier.

22. Based upon the foregoing, Adirondack Council's motion to disqualify Norfolk Beier must be denied for lack of standing.

WHEREFORE, it is respectfully requested that Adirondack Council's motion to disqualify Norfolk Beier be denied in its entirety, together with such other and further relief granted to the Applicants.

Dated: February 3, 2026
Lake Placid, New York

By: _____
Matthew D. Norfolk, Esq.

Board of Directors

Charles Clusen
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Peter O'Shea
Philip Terrie

Staff

Claudia K. Braymer, Esq.
Executive Director

Christopher Amato, Esq.
Conservation Director and Counsel

Peter Bauer
Fundraising Coordinator

Via Email

February 3, 2026

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 of Unconventional Concepts, Inc. and Michael Hopmeier
APA Project No. 2021-0276

Dear Judge Greenwood:

Protect the Adirondacks ("PROTECT") submits this letter in anticipation of tomorrow's pre-hearing issues conference to address proposed Issue #2 as set forth in the attachment to the January 20, 2026 letter from Paul Van Cott, Esq., counsel for the Adirondack Council.

The APA Project Order provides:

> The hearing officer may in their sole discretion simplify, define, limit, or resolve the scope of issues, or add an issue if not expressly excluded and for which a party makes an offer of proof to ensure that the record covers substantive and significant issues relating to the findings or determinations required of the Agency under APA Act § 805(4) and § 809(10).

APA Project Order at 8.

In accordance with the APA Order, PROTECT makes the following offer of proof regarding proposed Issue #2:

Issue #2: Whether the applicant has contractual or other legal arrangements with persons or other legal entities for testing howitzers on the proposed range and substantiation of national security concerns, if any, with respect to such proposed testing.

PROTECT respectfully submits that this issue is vital to ensuring a complete record by allowing discovery and testimony concerning the repeated—and unsubstantiated—claims in the application that the proposed project is being undertaken pursuant to a contract with the United States military; that the project is essential to the national security of the United States; and that providing certain project information requested by Adirondack Park Agency ("APA") staff would compromise national security.

PROTECT offers the following statements from the application as proof that Issue #2 must be included to ensure a complete record on which the APA Board can make its required findings of fact and conclusions of law:

We will be working closely with the US Army Development Command, arguably the world leader on these research questions; they will provide guidance and approval for the range design and operating procedures prior to allowing operations to occur.

UCI Response to First NIPA (Dec. 21, 2021) at 5.

In addition, this is a test and evaluation range that will use equipment and systems provided by the US Army for test and evaluation. All operations will be in accordance with either approved and designated Army protocols, or based on best engineering and technical judgment developed in coordination with relevant Army staff and personnel.

Id.

The Army evaluated our proposed effort and made a determination to award the work to our company. This decision was made by the Army Program Manager through the acquisition process.

Id. at 6

As we have already stated, the U.S. Army awarded a subcontract for us to Michael Hopmeier to conduct this work based on a proposal we submitted to them, which included references to specific proprietary and unique technologies and capabilities.

UCI Response to Second NIPA (Feb. 20, 2022) at 2-3.

The information requested in any interaction with the U.S. Army Development Command is considered both sensitive and proprietary. Further, it has no bearing on this application. Our operating procedures and methodologies, as well as any data collected and analyses performed, Michael Hopmeier are both proprietary to our company and sensitive in nature, as they relate to national security.

Id. at 4-5.

Further analyses, beyond those mandated, merely add to costs, delays and negatively impact the local community as well as the National Security of the United States.
UCI Response to Fifth NIPA (June 9, 2025) at 2.

Details of the system, as requested cannot be provided. The information requested is considered Controlled Unclassified Information (CUI).

Id. at 7.

All calculated sound pressure levels submitted by UCI are based on 5 modules DM72 charges with 2.44 kg of propellent. M4A2 zone 7 charges have nominally the same energy and would produce the same calculated sound pressure levels. Any further specific details of the performance of the 155mm Howitzer are sensitive and protected information not available to the APA.

Id. at 14.

The goal of the proposed testing is to enhance the public good by improving national security.

Bowman Consulting, Sound Study (Nov. 6, 2025) at 1.

This effort will focus on the test and evaluation of these new systems in support of a critical U.S. Army research program managed by Benet Laboratories at Watervliet Arsenal in Albany, NY.

Id.

It is respectfully submitted that the parties should be permitted to explore whether the above claims can be substantiated by the applicants as required by 9 NYCRR § 580.14(b)(3) (requiring the applicant "to present competent evidence at the hearing in support of the application") and 9 NYCRR § 580.14(b)(6)(i) (specifying that the applicant has the burden of proof of "proving the allegations of the application").

Moreover, a full examination of Issue #2 is necessary for the APA Board to make the required determination that:

> The project would not have an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the park . . . taking into account the commercial, industrial, residential, recreational or other benefits that might be derived from the project.

Executive Law § 809(10)(e).

Because the applicants contend that a major benefit of the project will be providing technical support to the United States military and protecting the national security of the United States, the parties should be provided the opportunity to conduct discovery and, if necessary, elicit testimony concerning these purported benefits so that the APA Board has a complete record on this issue.

Moreover, because the applicants have withheld project information on the grounds of national security, the parties should be permitted to explore and verify this claim pursuant to 9 NYCRR § 580.14(b)(6)

Respectfully submitted,



Christopher A. Amato, Esq.
Conservation Director and Counsel

Cc: Service List

WHITEMAN
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Paul VanCott
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February 24, 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
APA Project No. 2021-0276

Dear Judge Greenwood:

On behalf of the Adirondack Council, Inc., we respectfully move for an order by you revising the existing hearing issues in APA Project Order #2021-0276 (the "Hearing Issues") based upon the proposal from Adirondack Park Agency ("APA") staff that is included herein as Exhibit 1.[1] We further ask that your order direct that the parties present testimony and evidence on the revised hearing issues at the adjudicatory hearing in the order provided in Exhibit 1. The primary goal of this motion is to ensure that an orderly and understandable record is developed through the adjudicatory hearing for the APA Board's consideration.

The intervenors had initially proposed revisions to the Hearing Issues by our letter dated January 20, 2026. APA staff responded to the intervenors' joint proposal with a marked-up, revised proposal. Exhibit 1 is a clean version of staff's proposal for changes to the Hearing Issues. During the February 4, 2026 pre-hearing conference, facilitated by you, no party objected to APA staff's proposed changes to the Hearing Issues. An order revising the Hearing Issues based upon the Proposed Issues in Exhibit 1 is appropriate for the reasons discussed below.

[1] From your email correspondence, we understand that you will also be providing a ruling on whether or not the two new issues proposed by the intervenors should be added to the issues to be adjudicated in the hearing.

Proposed Revisions to Existing Hearing Issues

Existing Hearing Issues ## 1, 2 and 3 relate to legal determinations the APA Board must make pursuant to APA Act § 809(10)(a), (b), and (e) (i.e., consistency, compatibility and undue adverse impact). We submit that adjudication related to these legal determinations should not occur until all of the fact and opinion evidence concerning the project's potential impacts is in the record and available to party witnesses. This makes sense so that the portion of the hearing related to the legal issues can be informed by evidence that is already in the record regarding the project's potential impacts, which are relevant to all three legal determinations. For this reason, the proposed reordering of Hearing Issues ## 1, 2 and 3 as Proposed Issues ## 3, 4, and 5 in Exhibit 1 is logical and would support a more orderly and understandable record.

With respect to Hearing Issue #1 (Proposed Issue #3) regarding the howitzer range's consistency with the Adirondack Park Land Use and Development Plan ("APLUDP"), it is further proposed to revise this issue to focus on whether the proposed project is consistent as opposed to compatible with the APLUDP to more closely follow APA Act § 809(10)(a).

Regarding Hearing Issue #2 (Proposed Issue #4) on the compatibility of the howitzer testing range in Rural Use, it is additionally proposed to separately adjudicate the question of whether the proposed project is a "commercial use" that is embedded as a sub-issue in that Hearing Issue. Fact and opinion evidence on this issue (Proposed Issue #1) will ultimately provide a basis for an APA Board determination as to whether the proposed howitzer testing range is or is not presumed to be compatible. *See* APA Act § 809(10)(b). Whether the proposed project is a commercial use is also relevant to its consistency with the APLUDP. Accordingly, adjudicating whether the project is a commercial use early in the hearing and before adjudication of the proposed project's consistency and compatibility will inform witness testimony related to those legal issues and contribute to a better record. It will also simplify the compatibility issue consistent with APA Act § 809(10)(b), which requires a threshold determination of whether a project is a listed, compatible use in order to establish whether the use is presumed to be compatible or not.

Finally, for existing Hearing Issue #3 concerning whether the howitzer range will have any "undue" adverse impact, it is proposed to remove all references to the "undue" legal conclusion from a revised Proposed Issue #2 that focuses on the potential adverse impacts of the proposed project on the resources of the Adirondack Park and nearby land uses. This will avoid having technical experts for specific impacts make uninformed legal conclusions about whether the project's impacts on a specific resource are "undue" without all of the evidence or the expertise necessary to do so. Whether those impacts are "undue" would then be adjudicated separately as Proposed Issue #5, which is proposed to be revised to more closely follow the language of APA Act § 809(10)(e) (including consideration of any benefits the proposed project may provide).

Conclusion

APA staff's proposed revisions to the Hearing Issues in Exhibit 1 follows the logical sequence for developing the fact and opinion testimony regarding the project's potential impacts with respect to the development considerations necessary for informed party testimony and evidence related to the three legal determinations required by APA Act § 809(10)(a), (b) and (e). Moreover, these proposed revisions are consistent with the Appellate Division, Third

Department's articulation of the "undue adverse impact" approval criterion in Protect v APA, 121 AD3d at 67 (2014) with respect to the Adirondack Club & Resort project in Tupper Lake. *Protect* requires the APA Board, when making its determination as to whether the adverse impacts from a project are "undue," to also consider whether the project is consistent with the APLUDP and compatible in the land use area where it is proposed to be located. Accordingly, having all of the evidence about potential project impacts in the record before any adjudication related to those legal issues occurs is logical and will support the development of an orderly and understandable record.

We believe that it is within your authority to order these proposed revisions to the Hearing Issues based upon APA Project Order #2021-0276, which provides:

> *The hearing officer may in their sole discretion simplify, define, limit, or resolve the scope of issues, or add an issue if not expressly excluded and for which a party makes an offer of proof to ensure that the record covers substantive and significant issues relating to the findings or determinations required of the Agency under APA Act § 805(4) and § 809(10).*

APA staff's proposed revisions to the Hearing Issues in Exhibit 1 are within the scope of this authority and are substantively consistent with APA Project Order # 2021-0276. They simplify and/or resolve the referenced shortcomings of the existing Hearing Issues as discussed above. Requiring their adjudication in the order provided in Exhibit 1 will allow for the more efficient development of an orderly and understandable record for the APA Board.

For all of the foregoing reasons, it is respectfully submitted that your decision to grant this motion and order the revisions to the Hearing Issues as set forth in Exhibit 1, including their order of adjudication, is reasonable and appropriate. Thank you for your consideration of this motion.

Very truly yours,



Paul Van Cott

Attachments

Cc: Attached Service List

EXHIBIT 1

Proposed Hearing Issues for APA Project 2021-0276

February 24, 2026

Issue #1: Whether the proposed howitzer testing range is a commercial use (APA Act § 810(2)(c)(16)), another use in APA Act § 810(2)(c), or a use that is not "included on either the list of primary uses or the list of secondary uses for rural use areas" (APA Act § 810(2)(c)(16)).

Issue #2: Whether the howitzer testing range would have any adverse impacts upon the natural, scenic, ecological, wildlife, recreational or open space resources of the park considering the development considerations contained in APA Act § 805(4) and 9 NYCRR 574.5, including, but not limited to the following:

i. Whether the howitzer testing range involves any potential discharges, residues, or other pollutants that may adversely affect water resources, land resources, or air resources. [APA Act § 805(4)(a)(1) – (3)]

ii. Whether the howitzer testing range would have any adverse impacts to land resources within the park, such as soils, forest and open space resources, including the quality and availability of nearby lands for outdoor recreational purposes. [APA Act § 805(4)(a)(1) and (2)]

iii. Whether the applicant has provided a reliable, comprehensive and accurate modeling of the noise that would be produced by the howitzer testing range and whether such noise will have any adverse impacts upon the Park's resources or nearby uses. [APA Act § 805(4)(a)(1)]

iv. Whether noise mitigation measures exist that are feasible to implement that would minimize or avoid any adverse impacts to the Park's resources from the howitzer testing range. [APA Act § 805(4)(a)(1)]

v. Whether the howitzer testing range would create any ecological impacts or disruption to native or migrating wildlife and their habitats at or near the howitzer testing range, considering species' sensitivities. [APA Act § 805(4)(a)(5) and (6)]

vi. Whether the howitzer testing range could have adverse health and safety impacts relating to the operation, storage, and transport of military equipment. [APA Act § 805(4)(c)(2)(a)]

vii. Whether the howitzer testing range would adversely impact nearby Wilderness and Wild Forest areas or their use and enjoyment. [APA Act § 805(4)(c)(2)(a)]

viii. Whether the howitzer testing range would have an adverse economic impact on adjoining and nearby land uses, such as property values. [APA Act § 805(4)(c)(2)(a)]

Issue #3: Whether the howitzer testing range would be consistent with the Adirondack Park land use and development plan, including, but not limited to, whether the howitzer testing range would be consistent with the purpose of insuring overall conservation, protection, preservation, development and use of the unique scenic, wildlife, recreational, open space, ecological, and natural resources of the Adirondack Park. [APA Act § 809(10)(a)]

Issue #4: Whether the howitzer testing range would be compatible within the Rural Use land area classification, and whether it would be compatible with the character description and purposes, policies and objectives of the Rural Use land area classification. [APA Act § 809(10)(b)]

Issue #5: Whether the howitzer testing range would have any undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the park or upon the ability of the public to provide supporting facilities and services made necessary by the project, taking into account the commercial, industrial, residential, recreational or other benefits that might be derived from the project. [APA Act § 809(10)(e)]

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

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David N. Greenwood
Administrative Law Judge
NYS DEC
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NEW YORK STATE | Adirondack Park Agency

KATHY HOCHUL
Governor
BARBARA RICE
Executive Director

March 2, 2025
(By E-Mail: david.greenwood@dec.ny.gov)

Honorable David Greenwood
Administrative Law Judge
NYS Department of Environmental Conservation
Office of Hearing and Mediation Services
625 Broadway, First Floor
Albany, NY 12233-1550

Re: In the matter of the application of Unconventional Concepts, Inc. and Michael Hopmeier – P2021-0276

Dear Judge Greenwood:

APA hearing staff submit this letter in response to the motion submitted by Adirondack Council on February 24, 2026. Council's motion requests an order on the restructured issues list as proposed by the intervening parties and revised by the APA hearing staff prior to the February 4th prehearing conference. APA hearing staff support the proposed revisions to the hearing issues and sequencing of adjudication as set forth in Exhibit 1 of the Motion because they will promote the orderly development of the record. APA hearing staff's support for the revisions should not be construed as an adoption of each of the arguments advanced in support of the motion.

APA hearing staff respectfully submit that resolution of the motion is within your discretion pursuant to the hearing procedures and applicable regulations.

Thank you for the opportunity to respond.

Respectfully Submitted,

Grace Sullivan

Grace Sullivan

Outlook

Re: APA Project 2021-0276 - Motion

From Ommen, Todd D. <tommen@law.pace.edu>

Date Mon 03/02/2026 3:42 PM

To Greenwood, David N (DEC) <david.greenwood@dec.ny.gov>; PVanCott@woh.com <PVanCott@woh.com>; Sullivan, Grace (APA) <Grace.Sullivan@apa.ny.gov>; mnorfolk@norfolkbeier.com <mnorfolk@norfolkbeier.com>; David Gibson <dgibson@adirondackwild.org>; conservationdirector@protectadks.org <conservationdirector@protectadks.org>; Hubbard, Jennifer M (APA) <Jennifer.Hubbard@apa.ny.gov>; skelly@norfolkbeier.com <skelly@norfolkbeier.com>; Executivedirector@protectadks.org <executivedirector@protectadks.org>; Ramirez, David <dramirez2@law.pace.edu>; pgitlen@WOH.com <pgitlen@WOH.com>; Seitelman, Anna V. <ASeitelman@woh.com>

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On behalf of Sierra Club, we support the motion of Adirondack Council. We do not intend to submit further briefing or letters, so please accept this as a joinder in the motion as argued in Mr. Van Cott's letter.

Todd D. Ommen
Managing Attorney - Pace Environmental Litigation Clinic
Professor of Law - Elisabeth Haub School of Law
Executive Director – John Jay Legal Services, Inc.
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From: Greenwood, David N (DEC) <david.greenwood@dec.ny.gov>
Sent: Wednesday, February 25, 2026 3:31 PM
To: PVanCott@woh.com <PVanCott@woh.com>; Sullivan, Grace (APA) <Grace.Sullivan@apa.ny.gov>; mnorfolk@norfolkbeier.com <mnorfolk@norfolkbeier.com>; David Gibson <dgibson@adirondackwild.org>; conservationdirector@protectadks.org <conservationdirector@protectadks.org>; Ommen, Todd D. <tommen@law.pace.edu>; Hubbard, Jennifer M (APA) <Jennifer.Hubbard@apa.ny.gov>; skelly@norfolkbeier.com <skelly@norfolkbeier.com>; Executivedirector@protectadks.org <executivedirector@protectadks.org>; Ramirez, David <dramirez2@law.pace.edu>; pgitlen@WOH.com <pgitlen@WOH.com>; Seitelman, Anna V.

<ASeitelman@woh.com>
Subject: Re: APA Project 2021-0276 - Motion

Dear Paul Van Cott:
I am in receipt of your letter on behalf of Adirondack Council to me dated February 24, 2026. The letter is in the form of a motion request for an Order revising the existing hearing issues as stated in APA Project Order No. 2021-0276 issued November 14, 2025. Per State regulation at 9 NYCRR 580.11(c) this hearing officer shall give all parties an opportunity to respond to motions "[a]pplications to the hearing officer for rulings, orders or determinations"
.

Dear Parties:
Please submit any responses to the Motion by Adirondack Council dated February 24, 2026 by **Wednesday March 4, 2026, at 5:00 p.m.** As usual electronic submission is acceptable and please copy all parties with any submissions or responses you may have.

Sincerely and thank you,

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
w: (518) 402-9004 | david.greenwood@dec.ny.gov
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From: VanCott, Paul <PVanCott@woh.com>
Sent: Tuesday, February 24, 2026 9:27 AM
To: Greenwood, David N (DEC) <david.greenwood@dec.ny.gov>; Sullivan, Grace (APA) <Grace.Sullivan@apa.ny.gov>; mnorfolk@norfolkbeier.com <mnorfolk@norfolkbeier.com>; David Gibson <dgibson@adirondackwild.org>; conservationdirector@protectadks.org <conservationdirector@protectadks.org>; tommen@law.pace.edu <tommen@law.pace.edu>; Hubbard, Jennifer M (APA) <Jennifer.Hubbard@apa.ny.gov>; skelly@norfolkbeier.com <skelly@norfolkbeier.com>; Executivedirector@protectadks.org <executivedirector@protectadks.org>; dramirez2@law.pace.edu <dramirez2@law.pace.edu>; pgitlen@WOH.com <pgitlen@WOH.com>; Seitelman, Anna V. <ASeitelman@woh.com>
Subject: APA Project 2021-0276 - Motion

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Judge Greenwood –

On behalf of the Adirondack Council, please see the attached.

Thank you.

Paul

Paul Van Cott | Whiteman Osterman & Hanna LLP
Of Counsel

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Outlook

RE: APA Project 2021-0276 - Motion

From dgibson@adirondackwild.org <dgibson@adirondackwild.org>

Date Thu 03/05/2026 10:28 AM

To 'Greenwood, David N (DEC)' <david.greenwood@dec.ny.gov>; PVanCott@woh.com <PVanCott@woh.com>; 'Sullivan, Grace (APA)' <Grace.Sullivan@apa.ny.gov>; mnorfolk@norfolkbeier.com <mnorfolk@norfolkbeier.com>; conservationdirector@protectadks.org <conservationdirector@protectadks.org>; tommen@law.pace.edu <tommen@law.pace.edu>; 'Hubbard, Jennifer M (APA)' <Jennifer.Hubbard@apa.ny.gov>; skelly@norfolkbeier.com <skelly@norfolkbeier.com>; executivedirector@protectadks.org <executivedirector@protectadks.org>; dramirez2@law.pace.edu <dramirez2@law.pace.edu>; pgitlen@WOH.com <pgitlen@WOH.com>; 'Seitelman, Anna V.' <ASeitelman@woh.com>

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Judge Greenwood,
On behalf of Adirondack Wild, we support the Feb. 24 motion of the Adirondack Council to revise the existing hearing issues.
We also look forward to your ruling on the motion of Protect to add to those issues.
Sincerely,
David Gibson
Adirondack Wild
Dave Gibson, Managing Partner
Adirondack Wild: Friends of the Forest Preserve
dgibson@adirondackwild.org
518-469-4081
Adirondackwild.org

From: Greenwood, David N (DEC) <david.greenwood@dec.ny.gov>
Sent: Wednesday, February 25, 2026 3:32 PM
To: PVanCott@woh.com; Sullivan, Grace (APA) <Grace.Sullivan@apa.ny.gov>; mnorfolk@norfolkbeier.com; David Gibson <dgibson@adirondackwild.org>; conservationdirector@protectadks.org; tommen@law.pace.edu; Hubbard, Jennifer M (APA) <Jennifer.Hubbard@apa.ny.gov>; skelly@norfolkbeier.com; executivedirector@protectadks.org; dramirez2@law.pace.edu; pgitlen@WOH.com; Seitelman, Anna V. <ASeitelman@woh.com>
Subject: Re: APA Project 2021-0276 - Motion

Dear Paul Van Cott:
I am in receipt of your letter on behalf of Adirondack Council to me dated February 24, 2026. The letter is in the form of a motion request for an Order revising the existing hearing issues as stated in APA Project Order No. 2021-0276 issued November 14, 2025. Per State regulation at 9 NYCRR 580.11(c) this hearing officer shall give all parties an opportunity to respond to motions "[a]pplications to the hearing officer for rulings, orders or determinations" .
Dear Parties:
Please submit any responses to the Motion by Adirondack Council dated February 24, 2026 by **Wednesday March 4, 2026, at 5:00 p.m.** As usual electronic submission is acceptable and please copy all parties with any submissions or responses you may have.
Sincerely and thank you,

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
w: (518) 402-9004 | david.greenwood@dec.ny.gov
dec.ny.gov

From: VanCott, Paul <PVanCott@woh.com>
Sent: Tuesday, February 24, 2026 9:27 AM
To: Greenwood, David N (DEC) <david.greenwood@dec.ny.gov>; Sullivan, Grace (APA) <Grace.Sullivan@apa.ny.gov>; mnorfolk@norfolkbeier.com <mnorfolk@norfolkbeier.com>; David Gibson <dgibson@adirondackwild.org>; conservationdirector@protectadks.org <conservationdirector@protectadks.org>; tommen@law.pace.edu <tommen@law.pace.edu>; Hubbard, Jennifer M (APA) <Jennifer.Hubbard@apa.ny.gov>; skelly@norfolkbeier.com <skelly@norfolkbeier.com>; Executivedirector@protectadks.org <executivedirector@protectadks.org>; dramirez2@law.pace.edu <dramirez2@law.pace.edu>; pgitlen@WOH.com <pgitlen@WOH.com>; Seitelman, Anna V. <ASeitelman@woh.com>
Subject: APA Project 2021-0276 - Motion

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Judge Greenwood –

On behalf of the Adirondack Council, please see the attached.

Thank you.

Paul

Paul Van Cott | Whiteman Osterman & Hanna LLP
Of Counsel
One Commerce Plaza | Albany | New York | 12260
| o | 518.487.7733| f | 518.487.7777
| e | pvancott@woh.com | w | www.woh.com

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STATE OF NEW YORK
ADIRONDACK PARK AGENCY

In the Matter of the Application of

UNCONVENTIONAL CONCEPTS, INC. and MICHAEL HOPMEIER,

APA Project No. 2021-0276

APA Hearing Officer
David N. Greenwood

NOTICE OF CROSS-MOTION

PLEASE TAKE NOTICE that upon the affirmation of Matthew D. Norfolk, Esq., affirmed March 4, 2026, and upon all papers and proceedings heretofore had herein, Unconventional Concepts, Inc. and Michael Hopmeier will cross-move the hearing officer, David N. Greenwood, Administrative Law Judge, upon submission only, on March 13, 2026, for an order staying the above-referenced public hearing on APA Project No. 2021-0276 and all pre-hearing proceedings during the pendency of the CPLR Article 78 proceeding currently before Essex County Supreme Court, Index No. CV26-0063, and for such other relief deemed just and proper.

PLEASE TAKE FURTHER NOTICE that answering papers, if any, are to be served on the return date by 5:00 PM via email to the hearing officer and the parties, or as otherwise directed by the hearing officer.

Dated: Lake Placid, New York
March 4, 2026

Norfolk Beier PLLC

By: _____

Matthew D. Norfolk, Esq.
55 Barn Road, Ste. 201
Lake Placid, New York 12946
518.302.8080
mnorfolk@norfolkbeier.com
Attorneys for Applicants

To: See Attached Service List

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

Project Sponsor / Applicant Representatives

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Jennifer Hubbard
Adirondack Park Agency
PO Box 99
1133 NYS Route 86
Ray Brook, NY 12977

Petitioners for Party Status

Roger Downs
Conservation Director
Sierra Club Atlantic Chapter
Care of Todd D. Ommen
Managing Attorney
Pace Environmental Litigation Clinic
78 North Broadway
White Plains, NY 10603

David Gibson
Managing Partner
Adirondack Wild: Friends of the Forest Preserve
P.O. Box 9247
Niskayuna, NY 12309

Philip H. Gitlen, Esq.
Paul Van Cott, Esq.
Anna V. Seitelman, Esq.
Attorneys for Adirondack Council, Inc.
Whiteman Osterman & Hanna LLP
One Commerce Plaza
Albany, NY 12260

Christopher Amato
Conservation Director and Counsel
Protect the Adirondacks
P.O. Box 48
North Creek, NY 12853

David N. Greenwood
Administrative Law Judge
NYS DEC
Office of Hearings and Mediation Services
625 Broadway, 1st Floor
Albany, New York 12233-1550

STATE OF NEW YORK
ADIRONDACK PARK AGENCY

In the Matter of the Application of

UNCONVENTIONAL CONCEPTS, INC. and MICHAEL HOPMEIER,

APA Project No. 2021-0276

APA Hearing Officer
David N. Greenwood

Attorney Affirmation of Matthew D. Norfolk, Esq. in Opposition to Motion to Revise Issues, and in Support of Cross-Motion to Stay Public Hearing

1. I, Matthew D. Norfolk, Esq., am a member of Norfolk Beier PLLC, attorneys for Unconventional Concepts, Inc. and Michael Hopmeier (hereinafter collectively referred to as the "Applicants"). Except where stated to be upon information and belief, the following allegations are based upon my personal knowledge, review of the application record, and correspondence and documents exchanged in this matter.

2. I make this affirmation in opposition to the motion of Adirondack Council, Inc. (hereinafter referred to as "Adirondack Council"), seeking to revise and reorder the issues in this public hearing, and in support of Applicants' cross-motion to stay the public hearing and all pre-hearing proceedings pending a decision in the CPLR Article 78 proceeding currently before the Essex County Supreme Court, Index No. CV26-0063.

The Public Hearing Should be Stayed Pending Resolution of the Related Article 78 Proceeding

3. As the parties are aware, Applicants commenced a CPLR Article 78 proceeding seeking (1) to annul, vacate, and set aside as a nullity the determination of the Board of New York State Adirondack Park Agency to conduct this public hearing, and (2) to annul, vacate, and set aside the determination of Barbara Rice, Executive Director of New York State Adirondack Park

Agency (hereinafter collectively referred to as the "APA"), denying Applicant's motion to disqualify the hearing officer, David N. Greenwood, Administrative Law Judge (hereinafter referred to as the "Hearing Officer"), from presiding over and conducting said public hearing and pre-hearing proceedings.

4. The Article 78 proceeding involves similar parties, including Applicant Michael Hopmeier, Hearing Officer, and the APA.

5. The Hearing Officer has regulatory and inherent authority to control the course of this proceeding to ensure fairness, efficiency, and the conservation of administrative resources. A stay is warranted here as parallel judicial review may affect (or entirely moot) these proceedings, and the public hearing as a whole. The Article 78 proceeding presents threshold jurisdictional questions that go to the validity of this forum and the authority of the presiding officer. Moving forward with discovery, motion practice, and the evidentiary hearing while those issues are pending risks wasting substantial resources, and may prejudice the parties.

6. If Supreme Court grants relief on either ground, all proceedings, including Adirondack Council's instant motion, could be nullified. The court could determine that the APA erred in sending the application to a public hearing and reverse that determination, causing the parties to restart this process. The court could also determine that the Hearing Officer should be disqualified and a new hearing officer appointed to replace him. This would call into question the validity of all decisions and formal rulings made by the Hearing Officer, including on Adirondack Council's instant motion.

7. The public hearing should be stayed as to not waste parties' time and money. There is a briefing schedule in place in the Article 78 proceeding—a true and accurate copy of which is annexed hereto as **Exhibit A**. Although the hearing start date has been adjourned until April 22,

2026, the dates of the discovery schedule in place in this public hearing are still active. In the public hearing, parties are to serve witness lists and discovery demands on or before March 18, 2026. In the Article 78 proceeding, respondents' answering papers are due March 19, 2026. It is premature and potentially inefficient use of parties' efforts to continue with discovery and what is essentially trial preparation herein while the Article 78 proceeding is being litigated. As can be seen in Exhibit A, the papers in the Article 78 proceeding will be fully submitted by April 20, 2026—before the hearing start date. Applicants request the hearing start date be adjourned until June 24, 2026, at 10:00 AM, at APA headquarters, and that all proceedings, including but not limited to, motions, discovery, and pre-hearing conferences, be stayed until Supreme Court issues its decision, which will likely be within 60 days of April 20, 2026.

8. The requested stay is temporary and narrowly tailored. It would remain in effect only until Supreme Court resolves the Article 78 proceeding. No prejudice will result from a short pause. In contrast, denying a stay risks duplicative proceedings, wasted resources, and potential invalidation of the record. Administrative efficiency, fairness, and judicial economy all favor allowing the court to resolve the threshold legality of this proceeding before requiring the parties to continue expending substantial effort.

9. For the Hearing Officer's authority to stay the public hearing, see:

State Administration Procedure Act ("SAPA") §304. Powers of presiding officers. Except as otherwise provided by statute, presiding officers are authorized to:

(4) Regulate the course of the hearings, set the time and place for continued hearings, and fix the time for filing of briefs and other documents.

9 NYCRR §580.12. Adjournments.

(a) An application for an adjournment made in advance of the first hearing day, or while the hearing is in recess, shall not be granted except for good cause shown and unless written request is presented therefor to the hearing

officer on notice to the parties three business days in advance of the next scheduled hearing session.

(b) An application for an adjournment made during a hearing shall not be granted except for good cause shown.

(c) Hearings shall be adjourned to a time, day and place certain. No further formal notice need be given; however, the agency may give such notice of the reconvening of a hearing as it deems appropriate.

9 NYCRR §580.14. Conduct of the Hearing.

(4) The hearing officer shall have power to:
…
(iii) set the time and place of hearings beyond the initial hearing day, regulate the course of the hearing; adjourn the hearing from time to time, indicate the place of the adjourned hearing; and fix the time for the filing of briefs and other documents;
…
(xi) do all acts and take all measures necessary for the maintenance of order and the efficient conduct of the hearing.

10. For good cause shown surrounding the pendency and implications of the Article 78 proceeding, including the threat to the validity of the hearing, waste of administrative and party resources, and the lack of any prejudice, it is respectfully requested the public hearing is stayed pending the outcome of the Article 78 proceeding, with the hearing start date adjourned to time, day and place certain of June 24, 2026, at 10:00 AM, at APA headquarters.

The Issues as Order in APA Project Order #2021-0276 Should Not be Modified

11. Subject to and without waiving the foregoing objections and requests of Applicants' cross-motion, Adirondack Council's request to revise and reorder the issues in APA Project Order #2021-0276 (hereinafter referred to as the "Project Order") should be denied.

12. Pursuant to 9 NYCRR §580.3, the APA determined the issues in this hearing and provided notice thereof. The Project Order states:

the hearing officer shall have all the authority provided in 9 NYCRR 580.9, and the hearing notice shall direct potential parties to address the issues stated above in any petition for party status. The hearing officer may in their sole

discretion simplify, define, limit, or resolve the scope of issues, or add an issue if not expressly excluded and for which a party makes an offer of proof to ensure that the record covers substantive and significant issues relating to the findings or determinations required of the Agency under APA Act § 805(4) and § 809(10).

Despite what the APA purports to order, it cannot override the hearing procedures prescribed by Executive Law and 9 NYCRR Part 580 to grant authority to the Hearing Officer to add issues. The APA's decree here in the Project Order is an extra-judicial determination, and the Hearing Officer's adding of an issue would also be an extra-judicial act.

13. The Hearing Officer's authority on this topic is limited to:

9 NYCRR §580.9:

The hearing officer may direct the parties to appear for a conference to simplify, define, limit or resolve issues. The hearing officer shall summarize for the record the action taken at the conference and any admissions, stipulations or agreements which were made by the parties.

and

9 NYCRR §580.14(4):

The hearing officer shall have power to: (i) direct the parties to appear and confer at any time prior to or during the course of the hearing to consider the simplification of issues by consent of the parties.

Neither of these sections provide the Hearing Officer the authority to add or reorder issues, only to limit or simplify the issues. Clearly, the regulations envisioned that once the parties to the public hearing fleshed out the evidence for the public hearing record, it would be prudent to narrow the issues and hone in on the focus of the hearing. Adirondack Council is instead proposing to broaden the scope of the public hearing, expanding the number and extent of the issues, and revisiting threshold jurisdictional issues determined years ago. This is not what the above-cited regulations are for, and to expand the scope of the public hearing is outside the power of the Hearing Officer.

14. Further, the Hearing Officer can only revise the issues upon consent of the parties. Here, Applicants do not consent to modifying the issues as presented in the Project Order. The parties have already been directed by the Hearing Officer to appear and confer to discuss the issues. Despite cooperation and productive discussion among the parties, a formal agreement could not be agreed upon and stipulated by the parties. Without consent, the Hearing Officer cannot revise the issues of the public hearing.

15. Additionally, the issues should not be reordered, or deemed to require the presentation of evidence in the order listed in the Project Order. "The burden shall be on the project sponsor to present testimony concerning the matters alleged in the application." 9 NYCRR §580.11(b). "In addition to proving the allegations of the application, the project sponsor shall have the burden of demonstrating that the project will be in compliance with applicable statutory and regulatory requirements." 9 NYCRR §580.14(b)(6)(i). The burden is on Applicants to present their case and introduce evidence. Adirondack Council cannot dictate how Applicants present their case, and Applicants object to any attempt to interfere with their right to proceed with their legal strategy. *See* 9 NYCRR §580.14(b)(4) ("As a general rule, the project sponsor shall proceed first, followed by the agency staff, other governmental agencies, and other parties").

WHEREFORE, it is respectfully requested that the Hearing Officer (1) grant Applicants' cross-motion for a stay of the public hearing and pre-hearing proceedings; (2) deny Adirondack Council's motion to revise and reorder the issues be denied; (3) grant such other and further relief to the Applicants as is just, fair, and appropriate.

I affirm this 4th day of March, 2026, under the penalties of perjury under the laws of the State of New York, which may include a fine or imprisonment, that the foregoing herein is true,

and I understand that this document may be filed in an action or proceeding in a court of law and, of course, in the above-captioned administrative proceeding.

By: 

Matthew D. Norfolk, Esq.

EXHIBIT A

SUPREME COURT FOR THE STATE OF NEW YORK
COUNTY OF ESSEX

In the Matter of MICHAEL HOPMEIER,

Petitioner,

-against-

BOARD OF NEW YORK STATE ADIRONDACK PARK AGENCY, RUSH HOLT, in his capacity as Member of the Board of New York State Adirondack Park Agency, BARBARA RICE, in her capacity as Executive Director of New York State Adirondack Park Agency, and DAVID N. GREENWOOD, in his capacity as Administrative Law Judge for New York State Adirondack Park Agency,

Respondents.

Scheduling Order

Index No. CV26-0063

The Court's February 4, 2026 order to show cause (NYSCEF Doc No. 19) is modified as follows:

Petitioner shall have until February 13, 2026 to serve Respondents with the Order to Show Cause, dated February 4, 2026 (NYSCEF Doc. No. 19), and Verified Petition, with exhibits,

Petitioner shall have until February 27, 2026, to file and serve a memorandum of law in support of the Verified Petition;

Respondents shall have until March 19, 2026, to file and serve an answer or dispositive motion;

Petitioner shall have until March 26, 2026, to file and serve a response;

Respondents shall have until April 9, 2026, to file a reply in support of a dispositive motion they may have filed; and,

The return date shall be April 20, 2026 at 10 am at the Essex County Supreme Courthouse at 7559 Court Street, Elizabethtown, NY 12932.

So Ordered.

Dated: February 13, 2026 at Glens Falls, NY

Hon. Allison M. McGahay

Board of Directors

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Peter Bauer
Executive Director

Claudia K. Braymer, Esq.
Deputy Director

Christopher Amato, Esq.
Conservation Director and Counsel

Via Email

March 6, 2026

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 of Unconventional Concepts, Inc. and Michael Hopmeier
APA Project No. 2021-0276

Dear Judge Greenwood:

Protect the Adirondacks ("PROTECT") submits this letter in further support of its February 3, 2026 Offer of Proof ("Offer of Proof") to add the following issue to the issue for adjudication:

> Whether the applicant has contractual or other legal arrangements with persons or other legal entities for testing howitzers on the proposed range and substantiation of national security concerns, if any, with respect to such proposed testing.

As set forth in the Offer of Proof, "this issue is vital to ensuring a complete record by allowing discovery and testimony concerning the repeated—and unsubstantiated—claims in the application that the proposed project is being undertaken pursuant to a contract with the United States military; that the project is essential to the national security of the United States; and that providing certain project information requested by Adirondack Park Agency ("APA") staff would compromise national security. Offer of Proof at 2 (a copy of the Offer of Proof is annexed as Exhibit A for your convenience). The Offer of Proof points to numerous portions of the application where these claims are made. *Id*. at 2-3.

We have recently received copies of documents from the U.S. Department of the Army in response to a Freedom of Information Act request submitted by counsel for Sierra Club. These include an email from the Applied Science and Technology Division, Benet Laboratories, dated February 8, 2023 with the subject heading, "UCI Firing Range, Path Forward Direction," that states:

> [S]enior leadership has re-evaluated it's need for an artillery test firing range in upstate NY and determined that there is sufficient artillery test firing range capacity . . . to safely meet all current and future . . . artillery test firing requirements. *Senior leadership completed a review of the expected firing range at [Unconventional Concepts, Inc.] and it was found that there is no longer a need to pursue the establishment of a firing range as a part of this contract*. This direction is specific to the firing range for howitzer testing . . . .
>
> As a product of the decision - you are tasked . . . to document and *provide the contractor with a "stop work" letter. The intent of this letter is to (1) stop all activities associated with the firing range at UCI*, (2) closeout all firing range tasks now, (3) return all firing range specific assets and (4) determine what funding is left.

(Emphasis added). A copy of the U.S. Department of the Army email is annexed as Exhibit B.

The email is further proof that PROTECT's proposed issue is necessary for development of a complete—and accurate—record because it contradicts the application's repeated claims that the proposed howitzer firing range is being undertaken pursuant to a contract with the United States military and is essential to the national security of the United States.

Lastly, we note that the APA Board's Order specifically provides that "[t]he hearing officer may in their sole discretion simplify, define, limit, or resolve the scope of issues, *or add an issue if not expressly excluded and for which a party makes an offer of proof to ensure that the record covers substantive and significant issues relating to the findings or determinations required of the Agency under APA Act § 805(4) and § 809(10)*. APA Project Order 2021-0276 (Nov. 11, 2025) at 8 (emphasis added). Consequently, you clearly have the authority to add PROTECT's proposed issue to those identified for adjudication in the APA Order.

Respectfully submitted,



Christopher Amato
Conservation Director and Counsel

cc: Service List

EXHIBIT A

Board of Directors

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Philip Terrie

Staff

Claudia K. Braymer, Esq.
Executive Director

Christopher Amato, Esq.
Conservation Director and Counsel

Peter Bauer
Fundraising Coordinator

Via Email

February 3, 2026

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 of Unconventional Concepts, Inc. and Michael Hopmeier
APA Project No. 2021-0276

Dear Judge Greenwood:

Protect the Adirondacks ("PROTECT") submits this letter in anticipation of tomorrow's pre-hearing issues conference to address proposed Issue #2 as set forth in the attachment to the January 20, 2026 letter from Paul Van Cott, Esq., counsel for the Adirondack Council.

The APA Project Order provides:

> The hearing officer may in their sole discretion simplify, define, limit, or resolve the scope of issues, or add an issue if not expressly excluded and for which a party makes an offer of proof to ensure that the record covers substantive and significant issues relating to the findings or determinations required of the Agency under APA Act § 805(4) and § 809(10).

APA Project Order at 8.

In accordance with the APA Order, PROTECT makes the following offer of proof regarding proposed Issue #2:

Issue #2: Whether the applicant has contractual or other legal arrangements with persons or other legal entities for testing howitzers on the proposed range and substantiation of national security concerns, if any, with respect to such proposed testing.

PROTECT respectfully submits that this issue is vital to ensuring a complete record by allowing discovery and testimony concerning the repeated—and unsubstantiated—claims in the application that the proposed project is being undertaken pursuant to a contract with the United States military; that the project is essential to the national security of the United States; and that providing certain project information requested by Adirondack Park Agency ("APA") staff would compromise national security.

PROTECT offers the following statements from the application as proof that Issue #2 must be included to ensure a complete record on which the APA Board can make its required findings of fact and conclusions of law:

We will be working closely with the US Army Development Command, arguably the world leader on these research questions; they will provide guidance and approval for the range design and operating procedures prior to allowing operations to occur.

UCI Response to First NIPA (Dec. 21, 2021) at 5.

In addition, this is a test and evaluation range that will use equipment and systems provided by the US Army for test and evaluation. All operations will be in accordance with either approved and designated Army protocols, or based on best engineering and technical judgment developed in coordination with relevant Army staff and personnel.

Id.

The Army evaluated our proposed effort and made a determination to award the work to our company. This decision was made by the Army Program Manager through the acquisition process.

Id. at 6

As we have already stated, the U.S. Army awarded a subcontract for us to Michael Hopmeier to conduct this work based on a proposal we submitted to them, which included references to specific proprietary and unique technologies and capabilities.

UCI Response to Second NIPA (Feb. 20, 2022) at 2-3.

The information requested in any interaction with the U.S. Army Development Command is considered both sensitive and proprietary. Further, it has no bearing on this application. Our operating procedures and methodologies, as well as any data collected and analyses performed, Michael Hopmeier are both proprietary to our company and sensitive in nature, as they relate to national security.

Id. at 4-5.

Further analyses, beyond those mandated, merely add to costs, delays and negatively impact the local community as well as the National Security of the United States.
UCI Response to Fifth NIPA (June 9, 2025) at 2.

Details of the system, as requested cannot be provided. The information requested is considered Controlled Unclassified Information (CUI).

Id. at 7.

All calculated sound pressure levels submitted by UCI are based on 5 modules DM72 charges with 2.44 kg of propellent. M4A2 zone 7 charges have nominally the same energy and would produce the same calculated sound pressure levels. Any further specific details of the performance of the 155mm Howitzer are sensitive and protected information not available to the APA.

Id. at 14.

The goal of the proposed testing is to enhance the public good by improving national security.

Bowman Consulting, Sound Study (Nov. 6, 2025) at 1.

This effort will focus on the test and evaluation of these new systems in support of a critical U.S. Army research program managed by Benet Laboratories at Watervliet Arsenal in Albany, NY.

Id.

It is respectfully submitted that the parties should be permitted to explore whether the above claims can be substantiated by the applicants as required by 9 NYCRR § 580.14(b)(3) (requiring the applicant "to present competent evidence at the hearing in support of the application") and 9 NYCRR § 580.14(b)(6)(i) (specifying that the applicant has the burden of proof of "proving the allegations of the application").

Moreover, a full examination of Issue #2 is necessary for the APA Board to make the required determination that:

> The project would not have an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the park . . . taking into account the commercial, industrial, residential, recreational or other benefits that might be derived from the project.

Executive Law § 809(10)(e).

Because the applicants contend that a major benefit of the project will be providing technical support to the United States military and protecting the national security of the United States, the parties should be provided the opportunity to conduct discovery and, if necessary, elicit testimony concerning these purported benefits so that the APA Board has a complete record on this issue.

Moreover, because the applicants have withheld project information on the grounds of national security, the parties should be permitted to explore and verify this claim pursuant to 9 NYCRR § 580.14(b)(6)

Respectfully submitted,



Christopher A. Amato, Esq.
Conservation Director and Counsel

Cc: Service List

EXHIBIT B

From: [redacted] (b) (6)

Subject: UCI Firing Range - Path Forward Direction
Date: Wednesday, February 8, 2023 7:45:48 PM

Hello (b) (6)

AC senior leadership has re-evaluated it's need for an artillery test firing range in upstate NY and determined that there is sufficient artillery test firing range capacity within DEVCOM-AC and OGAs to safely meet all current and future DEVCOM-AC artillery test firing requirements. Senior leadership completed a review of the expected firing range at UCI and it was found that there is no longer a need to pursue the establishment of a firing range as a part of this contract. This direction is specific to the firing range for howitzer testing and does not impact ongoing or future VES work.

For your own information, a lot of factors including the unanticipated USG costs for full safety assessment and risk associated with projectile ricochet into route 9 and I-87 played a role. You are to support this decision in any subsequent discussions you have with the contractor and bring any ramifications of this decision as they pertain to your project shortfalls to your supervisory chain so that we can help.

As a product of the decision - you are tasked with working with the CO/COR to document and provide the contractor with a "stop work" letter. The intent of this letter is to (1) stop all activities associated with the firing range at UCI, (2) closeout all firing range tasks now, (3) return all firing range specific assets and (4) determine what funding is left. When a remaining funding amount is determined after closeout, a decision will be made on how to use that balance towards VES related efforts or other tasks determined to benefit our technology mission areas.

If you want to discuss this further we can meet when you return from your conference.

Thank you,

(b) (6) [redacted]
(A) Competency Manager
Applied Science & Technology Division
DEVCOM AC WSEC, Benet Laboratories
(b) (6) [redacted]

PROTECT THE ADIRONDACKS!

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Christopher Amato, Esq.
Conservation Director and Counsel

Via Email

March 6, 2026

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 of Unconventional Concepts, Inc. and Michael Hopmeier
APA Project No. 2021-0276

I write on behalf of intervenors Protect the Adirondacks, Adirondack Council, Sierra Club and Adirondack Wild: Friends of the Forest Preserve (collectively, "Intervenors") to respectfully request modifications to the February 11, 2026 Revised Scheduling Order ("Order") that are supported by the Intervenors. It is our further understanding from communications among all of the parties that APA staff are amenable to these proposed modifications to the Order.

The Order currently provides that witness lists and the APA staff statement be filed and served on or before March 18, 2026; that initial discovery requests be served on or before March 18, 2026; and that responses to discovery requests be served on or before April 8, 2026, unless otherwise agreed by the parties. However, since issuance of the Order, the date for commencement of the adjudicatory hearing has been adjourned to April 22, 2026. In addition, counsel for the applicants recently filed a motion seeking to stay the hearing and all pre-hearing proceedings pending a decision in the applicants' CPLR Article 78 proceeding currently pending in Essex County Supreme Court.

The Intervenors are developing their responses to the applicants' motion for a stay, subject to your direction on when responses must be provided. However, in light of these recent developments, and without waiver of and reserving their right to respond to the applicants' motion, the Intervenors respectfully request that the Order be modified as follows (proposed changes are underlined):

I. Witness List and APA Staff Statement

The Applicant and APA staff shall file and serve a list of the witnesses they intend to present on or before April 8, 2026, and the Intervenors shall serve and file a list of the witnesses they intend to present on or before April 15, 2026. The lists should be served on the hearing officer and the parties by email by 5:00 p.m. on or before the specified dates. In addition, APA staff shall file and serve on or before 5:00 p.m. on April 8, 2026, a statement concerning the development considerations and other required findings it considers pertinent to the project and outline the evidence it intends to present, as required by 9 NYCRR 580.6(b).

II. Preliminary Discovery

Any preliminary interrogatories and requests for productions of documents shall be served on or before April 8, 2026. Copies of discovery requests shall be served on all parties and the hearing officer by 5:00 p.m. on that date.

Responses to discovery requests shall be served on all parties by 5:00 p.m. on April 29, 2026, unless otherwise mutually agreed between the parties or upon an Order of the hearing officer following a motion for extension of time to respond.

III. Pre-filed Direct Testimony

[The first three paragraphs are not proposed to be changed]

The applicant will file and serve pre-filed testimony of witnesses and related exhibits on or before 5:00 p.m. on May 20, 2026. APA staff and the intervenors shall file and serve pre-filed direct testimony and related exhibits on or before 5:00 p.m. on June 10, 2026.

The Intervenors submit that these relatively brief adjournments are warranted and necessary to provide more time for engagement of witnesses, which is proceeding apace but unlikely to be fully concluded by March 18, as well as preparation of initial discovery demands and pre-filed testimony. In addition, the requested adjournment will not prejudice the parties or unduly delay the proceeding, given that this request is far more limited than the open-ended stay of all proceedings sought by the applicants and would allow commencement of testimony by mid-July.

We further submit that having the applicants and APA staff provide their witness lists one week in advance of the Intervenors makes practical sense, because it will avoid needless duplication of witnesses and testimony and, moreover, more closely aligns with the sequence of proof set forth in APA's hearing regulations. *See* 9 NYCRR § 580.14(b)(4) (specifying that, "[a]s a general rule, the project sponsor shall proceed first, followed by agency staff, other governmental agencies and other parties.").

As required by the Order, we have consulted with counsel for all hearing parties, including the applicants and APA staff, in an effort to reach agreement prior to submitting this request. As noted above, our understanding is that APA staff are amenable to the proposed, modified dates in the Order. Counsel for the applicants had not responded to our outreach by the time this letter was submitted.

Thank you for your consideration of this request.

Respectfully submitted,



Christopher Amato
Conservation Director and Counsel

cc: Service List

Board of Directors

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Conservation Director and Counsel

Via Email

March 10, 2026

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 of Unconventional Concepts, Inc. and Michael Hopmeier
APA Project No. 2021-0276

Dear Judge Greenwood:

Protect the Adirondacks ("PROTECT") submits this letter in opposition to the applicants' motion seeking an indefinite stay of the adjudicatory hearing pending a ruling in the applicants' Article 78 proceeding currently pending in Supreme Court, Essex County. The motion should be denied for several independent reasons. First, the relief sought substantially duplicates relief that Your Honor and Supreme Court have already provisionally declined to grant. Second, the applicants' counsel failed to comply with the procedural requirements set forth in the Revised Scheduling Order prior to filing the motion. Finally, the requested stay would cause an undue and potentially lengthy delay of this adjudicatory hearing.

The Article 78 Proceeding

On January 30, 2026, one of the applicants filed an Article 78 petition (the "Petition") in Supreme Court, Essex County, seeking to (i) annul the designation by the Adirondack Park Agency ("APA") of Your Honor as Hearing Officer for this adjudicatory proceeding; and (ii) annul the APA's Order referring the application to an adjudicatory hearing. The Petition names Michael Hopmeier as the sole petitioner; for reasons that are unexplained, the other applicant in this proceeding, Unconventional Concepts, Inc., is not named as a petitioner. The firm of Norfolk Beier, counsel for the applicants in this hearing, also represents Mr. Hopmeier in the Article 78 proceeding.

Along with the Petition, petitioner filed a proposed Order to Show Cause ("OSC") seeking, among other things, an immediate stay of this adjudicatory proceeding and all pre-hearing procedures pending a final ruling on the Petition. On February 4, 2026, Supreme Court Justice Allison M. McGahay issued the OSC, establishing a return date of February 20, 2026 and setting a briefing schedule. The Court declined to issue the requested stay at that time, instead providing that the request would be considered on the return date.

By letter dated February 11, 2026, Matthew Norfolk, Esq. requested that Supreme Court modify the briefing schedule and return date due to his failure to properly effect service on the Attorney General within the deadline specified in the OSC. The Attorney General's office did not oppose the requested modification. On February 17, 2026, Supreme Court issued a revised scheduling order establishing a modified briefing schedule and setting a new return date of April 20, 2026. The Court did not include a stay of this adjudicatory proceeding in the revised scheduling order.

The Applicants' Stay Requests in This Proceeding

By email to Your Honor dated February 9, 2026, Mr. Norfolk requested that the commencement of the adjudicatory hearing be adjourned from February 25, 2026 to April 15, 2026; that "any deadlines" in the Scheduling Order be extended by thirty days; and that all prehearing conferences be suspended until March 25, 2026 to allow the pending Article 78 proceeding to be resolved.

On February 11, 2026, Your Honor adjourned the hearing commencement date to April 22, 2026, but provisionally denied the request to modify other dates in the Scheduling Order pending a determination of the request for a stay in the Article 78 proceeding.

Notwithstanding that ruling, the applicants have now filed a cross-motion dated March 4, 2026 seeking once again to stay all proceedings in this matter pending final resolution of the Article 78 proceeding.

The Motion for a Stay Should be Denied

The applicants' motion fails to acknowledge that the much of the relief they now seek—namely, suspension of all pre-hearing deadlines and conferences—was already denied in Your Honor's February 11, 2026 ruling. The affirmation submitted by the applicants' counsel in support of the motion does not address that prior determination and offers no basis for revisiting it. *See* Affirmation of Matthew Norfolk, Esq., sworn to on March 4, 2026 ("Norfolk Aff.").

Nor does counsel provide any persuasive reason why this tribunal should grant the very relief that Supreme Court Justice McGahay has already provisionally declined to grant. Notably, counsel's affirmation does not acknowledge that the requested immediate stay was presented to Supreme Court and was not granted. Having failed to secure a temporary stay from the Court, applicants now ask Your Honor to grant a stay before Supreme Court has rendered its decision on the issue. The applicants offer no compelling reason why Your Honor should issue such an anticipatory ruling and essentially supplant Supreme Court's authority to decide the stay request presently before it.

In addition, the motion is procedurally improper because applicants' counsel failed to comply with the procedures set forth in the Revised Scheduling Order, which provides:

> Any requests to modify or amend this Scheduling Order must be filed in writing at least 10 calendar days before the established due date. *Prior to filing the request, the parties must confer and attempt to resolve the conflict before filing the request with the hearing officer*.

Revised Scheduling Order at 2; (emphasis added).

The applicants' motion plainly seeks to modify the Scheduling Order by indefinitely suspending its deadlines and procedures. Yet counsel failed to confer with the parties in an effort to resolve the issue before filing the motion. On this basis alone, the motion should be denied.

Finally, the requested stay should be denied because it will unduly delay this proceeding for an indefinite period. Counsel's characterization of the requested relief as "temporary and narrowly tailored" is inaccurate. Norfolk Aff. ¶ 8. In reality, the motion seeks an open-ended stay that would remain in effect until a final decision is issued in the Article 78 proceeding—an outcome that could take months or even years. Indeed, as Mr. Norfolk is well aware from his role as counsel in other APA litigation, a recent Article 78 proceeding concerning an APA permit for the expansion of a commercial marina on Lower Saranac Lake did not result in a final decision until December 2025, more than two years after the petition was filed. Counsel's assertion that a decision in the Article 78 proceeding will "likely" be issued within sixty days, *id*. ¶ 7, is pure conjecture and unsupported by any indication that Supreme Court intends to resolve the matter on such an expedited basis.

For all of these reasons, the applicants' motion for an indefinite stay of this proceeding should be denied.

Respectfully submitted,



Christopher Amato
Conservation Director and Counsel

cc: Service List

PACE ENVIRONMENTAL LITIGATION CLINIC

JOHN JAY LEGAL SERVICES, INC.

ELISABETH HAUB SCHOOL OF LAW

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OF COUNSEL	SUPERVISING ATTORNEY	ADMINISTRATOR
KARL S. COPLAN	TODD D. OMMEN	JENNIFER RUHLE

March 10, 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 of Unconventional Concepts, Inc. and Michael Hopmeier APA Project No. 2021-0276

Dear Judge Greenwood,

On behalf of Sierra Club, Atlantic Chapter, we write to join in the letter filed today by Protect the Adirondacks! ("Protect") opposing a further stay of these proceedings.

In addition to the cogent arguments presented in that letter, we add two points. First, even beyond whether this tribunal should reconsider its prior Order regarding the requested stay, there is a separate legal obstacle to the Applicant's current request. As noted in Protect's letter, Applicant sought the same relief in the Supreme Court, and the relief was denied. *See* Protect Letter at 2. Having been denied any stay in the Supreme Court, Applicant is barred by collateral estoppel from seeking to relitigate that same issue in this forum. Under New York law, collateral estoppel precludes a party from relitigating an issue where the identical issue was previously raised and decided, and the party had a full and fair opportunity to litigate it. *See Ryan v. New York Tel. Co.*, 62 N.Y.2d 494, 500–01 (1984). Here, the Applicant sought and briefed a stay of this adjudicatory proceeding and the Supreme Court declined to grant that relief. Having already sought and failed to obtain a stay from that court, Applicant is not permitted to relitigate the identical request before this tribunal hoping for a different result.

Second, the Protect Letter correctly notes that the duration of the Article 78 proceeding is entirely unknown. Protect Letter at 3. We would add to that concern that, regardless when the issue is decided by the Supreme Court, the losing side will doubtless appeal, and if this proceeding is stayed pending resolution of the Article 78 case, Applicant will doubtless seek to extend the stay for the duration of any subsequent appeal, potentially further delaying matters here. Sierra Club reserves the right to contest any further stay should those events come to pass,

but the question of when the Article 78 proceeding is truly "over" is one that could lead to further disputes if a stay is granted now, which could even further extend delay this proceeding.

For these reasons as well as the reasons set forth in the Protect Letter, the requested stay should be denied. Thank you for your consideration of these issues.

Sincerely,



Todd D. Ommen, Esq.

NEW YORK STATE | Adirondack Park Agency

KATHY HOCHUL
Governor

BARBARA RICE
Executive Director

March 11, 2026

(By E-Mail: david.greenwood@dec.ny.gov)

Honorable David Greenwood
Administrative Law Judge
NYS Department of Environmental Conservation
Office of Hearing and Mediation Services
625 Broadway, First Floor
Albany, NY 12233-1550

Re: In the matter of the application of Unconventional Concepts, Inc. and Michael Hopmeier – P2021-0276

Dear Judge Greenwood,

The Adirondack Park Agency hearing staff consent to the proposed modifications to the scheduling order as submitted by Protect the Adirondacks. The hearing staff object to the applicant's motion for an indefinite stay of the proceedings for the reasons outlined below. This letter also includes additional comments regarding Adirondack Council's motion for a revised issues list and the challenges to that motion as presented by the applicant.

I. Opposition to Applicant's Motion to Stay the Public Hearing

The Adirondack Park Agency hearing staff submit this response in opposition to applicant's motion to stay the administrative hearing for the abovementioned project pending the resolution of a related Article 78 proceeding. Applicant's argument in favor of the stay is couched in laudable principles such as fairness, judicial efficiency, and conservation of administrative resources. While such considerations may support a stay in some circumstances, they do not justify one here. Both the motion for a stay and the Article 78 proceeding initiated by the applicant frustrate those very same principles and do so without serving the paramount judicial principle of due process.

As discussed by both Protect the Adirondacks and the Sierra Club Atlantic Chapter in letters submitted to your Honor on March 10, 2026, the request for a stay of the hearing proceedings pending the outcome of the Article 78 challenge has already been denied by both your Honor and the Supreme Court of Essex County. The Agency hearing staff agree with the positions outlined in both letters and will not restate them here. The duplicative request requires the parties, the Agency hearing staff, and your Honor to redirect resources to a question that has been asked and answered (twice). This repackaged

request undermines the legitimacy of applicant's concerns for judicial efficiency and administrative resources.

The Article 78 claims further dispel any notion that a stay promotes judicial efficiency or conservation of resources. According to the applicant's motion, the Article 78 proceeding seeks to "(1) annul, vacate, and set aside as a nullity the determination of the Board of the New York State Adirondack Park Agency to conduct this public hearing, and (2) to annul, vacate, and set aside the determination of Barbara Rice, Executive Director of New York State Adirondack Park Agency, denying applicant's motion to disqualify the hearing officer, David N. Greenwood, Administrative Law Judge, from presiding over and conducting said public hearing and pre-hearing proceedings."

The first claim seeks to overturn the Board's unanimous vote directing the project to proceed to a public hearing based on a single member's alleged conflict of interest. Even if the Court were to conclude that a conflict of interest existed, the remaining nine members also voted in favor of sending the proposed project to a public hearing. Accordingly, the alleged conflict would not alter the course of this proceeding or eliminate the need for a public hearing before the Agency may act on the application.

Allowing the hearing to move forward while the Article 78 is pending provides all parties, including the applicant, the opportunity to lay the groundwork for the case they intend to present at the evidentiary portion of the public hearing. The APA hearing staff see no reason to postpone the development of the record required for the Agency's eventual determination.

The second claim also lacks any basis which might support granting a stay of the proceedings. Without a concrete showing of bias, speculation regarding interim rulings does not justify granting an indefinite stay, particularly where such interim rulings are unlikely to determine the ultimate outcome of the public hearing. Further, the applicant identifies no specific prejudice that would result from proceeding with witness lists, preliminary discovery, or the scheduled opening session on April 22. These preliminary matters should not be delayed based upon an unsubstantiated allegation of bias. Moreover, the designation of a new judge would not undermine the work done in preparation for the evidentiary portion of the hearing, which has not yet been scheduled.

Contrary to the applicant's assertions, moving forward with the hearing while the Article 78 proceeding is pending best serves the interests of fairness, judicial efficiency, and conservation of administrative resources. The applicant does not provide a compelling argument as to how a stay would benefit any of the parties, including the applicant whose purported goal is to ultimately obtain an Agency permit. Considering this, hearing staff respectfully request that applicant's motion to stay the proceedings during

the pendency of the Article 78 be denied, and that the proceedings move forward with the first hearing day as scheduled on April 22, 2026.

II. Additional Response to Proposed Revisions to the Hearing Issues

The Agency hearing staff submitted a letter response to Adirondack Council's motion seeking to revise and reorder the public hearing issues on March 2, 2026. Hearing staff's position on the issue remains unchanged. However, the hearing staff would like to clarify the basis of your authority to grant this motion. In responding papers, the applicant argues that modifying the issues without consent of the parties is beyond the authority granted to the ALJ under Agency regulations and that the Agency was not authorized to extend that authority through its November Project Order. Hearing staff disagree.

Pursuant to 9 NYCRR §580.3, the Agency "*may* determine to limit the issues to be considered at the hearing, in which case it will advise the project sponsor of its determination and the notice of the hearing will specify the issues to be considered" [emphasis added]. The Agency chose to limit the issues to exclude those that do not need to be explored during the hearing – namely, questions relating to the shoreline restrictions or intensity guidelines. If the Agency had not defined the issues, the hearing officer would clearly have the authority to determine which issues may be considered at the hearing. In defining the issues, the Agency did not intend to limit the hearing officer's authority with respect to the scope of issues, which is why the order specifically reserves the hearing officer's right to "add an issue if not expressly excluded and for which a party makes an offer of proof to ensure that the record covers substantive and significant issues relating to the findings or determinations required of the Agency under APA Act § 805(4) and § 809(10)." Accordingly, modifying or clarifying the issues for hearing is fully consistent with both the Agency's regulations and the Project Order issued by the Board.

The provisions of the regulations cited by the applicant as limitations on the hearing officer's authority are separate from the authority granted pursuant to the November Project Order. Agency Regulations §580.9 and §580.14(g) are not intended to limit the hearing officer's authority to broaden the scope of issues or to hear an issue that was not included in the Project Order. Rather, these provisions are intended to prevent the hearing officer from unilaterally resolving an issue identified by the Board for which the parties have not reached consensus on.

The motion submitted by Adirondack Council does not purport to limit or resolve any of the issues identified by the Board. Rather, the motion proposes minor modifications to the ordering of the issues and narrow revisions to the language, both of which the applicant's counsel consented to at the February 4, 2026 prehearing conference.

Granting Adirondack Council's motion would not alter the substantive issues identified by the Board.

For the reasons stated above, Agency hearing staff support the motion submitted by Adirondack Council and affirm that resolution of that motion is within your discretion.

Respectfully Submitted,



_____

Grace Sullivan, Attorney for the APA hearing staff

CC: Service List

NORFOLK BEIER PLLC
ATTORNEYS AT LAW

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: Opposition to Motion to Revise Scheduling Order; Reply to Motion for Stay
In the Matter of the Application of Unconventional Concepts, Inc. and Michael Hopmeier
APA Project No. 2021-0276

Dear Judge Greenwood:

On behalf of Applicants, I submit this reply letter in further support of Applicants' cross-motion to stay the public hearing, and in opposition to the joint motion to revise the First Revised Scheduling Order, dated February 11, 2026 (hereinafter referred to as the "Scheduling Order"), making reference to:

1. Applicants' notice of cross-motion for a stay of proceedings, dated March 4, 2026, with supporting affirmation of Matthew D. Norfolk, Esq., affirmed March 4, 2026 (hereinafter referred to as "Applicants' Cross-motion");
2. Emails:
    a. Dated March 5, 2026, from Christopher Amato, of Protect the Adirondacks (hereinafter referred to as "Protect"), proposing a revised scheduling order;
    b. Dated March 5, 2026, from Grace Sullivan, Esq., of Adirondack Park Agency (hereinafter referred to as "APA"), proposing modification to the proposed revised scheduling order;
    c. Dated March 5, 2026, from Todd Ommen, Esq., on behalf of Sierra Club, in support of either proposed scheduling orders;
    d. Dated March 6, 2026, from Paul Van Cott, Esq., on behalf of Adirondack Council, in support of the revised scheduling order as proposed by APA;
    e. Dated March 9, 2026, from Dave Gibson, of Adirondack Wild: Friends of the Forest Preserve;
3. Letter dated March 6, 2026, from Christopher Amato, Esq., on behalf of the Protect, Adirondack Council, Sierra Club, and Adirondack Wild: Friends of the Forest Preserve (hereinafter collectively referred to as "Intervenors");
4. Letter dated, March 10, 2026, from Christopher Amato, Esq. of Protect;
5. Letter dated March 10, 2026, of Todd Ommen, Esq., on behalf of Sierra Club.

Applicants hereby incorporate their arguments on Applicants' Cross-motion in opposition to the Intervenors' motion to revise the scheduling order. The hearing and pre-hearing proceedings

should be put on hold until the issues presented in the Article 78 proceeding are resolved. Applicants' motion for a stay should be granted, mooting Intervenors' motion to revise the scheduling order. Subject to and without waiving the foregoing, Applicants' object to Intervenors' proposed revised scheduling order. Witness lists should be produced simultaneously as currently ordered, and making a change to the sequence of their production is a pointless request. Indeed, it is apparent Intervenors are looking for any reason to make a motion in attempt to gain some "advantage" in this hearing and to tactically keep Applicants' bill running. To the extent that Intervenors are attempting to gain some advantage by submitting their own witness lists a week after Applicants, such request should be denied as causing prejudice to Applicants.

In its opposition to Applicants' Cross-motion, Protect refers to Applicants' request as one for an "indefinite stay." Protect and Sierra Club argue this is because the date a decision will be handed down in the Article 78 proceeding is unknown and therefore indeterminate. This is disingenuous and nonsense. Applicants clearly requested a stay to a date, time, and place certain of June 24, 2026, at 10:00 AM, at APA headquarters. Moreover, Supreme Court Justice Allison McGahay purposely scheduled oral argument on the Applicants' Article 78 petition—originally on February 20, 2026 (*see* NYSCEF Doc. No. 19; Index No. CV26-0063)—before commencement of the public hearing—which at the time was scheduled for February 25, 2026—to render a decision on the Applicants' petition to reverse the Agency's Board's decision to hold a public hearing expeditiously. To the extent a decision may take longer, the stay can continue to be extended to a date, time, and place certain as needed.

Protect states that Applicants' estimation that a decision will be rendered within 60 days is "pure conjecture" and "unsupported." However, "an order determining any other motion **shall be made within sixty days**, after the motion is submitted for decision." CPLR R. 2219(a) (emphasis added). An Article 78 proceeding is a special proceeding. CPLR §7804(a). "A special proceeding is a civil judicial proceeding in which a right can be established or an obligation enforced in summary fashion. Like an action, it ends in a judgment (CPLR 411), but the procedure is similar to that on a motion (CPLR 403, 409). Speed, economy and efficiency are the hallmarks of this procedure." Vincent C. Alexander, *Practice Commentaries*, McKinney's Cons Laws of NY, CPLR C401:1. Thus, as Article 78 proceeding procedure is akin to that of a motion, it is reasonable and supported by statute that a decision can be expected within 60 days.

To the extent Protect argues an appeals process might drag on for years, this is an argument in favor putting the public hearing on hold so as not to waste months' worth of time and money developing a record in this public hearing that could eventually be undone. A stay is clearly needed. As evidenced by their recent motions, Intervenors are creating endless, frivolous busywork in an attempt to drain Applicants' resources. In doing so, Intervenors have disrespectfully hijacked the proceedings from Your Honor. It is not for Intervenors to dictate the issues, the schedule, the sequence of production of evidence, or the Applicants' choice of counsel. Their unchecked conduct has resulted in the Intervenors assertion of the role of prosecutor in this hearing where Applicants have the burden of proof and are to present the trial-analogous case-in-chief. Applicants ask Your Honor to reestablish some order and issue a stay. The longer these proceedings continue while Applicants' legitimate concerns regarding conflicts of interest are pending, the longer Intervenors will impose time-wasting motion practice, usurpation of the hearing process from Your Honor, and prejudice upon Applicants.

Protect and Sierra Club present a gross mischaracterization in stating that Applicants sought and failed to obtain a stay from Supreme Court in the Article 78 proceeding. The Court declined to grant the stay because it refused to do so *ex parte*, and the reason the issue was presented *ex parte* was because the parties stipulated to a briefing schedule pushing back the return date. This was done contingent on the public hearing commencement date being adjourned. However, in the time since, the other dates of the Scheduling Order were not adjourned and Intervenors continued an aggressive motion practice campaign. These changes in circumstances necessitate revisiting the need for a stay.

Despite Protect's assertion, Applicant's cross-motion for a stay was not addressed in Your Honor's February 11, 2026, ruling. On February 9, 2026, Applicants requested all dates of the original scheduling order be adjourned 30 days. Protect is attempting to conflate requests to modify the scheduling order with the injunctive relief of a stay of proceedings. These are different and distinct remedies. A motion for a stay is not a motion to modify or amend and order. Applicants effectively seek injunctive relief, not a procedural changing of dates in the Scheduling Order, as they did in said February 9, 2026, email. Applicants therefore did not fail to comply with the procedures of the Scheduling Order by not meeting and conferring in advance of Applicants' Cross-motion, and Applicants' Cross-motion is its first formal request to Your Honor seeking relief of a stay.

In reply to the argument relating to collateral estoppel in Sierra Club's response letter, dated March 10, 2026, that doctrine is completely irrelevant here. The "doctrine of *res judicata* which holds that, as to the parties in a litigation and those in privity with them, a judgment on the merits by a court of competent jurisdiction is conclusive of the issues of fact and questions of law necessarily decided therein in any subsequent action." *Gramatan Home Invs. Corp. v Lopez*, 46 N.Y.2d 481, 485 (1979). "This principle, so necessary to conserve judicial resources by discouraging redundant litigation, is grounded on the premise that once a person has been afforded a full and fair opportunity to litigate a particular issue, that person may not be permitted to do so again." *Id*. There is absolutely no application of this legal doctrine in the present situation. Supreme Court's declining to issue a stay at that time was not a judgment on the merits, nor a decision on a matter of fact or law. It was a procedural direction following a stipulation by the parties that was in no way determinative, binding, or even guiding in this administrative proceeding. Sierra Club is not even a party to the Article 78 proceeding.

Therefore, Applicants' Cross-motion should be granted, and Intervenors' motion to revise the Scheduling Order should be denied.

Respectfully,

Norfolk Beier PLLC

By: 
Matthew D. Norfolk, Esq.

cc: Service List

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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 22nd 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 24th 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 24th 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

NORFOLK BEIER PLLC
ATTORNEYS AT LAW

March 12, 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: Opposition to Motion to Revise Hearing Issues
In the Matter of the Application of Unconventional Concepts, Inc. and Michael Hopmeier
APA Project No. 2021-0276

Dear Judge Greenwood:

On behalf of Applicants, I submit this letter in opposition to the motion to modify and reorder the hearing issues, making reference to:

1. Protect's offer of proof, dated February 3, 2026, and supplemented in a letter dated March 6, 2026 (hereinafter referred to, respectively, as the "Offer of Proof" and the "Supplemental Offer of Proof");
2. Adirondack Council's motion to revise the issues to be considered at the public hearing, dated February 24, 2026 (hereinafter referred to as the "Issues Motion");
3. APA staff's letter in support of the Issues Motion, dated March 2, 2026;
4. Applicants' opposition, dated March 4, 2026, to the Issues Motion, dated February 24, 2026 (hereinafter referred to as "Applicants' Opposition");
5. Adirondack Council's letter, dated March 11, 2026;
6. APA staff's letter, dated March 11, 2026;
7. Email from Dave Gibson of Adirondack Wild: Friends of the Forest Preserve, dated March 5, 2026;
8. Email from Todd D. Ommen, Esq. on behalf of Sierra Club, dated March 2, 2026.

Applicants hereby incorporate their arguments of Applicants' Opposition.

Addressing Argument II in APA staff's letter, dated March 11, 2026, despite APA staff's interpretation, the language of 9 NYCRR §580.3 does not allow the hearing officer to add issues, and actually does the opposite. The Agency has discretion on whether to limit the issues to be considered in a public hearing pursuant to 9 NYCRR §580.3. If the Agency declines to exercise such discretion and does not limit the issues in the notice of hearing, then 9 NYCRR §§580.9 and 580.14(4) may be employed for the hearing officer, on consent of the parties, to simplify the issues and narrow the focus of the hearing. In such a situation, the hearing officer would then have authority to establish the scope and define the issues that are consented to by the parties. This is not the situation here. The Agency *did* determine the issues to be considered and, thus, did not

leave it to the parties to define the issues. Because the Agency already limited the issues pursuant to 9 NYCRR §580.3, Your Honor is without regulatory authority to add issues and expand the scope of the hearing.

Addressing the Order of Proof and Supplemental Ordre of Proof, the hearing issues should not be modified to add Proposed Issue No. 2 relating to whether Applicants have government contracts. Adding an entire issue on this subject would be redundant as it is already covered by Issue No. 3. As Protect argues in the Order of Proof at 3, Intervenors want to challenge Applicants' contention that the project is of benefit to the United States military and national security and to present evidence to the APA Board for its consideration of the factors laid out in Executive Law §809(10)(e). However, Issue No. 3 already contemplates presentation of evidence relating to the factors listed in §809(10)(e). APA Project Order 2021-0276, dated November 14, 2025, at 7, states Issue No. 3 as, "[w]hether the proposed howitzer testing range would have an undue adverse impact upon the natural, scenic, ecological, wildlife, recreational or open space resources of the park [APA Act **§ 809(10)(e)**]…" (emphasis added). Therefore, adding a separate issue to address factors already to be considered in an existing issue is unnecessary.

The Supplemental Order of Proof puts forth an email as Exhibit A in an attempt to demonstrate that Applicants do not have a military contract as stated in the application, and therefore an entirely separate hearing issue is required. Said email does not conclusively demonstrate that Applicants do not have a military contract, and the argument therein fails regardless.[1] Confidentiality prohibits further discussion of the matter. However, it should suffice to say that Unconventional Concepts, Inc. is a research and development company and regularly enters into and terminates government contracts in the course of business.

To the extent that the project should only be approved if Applicants already have a contract ignores the possibility that contracts enabling Applicants to benefit the United States military and national security may be easily obtained once the application is approved and, therefore, denying the application due to a lack of proof of a contract would not only be short-sighted and paradoxical, but also puts Intervenors in the position of bureaucratically burdening essential research and development needed by our military during wartime.

Therefore, the motion to revise the hearing issues should be denied.

Respectfully,

Norfolk Beier PLLC

By: 
Matthew D. Norfolk, Esq.

cc: Service List

1 It should be noted that the letter in Exhibit A of the Supplemental Order of Proof is over three years old.

ADIRONDACK WILD: FRIENDS OF THE FOREST PRESERVE
PROTECT THE ADIRONDACKS!
SIERRA CLUB

Via Email

July 21, 2026

Barbara Rice
Executive Director
New York State Adirondack Park Agency
P.O. Box 99
Ray Brook, NY 12

RE: Request for Suspension of Permit Review and Adjudicatory Hearing
APA Project No. 2021-0276
Diversified Upstate Enterprises, LLC,
Unconventional Concepts, Inc. and Michael Hopmeier

Dear Executive Director Rice:

The undersigned organizations, Adirondack Wild: Friends of the Forest Preserve, Protect the Adirondacks, and Sierra Club, respectfully request that you exercise your authority pursuant to Adirondack Park Agency ("APA") regulations to immediately suspend APA's review of the application by Unconventional Concepts, Inc. and Michael Hopmeier (the "Applicants"), APA Project No. 2021-0276, for approval of an artillery firing range at 195 Hale Hill Land and 87 Hale Hill Lane in the Town of Lewis, Essex County (the "Project Site"), unless and until unresolved violations at the Project Site are addressed. We ask that the suspension of APA's permit review include suspension of the adjudicatory hearing so as to conserve the time and resources of the parties to the hearing and of the hearing officer. The signatories to this letter (the "Intervenors") have each been granted party status in the pending adjudicatory hearing on the application.

Section 581-2.7(a) of APA's regulations provide:

> Where the executive director determines that there is reasonable cause to believe that a violation has occurred, *an application involving an unresolved violation on the proposed project site shall not be processed and the time periods of section 809 of the Act shall not run until the alleged violation is resolved in accordance with the provisions of this Part or by a court*. The executive director shall notify the project sponsor of such determination and action in writing.

(Emphasis added).

As you know, by letter dated March 20, 2026 (copy attached), Protect the Adirondacks provided detailed information to APA, including sworn witness statements, concerning activities at the Project Site during September 10-18, 2025, that were undertaken in apparent violation of both the APA Act and the existing APA permit for the Project Site. The existing permit authorizes only a greater than 25% expansion of an existing commercial use, limited to the installation of fourteen tents. In contrast, the activities conducted at the Project Site last September were military training exercises, called Operation Jaded Thunder, that included drone testing, automatic weapons fire and low-flying helicopters—none of which are authorized by the existing permit. Those activities occurred on multiple occasions over and in close proximity to numerous private residences, as well as near the Jay Mountain Wilderness Area, Hurricane Mountain Wilderness Area, and Taylor Pond Wild Forest.

Operation Jaded Thunder also involved the presence of substantial numbers of military personnel and military vehicles on the Project Site. Upon information and belief, the use of military vehicles and aircraft occurred in proximity to wetlands on the Project Site, risking sedimentation and contamination with fuel, lead and other hazardous substances. Moreover, there are significant sanitation concerns given the large number of personnel involved in the exercises and the lack of any wastewater treatment system at the Project Site. Finally, as Mr. Hopmeier has publicly admitted, the Project Site was utilized as an aircraft landing zone during the exercise. None of these activities are authorized by the existing APA permit and were undertaken without APA review and approval and in apparent violation of the APA Act. To our knowledge, APA has taken no action concerning these numerous apparent violations. Furthermore, as noted in the March 20 letter, Mr. Hopmeier has publicly stated that he intends to continue to utilize the Project Site for similar military exercises in the future.

We respectfully submit that the March 20 letter and affirmations and other supporting materials provide reasonable cause to believe that violations have occurred on the Project Site, and those violations remain unresolved. We therefore call on you to immediately exercise your regulatory authority to suspend processing of the pending application involving the Project Site, including suspending the adjudicatory hearing on the application, until the violations are resolved.

We note that the Applicants now claim that the portion of the Project Site where the military exercises occurred is not part of the Project Site,[1] and have also denied the Intervenors access for a routine site visit in connection with the adjudicatory hearing. These actions were prompted, in our view, by the March 20 letter (a copy of which was provided as a courtesy to the Applicants' counsel) and by the Applicants' concern that the Intervenors may observe or obtain additional evidence of potential violations at the Project Site. These actions by the Applicants underscore the need for APA to expeditiously investigate this matter and to suspend the permit review process until the alleged violations are resolved.

In the event that you determine not to exercise your regulatory authority to suspend the permit review process, we respectfully request that you provide an explanation of the basis for that determination.

[1] APA staff has informed the Applicants that both parcels are part of the Project Site because they are identified as such in the project application, in the APA Order sending the application to an adjudicatory hearing, and in the Notice of Public Hearing.

Thank you for your attention to this matter.

Sincerely,

David Gibson, Managing Partner, Adirondack Wild: Friends of the Forest Preserve
Claudia Braymer, Executive Director, Protect the Adirondacks!
Roger Downs, Conservation Director, Sierra Club

Cc: Hon. David Greenwood
Matthew Norfolk, Esq.
Grace Sullivan, Esq.
Jennifer Hubbard, Esq.

PROTECT THE ADIRONDACKS!

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Philip Terrie
Michael Wilson

Staff

Peter Bauer
Executive Director

Claudia K. Braymer, Esq.
Deputy Director

Christopher Amato, Esq.
Conservation Director and Counsel

Via Email

March 20, 2026

Barbara Rice
Executive Director
New York State Adirondack Park Agency
P.O. Box 99
Ray Brook, NY 12

RE: Apparent Violations of the APA Act
87 Hale Hill Lane, Town of Lewis, Essex County
Diversified Upstate Enterprises, LLC,
Unconventional Concepts, Inc. and Michael Hopmeier

Dear Executive Director Rice:

Protect the Adirondacks ("PROTECT") respectfully submits this letter to inform the Adirondack Park Agency ("APA") of activities occurring at property located at 87 Hale Hill Lane in the Town of Lewis, Essex County (the "Site"), owned by Diversified Upstate Enterprises, LLC, Unconventional Concepts, Inc., and/or Michael Hopmeier (the "Owners"), that appear to violate the APA Act and the terms of the existing APA permit.

As set forth in the affirmations and supporting materials accompanying this submission, the Owners have conducted activities at the Site including drone testing and military-style training exercises involving automatic weapons fire and low-flying helicopters. These activities have occurred on multiple occasions over and in close proximity to numerous private residences, as well as near the Jay Mountain Wilderness Area, Hurricane Mountain Wilderness Area, and Taylor Pond Wild Forest.

The current APA permit for the Site authorizes a greater than 25% expansion of an existing commercial use, limited to the installation of fourteen tents. It does not authorize outdoor drone testing, military training exercises, or the use of helicopters in the manner that has taken place. Moreover, public statements by one of the Owners confirm that helicopters have landed at and taken off from the Site to transport personnel. The Site is not permitted for use as an airport.

In light of these facts, PROTECT respectfully requests that APA initiate an enforcement proceeding against the Owners for apparent violations of the APA Act.

The Site

The Site consists of approximately 363 acres classified as Rural Use on the Adirondack Park Land Use and Development Plan Map and includes substantial wetland acreage. It is comprised of two parcels identified as Tax Map Section 38.1, Block 1, Parcel 4.100 and Tax Map Section 38.1, Block 1, Parcel 29.000.

The Site contains a former missile silo (480,900 square feet) and three Quonset huts (measuring 4,000, 192, and 5,600 square feet in size), and an airstrip. Numerous private residences are located nearby. In addition, the Jay Mountain Wilderness Area, Hurricane Mountain Wilderness Area and Taylor Pond Wild Forest are in close proximity to the Site.

The Existing APA Permit

By letter dated June 9, 2023, the Owners' attorney, Matthew Norfolk, Esq., submitted an application for "Commercial and/or Industrial Uses" seeking approval for a greater than 25% expansion of the existing commercial use at the Site involving installation of fourteen temporary storage tents (the "Application"). A copy of pertinent portions of the Application is annexed as **Exhibit A**.

The Application stated that the tents would be used for storage and indoor operation of small drones and related equipment, and that there would be no customers or visitors and no expansion of operating hours. Application at 3-4. According to the Application, the fourteen tents would be installed at three locations at the Site: two tents at the missile silo; five tents in a clearing identified as "Dowel Clearing;" and seven tents at the airstrip. *Id*. Appendix D. The Site does not contain a water supply system or a wastewater treatment system. *Id*. at 9-10.

APA issued Permit No. 2023-0111 on November 9, 2023 (the "Permit"), authorizing "the installation of up to 14 tents for storage and operations related to an existing consulting firm." A copy of the Permit is annexed as **Exhibit B**.

The Permit specifies that "[i]n addition to complying with all terms and conditions of this permit, all future activities on the project site shall be undertaken in compliance with the requirements of [the APA] Act, Freshwater Wetlands Act and the [APA] implementing regulations." Permit at 3.

Violations of the Permit and APA Act

Evidence indicates that, beginning prior to issuance of the Permit and continuing through at least September 2025, the Owners have engaged in activities that apparently violate the Permit, require additional APA permits, or both. These activities include:

- In September 2023, a Town of Lewis resident informed APA that she had witnessed drones flying outdoors "very close" to her house; helicopters flying so close to her house at 2:00

a.m. in the morning that "they lit up our whole property;" and she observed a truck filled with men in tactical military gear on a local road. *See* email from Emma Jean OKusky to APA (Sept. 6, 2023), annexed as **Exhibit C**.

- Another Town of Lewis resident informed APA in September 2023 that she had witnessed helicopters "flying very low over our house with extreme noise and bright floodlights" lasting from 10:30 p.m. until 4:00 a.m. on March 24-25, 2023. *See* email from Lanita S. Canavan to APA (Sept. 5, 2023), annexed as **Exhibit D**.

- During the period September 10-18, 2025, the Owners used the Site as the base of operations for a week-long military training exercise involving significant numbers of personnel as well as automatic weapons fire and the operation of helicopters. The automatic weapons fire was clearly heard by nearby residents, and the helicopters flew so close to nearby residences that the houses vibrated and shook. *See* Affirmation of April Guilder, sworn to on March 19, 2026 (annexed as **Exhibit E**); Affirmation of Brian Crowningshield, sworn to on March 19, 2026 (annexed as **Exhibit F**).

- One of the Owners, Michael Hopmeier, publicly acknowledged in a guest commentary published in the Adirondack Daily Enterprise that during the September 2025 military exercises, "[a]ircraft landed briefly [at the Site] to discharge personnel, departed and then briefly returned to land and pick up personnel." *See* M. Hopmeier, Open letter about the forum on the missile silo, Adirondack Daily Enterprise (Oct. 29, 2025) annexed as **Exhibit G**.

- Mr. Hopmeier has publicly stated that he has no plans to discontinue using the Site as a base of operations for future military training exercises. *See* T. Rowland, Lewis residents push back against military exercises, Adirondack Explorer, (Oct. 17 2025) annexed as **Exhibit H**.

The environmental and community impacts of these activities are significant, including widespread noise and light pollution and the creation of a "war zone" atmosphere that interferes with and intrudes on the local residents' quiet enjoyment of their homes. Moreover, such activities have no place in the Adirondack Park and are plainly incompatible with lands classified as Rural Use. *See* Executive Law § 805(3)(f)(1) (specifying that Rural Use areas "are characterized by a low level of development and variety of rural uses that are generally compatible with the protection of the relatively intolerant natural resources and the preservation of open space . . [and] provide the essential open space atmosphere that characterizes the park.").

In addition, the unpermitted activities are likely to have substantial adverse impacts on the significant wetland acreage present on the Site. The use of military vehicles and aircraft in proximity to wetlands can cause sedimentation and contamination with fuel and other substances. Moreover, there are significant sanitation concerns given the large number of personnel involved in the exercises and the lack of any wastewater treatment system at the Site.

It is logical to assume that the Owners are receiving compensation for both their drone research and use of the Site as a base for military exercises. As such, these activities qualify as a

"commercial use" for which an APA permit is required. *See* Executive Law § 802(17) (defining "commercial use" as "any use involving the sale or rental or distribution of goods, services or commodities, either retail or wholesale, or the provision of recreation facilities or activities for a fee other than any such uses specifically listed on any of the classification of compatible uses lists.").

Moreover, the use of the Site for the landing and taking off of aircraft requires an APA permit as a class A regional project. *See* Executive Law § 810(1)(d)(8) (listing commercial and private airports as a class A regional project).

These activities also apparently violate the provisions of the current Permit that:

- Limit drone activity to indoor use within tents;
- Do not authorize aircraft operations;
- Do not authorize large-scale personnel gatherings or training exercises;
- Do not permit weapons use or helicopter operations on or off the Site in proximity to private residences.

Conclusion

In light of the above, PROTECT respectfully requests that APA initiate an enforcement proceeding against the Owners for the apparent violations of the APA Act and the Permit set forth above.

Sincerely,



Christopher Amato
Conservation Director and Counsel

cc: Art Lussi, Chair, APA Enforcement Committee
Matt Robinson-Loffler, APA Associate Counsel
John Burth, APA Deputy Director for Regulatory Programs
Matthew Norfolk, Esq.

EXHIBIT A

NORFOLK BEIER PLLC
ATTORNEYS AT LAW

RECEIVED
ADIRONDACK PARK AGENCY
JUN 09 2023

June 9, 2023

Hand Delivered
Adirondack Park Agency
Division of Regulatory Programs
1133 NYS Route 86
PO Box 99
Ray Brook, New York 12977

Re: Application for Commercial and/or Industrial Uses

To whom it may concern:

We represent Michael Hopmeier, Unconventional Concepts, Inc., and Diversified Upstate Enterprises, LLC. Submitted herewith kindly find three copies of our client's Application for Commercial and/or Industrial Uses.

If you have any questions concerning this application, please do not hesitate to contact us.

Sincerely,

Norfolk Beier PLLC

By:
Matthew D. Norfolk, Esq.

MDN:mbm
Encs.
cc: Mr. Michael Hopmeier

The Outpost Plaza | 1936 Saranac Avenue, Suite 106 | Lake Placid, New York 12946
O: 518.302.8080 | F: 518.302.7100
www.norfolkbeier.com

RECEIVED
ADIRONDACK PARK AGENCY
JUN 09 2023

ADIRONDACK PARK AGENCY Division of Regulatory Programs PO Box 99, 1133 NYS Route 86 Ray Brook, New York 12977 Telephone (518) 891-4050 www.apa.ny.gov	NEW YORK STATE OF OPPORTUNITY. Adirondack Park Agency	APPLICATION FOR COMMERCIAL AND/OR INDUSTRIAL USES

Applicability: This application is for an Adirondack Park Agency permit for new or expanded commercial uses and/or industrial uses. Commercial uses include stores, offices, lodging facilities, warehousing and distribution facilities, commercial maintenance facilities, tourist attractions, recreational facilities available for a fee, and other types of retail or commercial service establishments. Industrial uses include the manufacturing, production or assembly of goods or materials and associated waste disposal areas. It is the appropriate application for saw mills, pallet mills, chipping mills and similar wood using facilities. Please note that for a new commercial use in an existing commercial use structure, General Permit 2010G-3 is available and may be applicable.

Instructions: Please answer all of the questions in each numbered section and provide all applicable attachments. Questions 31-35 need only be answered for industrial uses as instructed. Type or print clearly in ink. **Submit <u>three</u> completed copies of this application and all required attachments to the Agency at the above address.** A site visit by Agency staff will also be required. The Agency may also request additional information based on the information contained in the application.

The Adirondack Park Agency Act provides that the time period for the review of this project will not begin to run until the Agency determines that the application is complete. If the application is not complete, a request for additional information will be issued within 15 days of receipt of the application, indicating which information is still required for a complete application. The proposed project may not be undertaken until an Agency permit has been issued.

Assistance: For assistance in completing this application or to request a pre-application meeting, please contact the Agency's Regulatory Programs division at the above address/telephone number and/or refer to the Agency's website.

1. Project Sponsor(s)*:

Name(s): Michael Hopmeier
On behalf of Unconventional Concepts, Inc.

Mailing Address: 17 Racetrack Rd. NW, Ste E
Fort Walton Beach, FL 32547

Telephone (Daytime): 703-870-7211

Fax/E-mail: hopmeier@unconventional-inc.com

2. Current Property Owner(s):** (if different than Project Sponsor)

Name(s): Diversified Upstate Enterprises, LLC

Mailing Address: 17 Racetrack Rd. NW, Ste E
Fort Walton Beach, FL 32547

Telephone (Daytime): 703-870-7211

Fax/E-mail: hopmeier@unconventional-inc.com

* A project sponsor is a person having legal interest in property who makes application to the Agency for the review of a project proposed on such property. Documentation demonstrating such legal interest must be provided such as a current deed or purchase contract.

** List all names on the current deed of record.

3. **Project Sponsor's Authorized Representative:**

By filling in the name and address below and signing this application, the project sponsor is authorizing the person named below to act as his/her agent in all matters relating to this permit application before the Adirondack Park Agency. The project sponsor acknowledges that all contact regarding the application will be through his/her Authorized Representative. The project sponsor is, however, ultimately responsible for the accuracy of the information contained in this application and for compliance with all terms and conditions of any permit issued to him/her by the Agency.

Name: Matthew D. Norfolk, Esq.
Mailing Address: 1936 Saranac Avenue, Suite 106, Lake Placid, New York 12946
Telephone (daytime): 518-302-8080 Fax/E-mail: mnorfolk@norfolkbeier.com

4. **Project Site Location/Identification** (a project site is generally considered to be all adjoining properties owned by the current landowner(s) including properties separated by a publicroad):

Road/Highway: Hale Hill Lane
Nearby Waterbody: Church Brook and Bouquet River
Town(s): Lewis County: Essex
Size: Approximately 380 acres

Tax Map Designation (from the tax bill for the property):
Section: 38.1 Block: 1-4 Parcel: 100
Section: 38.1 Block: 1-29 Parcel: 000
Section: 38.1 Block: 1-1 Parcel: 5.220

5. **Project Sponsor's Legal Interest in Project Site** (check the one that applies):

____ owner _____signed purchase agreement holder
____ lessee _____option holder X_____other (Identify: Member of Property Owner)

6. **Subdivision of Land:**

Will the project require the subdivision of land to create the building lot or building site?
X___ No
_____ Yes. If yes, answer the following:

What is the size of all lots to be created?

Lot #1 N/A acres Lot #2 N/A acres *Lot #3 N/A acres
(*May require separate application for 3 to 15 Lot Subdivisions)

7. **Prior Agency Contact:**

a) Has there been any previous contact or discussions with Agency staff regarding this project or project site, or has Agency staff visited the project site?
____No
X___Yes. Staff person's name: Matthew B. Brown
Date of contact: May of 2023

b) Has the project or project site been the subject of a past Agency action (e.g., permit, variance, jurisdictional inquiry, enforcement case or wetland flagging)?
____No, Not that I'm aware of
_X__Yes. If yes, provide the number and date:

Permit/Variance/Order Number: P2019-0235 date: 02/13/20
Jurisdictional Inquiry Number: J2023-0396 date: 05/25/23
Enforcement Case Number: _____ date: _____
Wetland Boundary Flagging*: _____ date: _____

*** If possible, seek consultation with Agency staff regarding the potential location of wetlands on the project site prior to submitting application form.**

PROJECT PROPOSAL

8. Detailed Project Description:

a) Provide a detailed written description of the intended commercial/industrial activities or services to be provided: Use for storage of specialized simulation vehicles and operating equipment, coupled with standoff detection of signatures of various items and subjects of interest supporting national security needs. For example, small remote-control drones of the size typically sold retail to the public (small) will be used in the tents.

b) Provide a detailed written description of the major site development elements of the project (e.g., new building, parking for 32 cars): Applicant wishes to install temporary tents structures consisting of a free-standing open pole framework covered by flexible fabric such as canvas or PVC. The purpose of the tents is to store lumber, operating supplies, and vehicles used for forestry support, lawn/field care (mowing), to protect projects and equipment from weather and overhead imagery and other projects as stated above. (*e.g.*, various projects ranging from indoor operation of drones requiring access to GPS and other RF signals) Installation sites will be chosen to minimize removal of existing trees and site preparation and will make extensive use of natural clearings. This is to ensure minimal impact on the existing property. The sites selected will also be naturally flat, which minimizes the need for site preparation and impact on nearby areas. The structure dimensions are provided in Attachment D. Structures will be purchased as field installable kits designed to be rapidly erected and disassembled when no longer needed. Field tents and structures are a commodity item and are readily available in a wide array of dimensions and structural designs. Those temporary, commercially available, systems will be used. (Note: the application herein involves three adjacent and contiguous parcels as seen in Attachments C and D.)

c) Provide a detailed written description of the need for the selected project design and describe what, if any alternatives were considered and the reasons for rejection of each alternative: Current structures are insufficient for storage to meet operational needs. No other options exist short of construction of permanent structures, which is economically impractical.

9. Operational Maintenance of the Site:

Identify who will be responsible for the operational maintenance of the commercial/industrial use:

Name: Unconventional Concepts, Inc.
Address: 17 Racetrack Road, NW, Suite E, Fort Walton Beach, Florida 32547
Telephone Number: 703-870-7211

10. Periods of Operation:

a) Describe the hours, days of the week and seasons that you plan to operate your facility at the initial period of full operation: Storage of equipment would be daily. Analysis and testing projects would have no set schedule.

b) If you anticipate expanding your periods of operation within the next five years, please describe the probable future hours, days of the week and seasons that you may operate the facility: None planned.

11. Planned Level of Activity at Full Operation:

Complete the following table for anticipated numbers of customers/visitors at full operation.

Customers/Visitors	Spring	Summer	Fall	Winter
Maximum Number/Day	None	None	None	None
Average Daily Total	None	None	None	None
Season Total	None	None	None	None

12. Traffic:

Complete the table for anticipated traffic at full operation during the busiest season.

Traffic	Monday to Friday	Saturday and Sunday
Peak Hours of Traffic	9 a.m. – 10 a.m. (arrival of staff)	None
Number of Cars/Trucks at Peak Period	10 or less for staff	None
Number of Buses at Peak Period	None	None

13. Deliveries and Shipments:

Will your facility be shipping or receiving any raw materials, supplies or other goods or products?

____No
X___Yes. If yes, please answer the following questions:

a) Type of materials, supplies or goods to be shipped/received: Operating supplies and equipment, mostly from commercial vendors such as Amazon. No bulk supplies or materials anticipated.
b) Type of shipping/delivery vehicles: Commercial carrier
c) Average number of deliveries per day: 1
d) Hour of earliest delivery: 8:00 a.m.
e) Hour of latest delivery: 4:00 p.m.
f) Type and number of delivery vehicles that will stay on site overnight: 0
g) Location on site where deliveries will be received: Via driveways existing on silo property or farmhouse property using existing driveway.
h) Location on site where deliveries will be stored: Existing structures and tents proposed.

14. Project Employment and Other Benefits:

a) Construction: Describe the number of persons that will be employed in constructing the project and the average number of weeks workers will be employed:
Year-round:

Part-time 4 Avg. # Weeks 20

Full-time 3 Avg. # Weeks 4

Please provide the anticipated payroll during construction: no more than $100,000.00

b) Operation/Occupancy: Describe the number of proposed part-time and full-time year-round and seasonal employees at full operation:
Year-round:

Part-time 2 Avg. # Weeks 50
Full-time 4 Avg. # Weeks 50

Seasonal:

Part-time None Avg. # Weeks None
Full-time None Avg. # Weeks None

Please provide the anticipated payroll at full operation/occupancy: $1,000,000.00

c) Commercial, industrial, residential, recreational as well as other benefits may be derived by a project. For example, a new commercial/industrial use might provide benefits to the community by filling a need for specific goods or services not currently available, providing goods or services that support existing commercial/industrial uses, or generating economic growth by promoting the need for additional new commercial/industrial uses. Please describe any potential benefits to be derived from the project including general services improvements to the community.

15. Real Property Tax:

a) What is the current assessment of the project property? $1,028,900 total

b) Are any tax abatements proposed?
X No
____ Yes

16. Project Costs:

Provide approximate cost estimates for the proposed project, including:

a) site acquisition costs (if any): 0
b) annual lease costs (if applicable): 0
c) construction costs for site access and preparation, construction of principal buildings and associated accessory structures, parking areas, utilities, and other site development: No more than $100,000
d) annual maintenance and operation costs: Unknown (Costs, if any, would be repairs or maintenance of proposed tents.)

17. Site Plan Map:

A detailed, to-scale Site Plan Map is required for each commercial/industrial use application. The Site Plan Map may be combined with the survey or deed plot required by Section 38, as **ATTACHMENT D.** Site Plan Maps should be prepared by an appropriately qualified person to so act in the State (i.e., licensed surveyor, engineer, architect or landscape architect). The Site Plan Map is the best way to show what you propose to do on the project site.

Provide a Site Plan Map drawn to scale of one inch equals 20 or 40 feet, which is clearly labeled with the map scale, north arrow, date of preparation and name of preparer. Show and label all of the following within the proposed project limits for each area of proposed construction:

a) Existing Conditions:

Natural resources, including all:

1) waterbodies, including ponds, rivers and permanent and intermittent streams;
2) wetlands (to be delineated by Agency staff or by trained professionals with review by Agency staff);
3) floodplain boundaries and elevation of the 100-year floodplain;
4) areas of bedrock at or near the surface;
5) boundaries of existing vegetation cover types (e.g., forested, field, agricultural);
6) topographic contours at 2-foot intervals;
7) natural swales and drainage features; and
8) any special plant or animal habitats contained on the NYSDEC Natural Heritage database.

Existing human-made resources, including all:

1) principal and accessory buildings (label size, use and materials);
2) retaining walls, fencing and other structures;
3) public roadways, bridges, railroads, and parking lots (label size and materials);
4) intersecting private roadways and driveways (label size and materials);
5) sidewalks, stairways and other pedestrian facilities (label size and materials);
6) boat docks, fishing piers and other waterfront facilities (label size and materials);
7) culverts, headwalls, ditches, settling basins and other stormwater management facilities (label size and materials);
8) overhead and underground public utilities located within the right-of-way (ROW);
9) guide rails and signs; and
10) property lines, lot lines and easement lines, and ROW lines of all municipal, county and State highways.

b) Proposed Conditions, including all:
   1) new principal and accessory buildings (label use, size, and materials);
   2) retaining walls, fencing and other structures (label size and materials);
   3) all new roadway and parking areas (label size and materials);
   4) new sidewalks, stairways and other pedestrian facilities (label size and materials);
   5) proposed property lines, lot lines, and easement lines;
   6) construction limit lines;
   7) grading limit lines and final grading shown at 2-foot intervals;
   8) permanent stormwater management facilities (label size and materials);
   9) new or relocated private and public utilities;
   10) new guide rails and signs;
   11) fuel and bulk chemical storage and dispensing facilities;
   12) docks, bulkheads, piers and other waterfront facilities;
   13) temporary access roads and work pads;
   14) temporary stream diversions;
   15) limits of vegetative cutting; and
   16) new landscape development, limits of wetland fill and wetland mitigation areas.

PROJECT DETAILS

18. Proposed Construction and Operation Dates:

a) Estimated Start of Construction Date: July 2023
b) Estimated Construction Completion Date: September 2023
c) Estimated Start of New or Expanded Commercial/Industrial Use Date: September 2023

19. Proposed Site Access:

a) Describe the location, type of material, and size of any proposed temporary construction access drives to the project site:

X_____ No temporary access drives

b) Describe the location, type of material, and size of any proposed permanent roads and driveways within the project site: As denoted on the map, using local compressed gravel for enhanced support

c) Will the project require a highway work permit from county transportation departments or New York State Department of Transportation (NYSDOT)?
   _X___ No
   _____ Yes. If yes, provide plans, details and specifications for all temporary and permanent roads and driveways. Attach a copy of the county or NYSDOT Highway Work Permit if one is required.

20. Proposed Buildings and Structures:

a) Are there buildings on the total contiguous landholding now owned by the present landowner?
   _____ No
   _X___ Yes. If yes, provide the following information (attach additional sheets if necessary): (*See* Attachment C - Property Description Reports for Tax Map ID #38.1-1-4.100; #38.1-1-29.000 and #38.1-1-5.220)

Date of Construction	Size (square feet)	Height (feet)	Type/Use (e.g., rental cabin, store, warehouse)
See above	TBD	Under 30 ft	Temporary tent used for storage and protection. Multiple tents of various sizes.

Describe any other structures which existed on the property as of August 1, 1973 which have since been removed or destroyed and their use (e.g., residential, commercial). Include the date that the structure was removed or destroyed: Multiple structures and facilities, but details unknown. Existed prior to current owner and few or no written records exists, only prima facie evidence of their existence -- Silo.

___ Check if no buildings or structures have been removed or destroyed since August 1, 1973. (None known.)

b) Will any buildings or other structures be demolished, replaced or constructed new as part of this project?
_X___ No
_____ Yes. If yes, describe:

c) Provide construction plans and details for all proposed commercial, industrial, warehouse, storage and other accessory buildings; bulkheads, piers, docks or other waterfront facilities; or fencing, sidewalks, stairways or retaining walls that will be constructed as part of the project. Show plans and elevations and label dimensions, construction materials and exterior colors. See Attachment D.

21. Exterior Parking:

a) Describe the number and location of *existing* vehicle, boat, trailer, or airplane parking spaces on the existing property: There are no defined spaces as it is open land.

b) Describe the number and location of all *proposed* vehicle, boat, trailer or airplane parking spaces: No specific places will be delineated. No increase in parking is anticipated expect possible employee parking.

c) Show and label all existing and proposed parking areas on a separate parking plan or on the Site Plan Map. Provide construction plans and details for all parking areas.

22. Proposed Outside Storage:

Will the project involve outside storage of inoperable vehicles, construction materials, equipment, raw materials or finished goods after the project is constructed?

_X___ No

_____ Yes. If yes, describe the type and location of materials or objects to be stored:

23. Fuel Storage and Handling:

Will the project involve the storage and dispensing of motor, heating, or jet fuels, process chemicals and/or raw materials?

_X___ No

_____ Yes. If yes, provide the following information:

a) Describe the type, volume, method of storage and manner in which fuels, process chemicals and/or raw materials will be dispensed (e.g., material will be stored in closed aboveground silos and will be pumped into the industrial plant via pipes) and location of all fuel and bulk chemical storage and dispensing facilities:

b) Provide plans and details for all fuel storage and dispensing facilities. Show and label the facilities on the Site Plan Map. If applicable, provide a copy of the NYSDEC Tank Registration for each tank.

24. Wastewater Treatment Systems:

a) Type of existing system:

_X___ None

____ Community

____ Municipal (Operating Entity) _____

Existing wastewater flows_____gallons/day

____ Individual on-site system

Describe type and size of existing absorption area:

b) Type of new, replacement or expanded wastewater treatment system:

_X___ None

____ Community

____ Municipal (Operating Entity) _____

____ Individual on-site system

Describe type and size of system:

c) Provide detailed plans for any new, replacement or expanded wastewater treatment system(s) prepared by an engineer licensed in the State of New York. If an on-site system is proposed and unless otherwise instructed by Agency staff, show at a minimum:

1) soils test pit location and data;
2) percolation test hole location and results taken within the proposed absorption area(s);
3) details on design of the system (application rate and number of bedrooms, etc.);
4) size and type of septic tank;
5) pumping station (if necessary);
6) distribution box; and
7) soil absorption system.

25. Proposed Water Supply Systems:

a) Type of existing system:

_X_ None
____ Community
____ Municipal (Operating Entity) _____
____ Individual on-site system

b) Type of new, replacement or expanded system:

_X_ None
____ Community
____ Municipal (Operating Entity) _____
____ Individual on-site system

c) Show and label on the Site Plan Map the location of any on-site well or, if a community or municipal system, the distribution piping.

26. Other Public Utilities:

a) Type of other existing utilities:

____ Natural Gas (Operating Entity) _____
_X_ Electric (Operating Entity) NYSEG
____ Telephone (Operating Entity) _____
____ Other (Operating Entity) _____

b) Type of new, replacement or expanded system:

_X_ None
____ Type _____ (Operating Entity) _____
____ Type _____ (Operating Entity) _____

c) Show and label on the Site Plan Map all existing and proposed public utilities.
None

27. Exterior Lighting:

Will the project involve new exterior site lighting that will be freestanding or attached to existing or proposed buildings?

_X___ No

_____ Yes. If yes, provide a Lighting Plan as follows:

a) Show the location of and label all exterior light fixtures on the Site Plan Map or on a separate to-scale lighting or utility plan.

b) Provide plan and elevation views and construction details of all freestanding light standards. Show the foundation, the light standard, the light fixtures, and any shielding that will restrict projected light from being seen off-site.

c) Provide manufacturers specifications and details describing:
   1) the size, color, and type of light standards and light fixtures;
   2) bulb types and wattages;
   3) surface area lit by each light; and
   4) shields and reflectors.

28. Exterior Signing:

Will the project involve any new exterior signing?

_X___ No, other than state mandated property ownership and no trespassing signage.

_____ Yes. If yes, provide a Sign Plan as follows (the sign plan must comply with 9NYCRR Appendix Q-3 – Standards for Signs Associated with Projects):

a) Show and label on the Site Plan Map, or on a separate Sign Plan, the number, location, and orientation of all exterior signs.

b) Provide to-scale details and specifications for each proposed outdoor sign that includes at a minimum:
   1) width and height from ground surface to top of each sign;
   2) construction details and materials;
   3) proposed text, color scheme, logos or other graphics; and
   4) details of any raised foundations, planters or retaining walls.

29. Proposed Landscape Development:

Will the project involve landscape development (e.g., planting of trees and shrubs for screening, aesthetics or erosion control or establishment of turf areas)?

_X___ No

_____ Yes. If yes, provide a Planting Plan as follows:

a) Provide and label on the Site Plan Map or a separate plan the location of all proposed planting. Provide a keyed list that provides the species and common names, sizes, and whether the plants are nursery grown or field collected. (Note: The planting plan should only include native species or ornamental plants commonly found in the vicinity of the project site).

b) Provide specification, typical planting details, and seed mixes for temporary and permanent grassed areas.

c) Provide a plan for maintenance and care of all plantings during the initial period of establishment and during the post-construction warranty period.

30. Use of Herbicides, Pesticides, Fertilizers, Sand and Salt:

Will the operation of the project involve the use of herbicides, pesticides, fertilizers, sand or salt?

_X___ No

_____ Yes. If Yes, please provide the following information:

a) Describe the type, proposed areas of use, storage and handling of all products:

b) If using herbicides or pesticides, provide copies of all product labels.

INDUSTRIAL USES [1]: (answer questions 31-35) N/A

31. Operating Profile - Products and By-products:

a) Describe the primary product(s) to be created through this industrial activity:

b) What are the anticipated volumes of production in numbers of units, tons, cases or other measures?

c) Will there be salable by-products? If yes, please describe and provide anticipated volumes:

d) Provide an overview of the production process:

32. Operating Profile - Raw Materials and Process Materials:

a) What raw materials will be used in production and in what volumes?

b) What process chemicals or other process materials will be used in production and in what volumes?

c) Will the production process involve the use of water and/or process heat? If so, provide details:

[1] Industrial uses include the manufacturing, production or assembly of goods or materials and associated waste disposal areas. These questions should also be answered for saw mills, pallet mills, chipping mills and similar wood using facilities.

33. Operating Profile - Waste Materials:

a) What liquid and/or solid wastes will be produced as a result of production? In what volumes?

b) Detail how wastes will be stored and disposed of. Any outside storage or disposal facilities should be shown on the Site Plan Map.

c) Indicate whether you have applied for a NYS Department of Environmental Conservation (NYSDEC) Article 19 air pollution control permit, an Article 17 SPDES (water discharge) permit, or any other permits (if required).

34. Operating Profile – Machinery:

a) Provide a list of all major installed and mobile equipment and the noise decibel levels of each.

b) Identify on the Site Plan Map the expected operating location(s) of any outside mobile equipment and any installed equipment with through-the-wall openings to the outside (e.g., debarkers or chippers).

35. Operating Profile - Periods of Operation:

a) Indicate the expected hours of operation and number of days per week that the facility is expected to operate.

b) How many work shifts are anticipated? Indicate the expected starting hour for each.

c) Are changes in numbers of shifts, overall operating hours, or number of operating days expected as the operation matures?

PROJECT SITE DOCUMENTATION

36. Deed(s):

Provide, as **Attachment A**, a complete copy of the current recorded deed(s) for the project site containing the recording information. Copies are available from the County Clerk=s Office. Also, if the project sponsor has an executed contract or agreement to purchase or lease the project site, please provide a copy of it in order to establish the sponsor's legal interest in the project site. (The purchase price and other confidential information may be blackened out.)

37. Adjacent Properties:

Provide, as **Attachment B**, a complete and current list of the names and addresses of all landowners whose property adjoins the project site with the tax map references (tax map section, block, and parcel numbers) based on the latest completed tax assessment roll. This list must include landowners whose property would otherwise adjoin the project site but is located across a public road or right-of-way from the site. Attached is a sheet which should be used to provide the required list of adjoining landowners. (This information is typically available from the Real Property Tax Services at County Offices or from the Town/Village assessors.)

38. Project Site History:

As part of its review of the project, Agency staff must understand the history of the project site. If the project site was part of a larger parcel on May 22, 1973 (the enactment date of the Adirondack Park Agency Land Use and Development Plan), the exact property boundaries of the larger parcel and the size of all buildings on that date must be established.

a) State the current acreage of all connected lands owned by the current landowner, even if the parcels have different deeds and/or tax map numbers and even if larger than the project site: 370.74 acres

b) As of May 22, 1973, did the owner at that time own any adjoining property, including properties on the opposite sides of public roads?
X No
_____ Yes. If yes, provide the Tax Map References of these adjoining properties:
Section:_____Block:_____Parcel:_____
Section:_____Block:_____Parcel:_____
Section:_____Block:_____Parcel:_____

c) Has any portion of the total as it existed on May 22, 1973 been conveyed, sold, given away or otherwise subdivided since that date?
_____ No
X Yes. If yes, provide the following information for those lots or parcels (Use a separate 8-1/2"x11" paper if necessary):

Lot Number (from current tax map)	Date of Conveyance	Lot Size (sq. ft. or acres)	Was Conveyance by Gift or Sale?
38.1-1-4.100	06/10/2020	355.08	Sale
38.1-1-29.000	06/08/2015	8.26	Sale
38.1-1-5.200	04/21/2021	7.40	Sale

Provide, as **Attachment C,** a complete copy of all recorded deeds (not just abstracts) for the above conveyances back through May 22, 1973. *See also* Attachment A for deeds to current owner.

Provide, as **Attachment D**, a full scale copy of a survey map or the current real property tax map clearly showing the property boundaries of the project site and any tax parcel or lot that the project site was part of on May 22, 1973.

39. Deed Restrictions and Easements:

Describe and provide, as **ATTACHMENT E,** any current deed restrictions or easements associated with the project site. See Attachment A.

Attach, as **ATTACHMENT F**, any proposed deed language that will restrict further subdivision or development on the project site and any other proposed deed restrictions or easements.

PROJECT SITE RESOURCES

40. Historic Resources:

Does the project site have any buildings that are more than 50 years old, or does the project site or surrounding area contain any structures or districts which are listed or deemed eligible to be listed on the State or National Register of Historic Places or does the project site involve any known archeological resources?

_____ No

_X___ Yes to any of the above criteria

If yes, provide a location map, project description, site plan map, and recent photographs keyed to the location map, which the Agency will then submit to the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) as part of consultation required by the State Historic Preservation Act. Please be advised that the Agency cannot deem an application as complete until the OPRHP's determination and/or recommendations for historic resource impact mitigation have been provided to the Agency.

41. Character of the Area/Adjoining Land Uses:

Describe the natural and human made character of the nearby and adjoining land uses including the type and density of existing commercial, industrial and residential development, roads, State lands, and public recreation /open space recreational facilities (e.g., hiking trails, boat launches): Rural low density use primarily undeveloped forest. NYCO Minerals mining operation/facility.

42. Shoreline:

Shoreline means that line at which land adjoins waters of lakes or ponds or navigable (by boat or canoe) rivers and streams. There are minimum shoreline vegetation cutting restrictions, lot width, structure setbacks, sewage disposal system setback and shoreline access requirements under the Adirondack Park Agency Act and regulations implementing the NYS Wild, Scenic and Recreational Rivers System Act. These shoreline protection standards are measured from the mean high water mark (MHWM - the average of the annual high water levels). Please contact Agency staff for requirements. If the project site has shoreline and you propose construction of any kind within 100 feet of the shoreline (150 feet for Recreational Rivers, 250 feet for Scenic Rivers), the MHWM will have to be established and shown on a site plan map in order to have a complete application. At the project sponsor's request, Agency staff will determine the MHWM at the project site or you can have the determination made by a NYS licensed land surveyor. If you are unsure of navigability, please contact Agency staff.

a) Does the project site contain any navigable water?
_X_ No (If no, go to Section 43 – Wetlands)
_____ Yes. Name of water body:_____
Length of shoreline on the project site (as it winds and turns):_____feet

b) Is any portion of the shoreline currently being used or proposed for use by others for deeded or contractual access to the water body?
_____ No
_____ Yes. If yes, identify and describe all shoreline access parcels, the number of lots having access to each parcel and the dates access was granted. Also provide a complete copy of all deeds for all properties which have been granted access to the water body via a shoreline access parcel:

c) Will any vegetation be cut or removed within 35 feet of a lake or pond or navigable river or stream or within 100 feet of a designated NYS Wild, Scenic or Recreational River? (If you are uncertain whether the shoreline is along a designated river, check on the Adirondack Park Land Use and Development Plan Map, or the APA Regulations Appendix Q-6, or contact Agency staff.)
_X_ No
_____ Yes. If yes, describe type, amount and location of vegetation to be removed:

43. Wetlands:

Are there any wetlands on the project site?
____ No (If no, go to Section 44 – Visual Impacts)
_X__ Yes. If yes, answer the following questions. The wetland boundaries as delineated and/or confirmed by Agency staff must be shown and labeled on the Site Plan Map. *See attached APA wetlands map.*

a) Are any of the activities listed below proposed to occur within the boundaries of a freshwater wetland?
_X___ No
_____ Yes. If yes, check all that apply:
____ Draining; dredging; excavation; removing soil, peat, muck, sand, shells or gravel
____ Dumping or filling with soil, stone, sand, gravel, mud, or fill of any kind
____ Erecting structures, building roads or driveways, driving pilings, or placing any other obstructions
____ Clearcutting of more than three acres: state number of acres_____
____ Applying pesticides or fertilizers
____ Constructing a wastewater treatment system or discharging a sewer outfall

If yes, please also provide a detailed written description of the measures taken to avoid or minimize wetland impacts:

b) Will the project result in the temporary or permanent loss of any wetland acreage by filling or draining?
_X___ No
_____ Yes. If yes, amount of acreage to be lost:_____square feet.

c) Will any of the activities listed below occur within the 100 feet of a wetland?
X____ No
_____Yes. If yes, check all that apply:
____ Constructing a wastewater treatment leaching or absorption facility
____ Applying pesticides
____ Conducting other activities that could impair the functions or benefits derived from wetlands, including any diversion of water or change in hydrology, or substantially increases erosion or sedimentation.

If "Yes" was checked for any of the questions in this section, a compensatory wetland mitigation plan prepared in accordance with the "New York State Adirondack Park Agency Compensatory Mitigation Guidelines" may be required. A copy of these guidelines is available on the Agency's website (www.apa.ny.gov) or upon request.

44. Visual Impacts:

Will the project involve a building, tower or other structure greater than 40 feet in height?
_X___ No (If no, go to Section 45 – Erosion and Sediment Control Plan)
_____ Yes. If yes, will the building, tower or other structure be visible from public roads, or publicly accessible open space or recreational facilities (e.g., hiking trails, parks, canoe routes)?
_____No
_____ Yes. If yes, Agency staff may direct that you prepare a "Visual Resource Assessment" report that identifies:
a) key viewpoints from publicly accessible areas;
b) key viewer groups; and
c) the type, distance and duration of the view.

You will also be asked to describe efforts to mitigate adverse visual impacts and may be required to prepare visual simulations showing how the proposed building or structure will appear after construction from selected viewpoints.

45. Erosion and Sediment Control Plan:

Will the project involve clearing, grading, grubbing or excavation?
_X___ No
_____ Yes. If yes, provide an Erosion and Sediment Control Plan. The plan shall apply to all on-site and off-site construction work areas, staging areas, on-site or off-site detours, borrow areas, and wetland mitigation sites.

a) Provide and label all temporary and permanent erosion and sediment control practices, including but not limited to silt fence, turbidity curtains, diversion structures, seeding, soil stabilization fabrics, and stone fill. Label the plan to show the type, size, and length of these measures.

b) Provide and label typical details, special notes and specifications for all stormwater management and erosion and sediment control facilities and practices. Describe installation and maintenance requirements. Typical details shall show the type, size, materials, and installation methods.

c) Identify temporary practices that will be converted to permanent facilities.

d) Provide an implementation schedule for staging temporary erosion and sediment control practices, including the timing of initial placement and the duration each practice is to remain in place.

46. Stormwater Management Plans:

Will the project involve a cumulative disturbance of one or more acres of land area by clearing, grading, grubbing or excavation or does the project involve a stormwater discharge to Waters of the United States?
_X___ No
_____ Yes. If yes, you may be required to obtain coverage under the NYSDEC Stormwater General Permit. Provide a copy of your Stormwater Management Plan required pursuant to the general permit.

47. Construction Staging Areas:

a) Describe (and show on the Site Plan Map) the location and proposed use of all on-site and off-site construction staging areas (e.g., for field office, equipment and materials storage, batch plants) for the project: The erection of tents will take place at the location site. There will be no on-site or off-site staging areas. The tent materials will be at the location of the construction site for a short time while construction is ongoing.

b) Describe how the staging areas will be restored after construction completion: N/A

If the staging areas will be out of the right-of-way, provide the following information for each involved parcel:

Landowner Name: _____
Mailing Address: _____
Staging Area Site Location:
Street Address:_____Town:_____County:_____
Tax Map No: _____
Telephone Number (daytime): _____

48. Solid Waste Disposal:

Describe the type, estimated quantities, methods of disposal and on-site and off-site disposal locations of all waste materials generated from the project.

Type of Waste Material	Estimated Quantity	Disposal Method	Disposal Location
Trees, stumps and other grubbed materials	None	None	None
Unsuitable and excavated existing soils	None	None	None
Construction and demolition debris	None	None	None
Asbestos, paint chips and other hazardous substances	None	None	None

If waste disposal will occur off-site, provide the following information for each involved parcel. Please note that a separate permit may be required for each off-site waste area.

Landowner Name: _____
Mailing Address: _____
Waste Disposal Site Location:
Street Address:_____Town:_____County:_____
Tax Map No: _____
Telephone Number (daytime): _____

49. Other Regulatory Permits and Approvals:

The Agency cannot approve a project which has been denied a permit or which is a prohibited use under local zoning requirements and other local laws or ordinances. The Agency will also recognize community goals expressed in a formally adopted land use plan. The project should be designed to the regulatory requirements of other involved agencies.

a) Local Government Notice Form:
Provide, as **Attachment G**, a completed copy of the Local Government Notice Form from the municipality in which your project is located. Have it filled out and signed by an appropriate official (e.g., Zoning Administrator, Planning Board Chairman or Supervisor, if no Zoning Administrator or Planning Board Chairman) and return it with the project application. Please read the form for instructions.

b) Municipal Approval Documents:
If local approval has been obtained for the proposed project, then provide as **Attachment H**, documentation (e.g., permit, site plan approval or final subdivision plat) to the Agency which confirms that the project has been approved pursuant to all applicable town and county laws including any necessary approvals from the planning and zoning boards. Also, please provide a copy of the relevant minutes of all local meetings at which the project has been discussed. (This last request is continuous; the information should be provided to the Agency as it becomes available.)

c) State and Federal Agency Contacts:
Complete the following and indicate whether any of the following agencies or departments have been contacted. Your APA application may remain incomplete until all state agency applications are complete, to allow a coordinated review.

Agency	No	Yes	Date	Contact Person & Phone Number
NYS Department of Health	X			
NYS Department of Transportation	X			
NYS Department of Environmental Conservation	X			
NYS Office of Parks, Recreation & Historic Preservation	X			To be submitted
NYS Department of Law	X			
U.S. Army Corps of Engineers	X			
Lake George Park Commission	X			
Other	X			

d) State and Federal Permits, Approvals and Determinations:
Provide, as **Attachment I**, copies of all permits, approvals and determinations received from the above agencies.

50. Required Signatures:

I HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED IN THIS APPLICATION, INCLUDING ALL ATTACHMENTS. I BELIEVE THIS INFORMATION TO BE TRUE, ACCURATE AND COMPLETE. IN ADDITION, IN THE CASE OF ANY PROJECT SPONSOR CORPORATION, LIMITED LIABILITY CORPORATION, PARTNERSHIP OR OTHER LEGAL ENTITY, I ALSO AFFIRM THAT I AM AUTHORIZED TO SUBMIT THIS APPLICATION ON BEHALF OF THAT ENTITY.

I HEREBY AUTHORIZE THE ADIRONDACK PARK AGENCY AND MEMBERS OF ITS STAFF TO ENTER ON THE PROPERTY DESCRIBED HEREIN FOR THE PURPOSES OF CONDUCTING SUCH INVESTIGATIONS, EXAMINATIONS, TESTS AND SITE EVALUATIONS AS IT DEEMS NECESSARY, AT REASONABLE TIMES AND WITH ADVANCE NOTICE WHERE POSSIBLE, TO VERIFY INFORMATION CONTAINED IN OR RELATED TO THIS APPLICATION FOR A PROJECT PERMIT.

Signature of all Project Sponsors: (if not the landowners)
(Required for all applications)

Signature	Print Name/Title	Date
	Michael Hopmeier	7 JUN 2023

Signature(s) of all Landowner(s) from current deed:
(Required for all applications)

Signature	Print Name	Date
	Diversified Upstate Enterprises LLC Michael Hopmeier, Single Member	June 8, 2023

Signature of Authorized Representative:
(Required if designated in Section 3 of this application)

Signature	Print Name	Date
	Matthew D. Norfolk, Esq.	June 8, 2023

EXHIBIT B

THIS IS A TWO-SIDED DOCUMENT

NEW YORK STATE OF OPPORTUNITY. Adirondack Park Agency

P.O. Box 99, 1133 NYS Route 86
Ray Brook, New York 12977
Tel: (518) 891-4050
www.apa.ny.gov

APA Permit
2023-0111

Date Issued: November 9, 2023

In the Matter of the Application of

MICHAEL HOPMEIER, on behalf of UNCONVENTIONAL CONCEPTS, INC.
Permittee

for a permit pursuant to § 809 of the Adirondack Park Agency Act

To the County Clerk: Please index this permit in the grantor index under the following names:
1. Diversified Upstate Enterprises, LLC

SUMMARY AND AUTHORIZATION

This permit authorizes the expansion of an existing commercial use in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map in the Town of Lewis, Essex County.

This authorization shall expire unless recorded in the Essex County Clerk's Office within 60 days of issuance of a signed and notarized permit. The signed and notarized permit shall be recorded in the names of all persons listed above and in the names of all owners of record of any portion of the project site on the recordation date.

The project shall not be undertaken or continued unless the project authorized herein is in existence within five years of the date the permit is recorded in the Essex County Clerk's Office. The Agency will consider the project in existence when the permit has been recorded.

The project shall be undertaken in compliance with all conditions stated herein. Failure to comply with this permit is a violation and may subject the permittee, successors, and assigns to civil penalties and other legal proceedings.

This permit does not convey any right to trespass upon the lands or interfere with the riparian rights of others in order to undertake the authorized project, nor does it authorize the impairment of any easement, right, title or interest in real or personal property.

Nothing contained in this permit shall be construed to satisfy any legal obligations of the permittee to comply with all applicable laws and regulations or to obtain any governmental approval or permit from any entity other than the Agency, whether federal, State, regional, or local.

PROJECT SITE

The project site is 363± acres located on Hale Hill Lane in the Town of Lewis, Essex County, in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map. The site comprised of two parcels, identified as:

Tax Map Section 38.1, Block 1, Parcel 4.100, described in a deed from Kencol Properties, LLC to Diversified Upstate Enterprises, LLC, c/o Unconventional Concepts, Inc, dated May 26, 2020, and recorded June 10, 2020 in the Essex County Clerk's Office at Book 1990, Page 254.

Tax Map Section 38.1, Block, 1, Parcel, 29.000, described in a deed from Alexander Michael to Diversified Upstate Enterprises, LLC, dated May 20, 2015, and recorded June 8, 2015 in the Essex County Clerk's Office at Book 1802, Page 83.

Additional wetlands not described herein or depicted on the Site Plan may be located on or adjacent to the project site.

PROJECT DESCRIPTION

The project as conditionally approved herein involves the installation of up to 14 tents for storage and operations related to an existing consulting firm.

The project is shown on a seven-page report titled "Site Plan", prepared by Unconventional Concepts, Inc., received by the Agency August 15, 2023.

A reduced-scale copy of the Site Plan for the project is attached as a part of this permit for reference.

AGENCY JURISDICTION

Pursuant to Section 809(2)(a) of the Adirondack Park Agency Act, a permit is required from the Adirondack Park Agency prior to the expansion by more than 25% of any commercial use on Rural Use lands in the Adirondack Park.

CONDITIONS

THE PROJECT IS APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. The project shall not be undertaken until this permit has been recorded in the Essex County Clerk's Office.

2. This permit is binding on the permittee, all present and future owners or lessees of the project site, and all persons undertaking all or a portion of the project, for as long as the tents remain on the site. Copies of this permit and Site Plan shall be furnished by the permittee to all subsequent owners or lessees of the project site prior to sale or lease, and by the permittee and/or any subsequent owner or lessee to all persons undertaking any development activities authorized herein.

3. In addition to complying with all terms and conditions of this permit, all future activities on the project site shall be undertaken in compliance with the requirements of New York State's Adirondack Park Agency Act, Freshwater Wetlands Act, and the Adirondack Park Agency's implementing regulations [9 NYCRR §§ 570-588].

4. All deeds conveying all or a portion of the lands subject to this permit shall contain references to this permit as follows: "The lands conveyed are subject to Adirondack Park Agency Permit 2023-0111, issued November 9, 2023, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."

5. This permit authorizes the installation of tents in the locations shown and as depicted on the Site Plan. Any change to the location, dimensions, or other aspect of the tents shall require prior written Agency authorization. No tent shall be over 40 feet in height, as measured from the highest point on the structure, to the lower of either existing or finished grade without prior written Agency authorization.

6. When brought from off-site, all equipment, including but not limited to trucks, excavators, tractors, etc., and hand excavation tools such as shovels, rakes, and picks, to be used on the project site shall be clean and free of soil, mud, or other similar material. If washed on the project site, equipment shall be washed in one location to prevent the distribution of propagules among different wash sites.

7. Any new free-standing or building-mounted outdoor lights associated with the tents on the project site shall employ full cut-off fixtures that are fully shielded to direct light downward and not into the sky or toward any neighboring property.

8. Any signs associated with the tents on the project site shall comply with the Agency's "Standards for Signs Associated with Projects" [9 NYCRR Part 570, Appendix Q-3].

9. Within 100 feet of wetlands, no trees, shrubs, or other woody stemmed vegetation may be cut, culled, trimmed, pruned or otherwise removed or disturbed on the project site without prior written Agency authorization, except for the removal of dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.

CONCLUSIONS OF LAW

The Agency has considered all statutory and regulatory criteria for project approval set forth in the Adirondack Park Agency Act and 9 NYCRR Part 574. The Agency hereby finds that the project authorized as conditioned herein:

a. will be consistent with the land use and development plan;
b. will be compatible with the character description and purposes, policies, and objectives of the Rural Use land use area;
c. will be consistent with the overall intensity guidelines for the Rural Use land use area;
d. will comply with the shoreline restrictions of § 806 of the Adirondack Park Agency Act; and
e. will not have an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the Park or upon the ability of the public to provide supporting facilities and services made necessary by the project.

PERMIT issued this 9th day of November, 2023.

ADIRONDACK PARK AGENCY

BY: _____
David J. Plante, AICP CEP
Deputy Director, Regulatory Programs

STATE OF NEW YORK
COUNTY OF ESSEX

On the 9th day of November in the year 2023, before me, the undersigned, a Notary Public in and for said State, personally appeared David J. Plante, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that they executed the same in their capacity, and that by their signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Stephanie L Petith
Notary Public, State of New York
Reg. No 01PE6279890
Qualified in Franklin County
Commission Expires April 15, 2025

Stephanie L. Petith
Notary Public

000743

Adirondack Park Agency
RECEIVED
Date: August 15, 2023

Adirondack Park Agency
FINAL
P2023-0111

Site Plan

Placement of tents at 87 Hale Hill Lane, Lewis, NY

July 17, 2023

Note: a map scale of 1 inch = 20 ft or 1 inch = 40 ft is impractical for this application. As an alternative, the well locations and proposed tent locations at 87 Hale Hill Lane were mapped using Google Earth. Screen caps that include a map scale and a North indicator are provided.

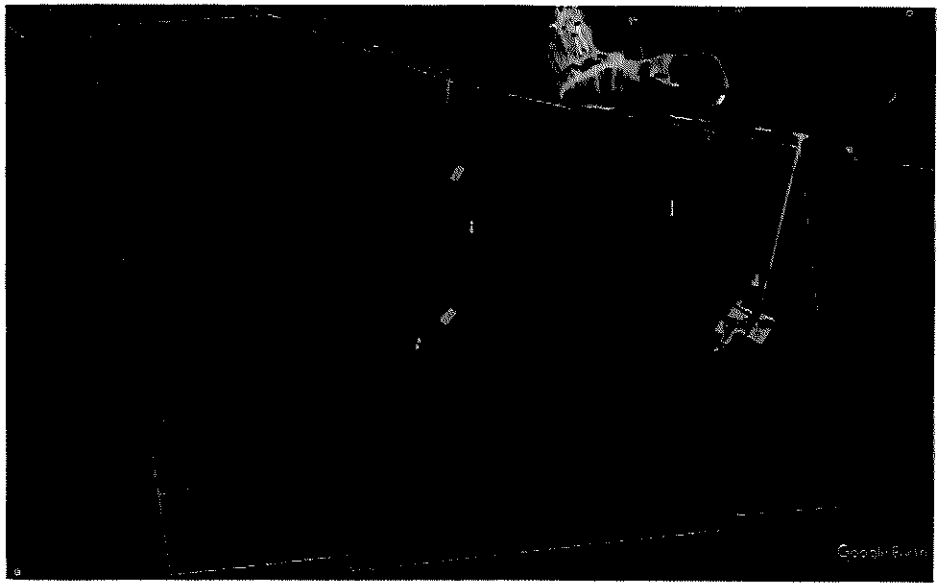
(c) Unconventional Concepts, Inc.

Overview of Tent Sizes

	Quantity	Dimensions	
		L (ft)	W (ft)
Clear Sound Designs			
TENT 1	1	200	100
TENT 2	1	115	63
RB Auctions			
LOT 10279	1	115	50
LOT 10280	1	115	50
GovPlanet			
Item 9087298	5	15	15
Item 9847089	3	19	19
Item 8655423	1	32.91666	21.83333
Item 8586835	1	32	21

(c) Unconventional Concepts, Inc.

Overview of Tent Locations and Wells

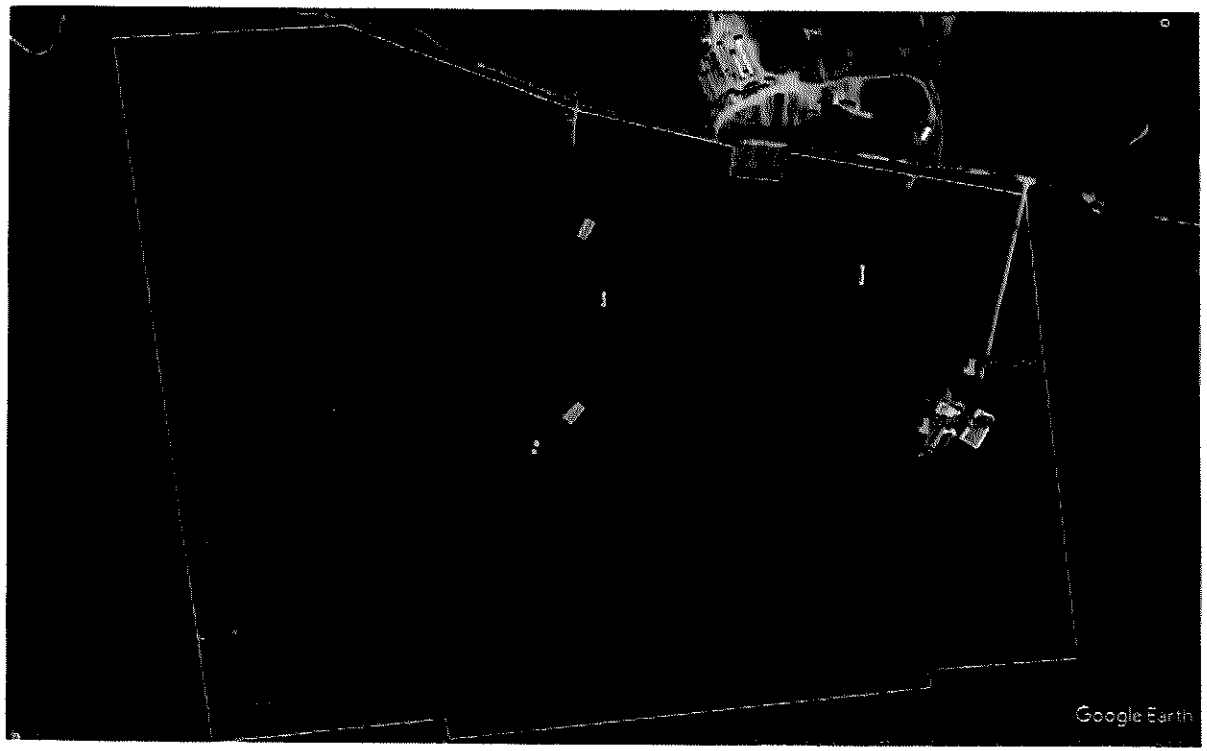


- Tents will be located at three sites on the silo property:
  - Main silo (2)
  - Dowel clearing (5)
  - Airstrip (7)
- Details are provided on the following slides

Note map scale in lower left corner and North indicator in upper right corner.

(c) Unconventional Concepts, Inc.

Overview of Tent Locations: Large View



Note map scale in lower left corner and North indicator in upper right corner.

(c) Unconventional Concepts, Inc.

Main Silo

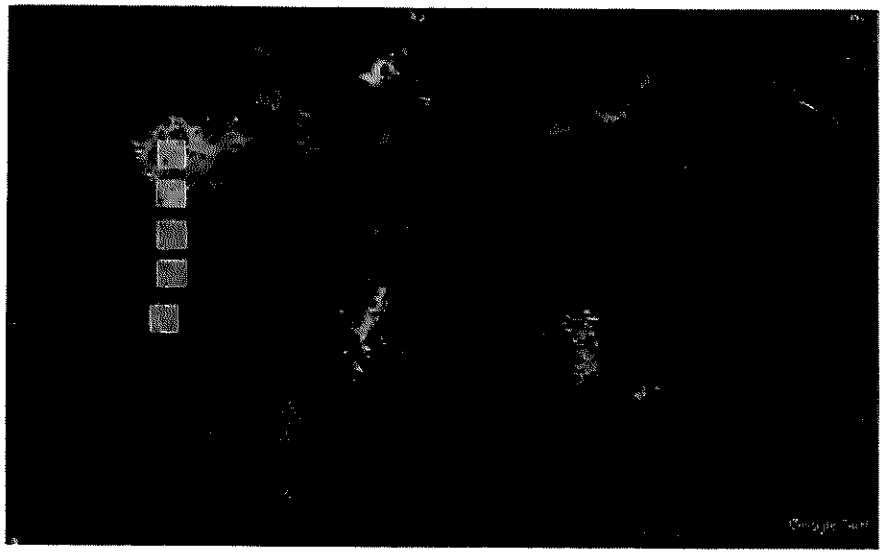


- The main silo will have two tents
- One located east of the main silo site
  - Size 200x100ft
- One located over the silo doors, oriented NW-SE
  - Size 115x63ft

Note map scale in lower left corner and North indicator in upper right corner.

(c) Unconventional Concepts, Inc.

Dowel Clearing

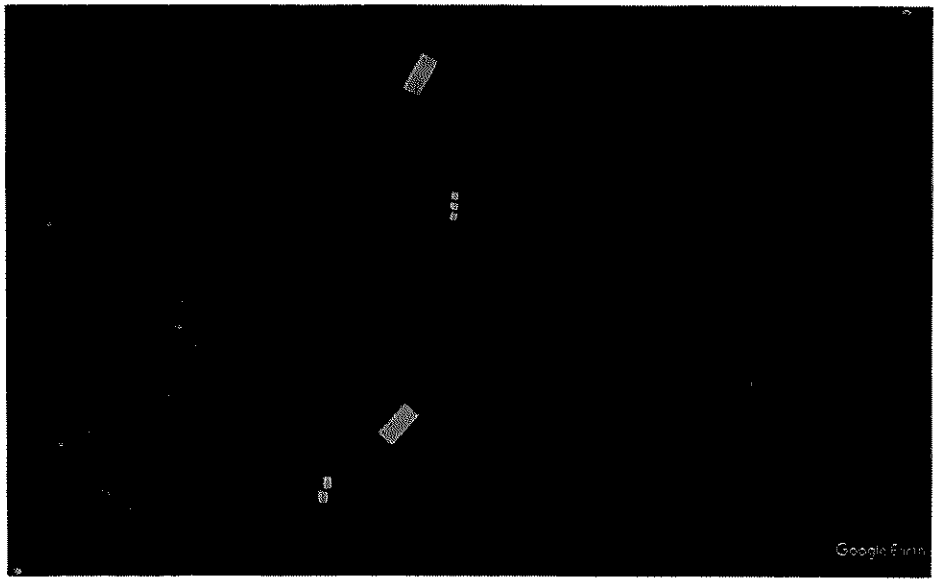


- Five tents
  - 15x15ft
- All tents will be located at least 100 ft from wetlands

Note map scale in lower left corner and North indicator in upper right corner.

(c) Unconventional Concepts, Inc.

Airstrip



- Seven tents, as follows
  - Two 115x50ft
  - Three 19x19ft
  - One 32x21 ft
  - One 32.9x21.8ft

Note map scale in lower left corner and North indicator in upper right corner.

(c) Unconventional Concepts, Inc.

EXHIBIT C

From: EJ O"kusky
To: APA Regulatory Programs Comments
Subject: APA Project 2023-0111
Date: Wednesday, September 6, 2023 10:29:57 AM

Some people who received this message don't often get email from property4all@hotmail.com. Learn why this is important

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

I'm writing this email in regard to the article about the Hopmeier project for Lewis, New York. (2023-0111)

My two homes sit directly in front of his project that seems to be changing as he doesn't get his approval. I have watched this gentleman come into our town buy property, give donations, aline himself with our supervisor and his friends to get his needs met and expect the people affected by the project to accept it. The article references James Pulsifer being supportive of the project. He is supportive because he sold them the property and is currently leasing more property to him. The fact is he has never called a meeting or even sent a letter to local landowners or businesses in the immediate North Lewis area to explain or promise us our land , wells, horses, foundations to our homes, dogs, and personal wellbeing would be protected. I did send letters and call when he first applied to the APA for his permit. Since that time, we have had drones fly very close to our house, our grandchildren woke up at two in the morning by helicopters so close to the house they lit up our whole property, (not once but twice) and been traveling on a local back road and saw his truck load of army men dressed in their tactical gear. When the whole town was affected by his helicopters flying so low, (with spotlights in our windows at 2a.m.) we were told they had not followed the flight plan or protocol. Mr. Hopmeier likes to reference the Imery business and how they blast 2 or 3 times a year. That is a fact , but that doesn't mean that we are willing or should have to deal with his project that changes daily . There is no clear reference to how long the blasting will happen or how frequent it will happen. The plan states one or two blasts a day for a maximum of three days but doesn't state how many times per the five-year period. He is now referencing a tent site to hide things that he doesn't want seen or tracked by a drone. This is pretty vague when Mr. Hopmeier only gives small details to large situations. I sincerely hope that your agency that was put into place to protect properties looks at this closely.

Emma Jean OKusky

EXHIBIT D

From: danita964u@charter.net
To: AldingerIII, Frederick W (APA)
Subject: Project # 2023-0111
Date: Tuesday, September 5, 2023 4:55:20 PM

You don't often get email from danita964u@charter.net. Learn why this is important

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Mr. Aldinger,

I would like to express my on-going concerns in regards to the Lewis Missile Silo. An application to erect tents may present as harmless, however "hiding anything from drones" is mentioned in the Adirondack Explorer article and that is very concerning. Living close to the silo, on more than one occasion, we see drones at night over the area of Mr. Hopmeier's property. Is drone testing going on there as well?

A training exercise occurred on March 24, 2023 at approximately 10:30 pm where helicopters were flying very low over our house with extreme noise and bright floodlights. This obnoxious disruption continued until approximately 4am the next day. As a Town of Lewis Councilwoman, I received several complaints from townspeople. And not just in this neighborhood, others as well. Some people thought we were under attack, it was especially disturbing to our elderly residents, they were truly frightened. And of course, no explanation, no apology. No surprise.

On August 7, 2023 the Essex County Board of Supervisors passed Resolution #225 pertaining to the Lewis Missile Silo which supports "any and all preparations and training with respect to these new and emerging technologies". None of the 18 supervisors live in this neighborhood. Not in my backyard...

Of course, national security is important, however this is concerning as the silo is located in a residential area. Hopefully this area doesn't become a scaled down Fort Drum.

Lanita S. Canavan

EXHIBIT E

STATE OF NEW YORK
ADIRONDACK PARK AGENCY

In the Matter of the Application of
Unconventional Concepts, Inc.,
and Michael Hopmeier

AFFIRMATION OF APRIL GUILDER

---

1. My name is April Guilder and I reside at 8899 U.S. Route 9, Lewis, New York.

2. I submit this affirmation to provide the Adirondack Park Agency (APA) with information concerning activities that occurred on and around the property located at 87 Hale Hill Lane that is a former missile silo site ("the Site") and that, upon information and belief, is owned by Unconventional Concepts, Inc. and/or Michael Hopmeier ("the Owners").

3. It is my understanding that the Site is part of the pending application to APA by the Owners to operate a ballistics testing range at the Site and at property located at 195 Hale Hill Lane.

4. I am submitting this information in support of my request that APA initiate an enforcement investigation of activities that occurred at the Site during the time period September 10-18, 2025 and that, upon information and belief, were undertaken by the Owners without a required APA permit and/or in violation of an existing APA permit.

5. I am a lifelong permanent resident of the Town of Lewis. I have lived at my current residence for approximately six years. My home is approximately two miles from the Site.

6. During the week of September 10-18, 2025, my family and I were subjected to repeated noise and vibrations from what were apparently military exercises being carried out at and in the vicinity of the Site.

7. On one occasion during the week of September 10-18, 2025, I was standing outside of my mother's house, which is located just behind mine, when four large helicopters flew over us. Two of the helicopters were flying at treetop level and were so close to the ground that I could plainly see the individuals at the controls inside the helicopters. The helicopters flew north in the direction of the Site.

8. On another occasion that occurred at around 9:30 or 10:00 p.m. during that week, my husband and I were inside our home when we heard automatic weapons firing that continued for approximately 20 minutes. While this was going on, I received a phone call from one of my neighbors, who was frightened and asked if I also heard the gunfire and whether I knew what was happening.

9. The next day, there were numerous messages on Facebook from neighbors asking if others had heard the automatic weapons firing. One of my neighbors shared a recording she had made of the gunfire on Facebook.

10. On another occasion during that week in September 2025, I was at home at about 9:30 p.m. when I again heard large helicopters. This time they were flying or hovering so close to my house that the entire house was shaking and the windows were rattling. The helicopters made two passes over my house.

11. At a public meeting in our town, Mr. Hopmeier acknowledged that the military exercises that occurred during September 10-18, 2025 were undertaken in collaboration with the Owners of the Site and occurred at and in the vicinity of the Site.

12. It is beyond my understanding how this type of large-scale, intrusive and frightening military exercise can be conducted for a period of days above and in close proximity to private residences without an APA permit.

13. Furthermore, I understand that the Owners have an APA permit for the Site and that the permit does not authorize this type of large-scale military operation.

14. Therefore, I request that APA open an enforcement investigation into these activities.

I affirm this 19 day of March, 2026, under the penalties of perjury under the laws of the State of New York, which may include a fine or imprisonment, that the foregoing statements are true, with the exception of those stated on information and belief, which I believe to be true.

APRIL GUILDER

EXHIBIT F

STATE OF NEW YORK
ADIRONDACK PARK AGENCY

In the Matter of the Application of
Unconventional Concepts, Inc.,
and Michael Hopmeier

AFFIRMATION OF
BRIAN CROWNINGSHIELD

---

1. My name is Brian Crowningshield and I reside at 9039 U.S. Route 9, Lewis, New York.

2. I submit this affirmation to provide the Adirondack Park Agency (APA) with information concerning activities that occurred on and around the property located at 87 Hale Hill Lane that is a former missile silo site ("the Site") and that, upon information and belief, is owned by Unconventional Concepts, Inc. and/or Michael Hopmeier ("the Owners").

3. It is my understanding that the Site is part of the pending application to APA by the Owners to operate a ballistics testing range at the Site and at property located at 195 Hale Hill Lane.

4. I am submitting this information in support of my request that APA initiate an enforcement investigation of activities that occurred at the Site during the time period September 10-18, 2025 and that, upon information and belief, were undertaken by the Owners without a required APA permit and/or in violation of an existing APA permit.

5. I am a lifelong permanent resident of the Town of Lewis. I have lived at my current residence for approximately eighteen years. My home is approximately two miles from the Site.

6. During the week of September 10-18, 2025, my wife and I were subjected to the repeated sound of automatic gunfire as well as noise and vibrations from helicopters in connection with what were apparently military exercises being carried out at and in the vicinity of the Site.

7. On one occasion during the week of September 10-18, 2025, I was eating dinner on the back deck of my house when I heard the sound of automatic weapons fire. I am a former member of the United States armed forces and recognized the sound as being from a 50 caliber automatic weapon.

8. I called 911 to report the firing and a New York State trooper responded. While we were discussing the situation in my yard, the rapid gunfire started up again, and the trooper confirmed that it was automatic weapon fire coming from the Site. He went looking and found it to be

9. On another occasion during the week of September 10-18, helicopters were flying so low over my house during the evening that the entire house was vibrating and the noise was extremely loud. The helicopters were flying back and forth over and behind my house.

10. My parents, whose house is next door to mine, were asleep and the sound of the helicopters woke them up.

11. During the week of September 10-18, I observed helicopters flying in the vicinity of the Site on at least three separate days.

12. The helicopters flew low over my house on two occasions during that week.

13. It seems to me that this type of long-term military exercise involving automatic weapons fire and intense helicopter activity in close proximity to private residences should require an APA permit.

14. I understand that the Owners have an APA permit for the Site and that the permit does not authorize this type of large-scale military operation.

14. Therefore, I request that APA open an enforcement investigation into these activities.

I affirm this 19th day of March, 2026, under the penalties of perjury under the laws of the State of New York, which may include a fine or imprisonment, that the foregoing statements are true, with the exception of those stated on information and belief, which I ~~believe to be true~~.

BRIAN CROWNINGSHIELD

EXHIBIT G

Adirondack Daily Enterprise

Open letter about the forum on the missile silo

I would like to sincerely thank the citizens of the town of Lewis and the surrounding areas who attended the forum on the missile silo the evening of Thursday, Oct. 16, at the Lewis Fire Department. Approximately 80 people attended, and I deeply appreciate the time all of you took out of your busy schedules.

I went into the meeting with a great deal of trepidation, based in equal parts on the portrayal of town halls in news reports and on the high level of emotion exhibited in many of the social media comments that news articles on this topic have attracted. I expected the meeting to be chaotic and aggressive, with little respect for my and others' input. I was completely wrong, in large part based on inaccurate and misrepresented news reports

of other town hall events (a pattern that continued for this meeting); the event as portrayed in the news was nothing like the actual meeting, and for that I am deeply thankful.

Far from the aggressive confrontation portrayed by press, I met with a group of respectful, thoughtful citizens who had legitimate concerns and were seeking information and insight. With only two real exceptions, the people in attendance respected each other's right to talk and ask questions, and everyone seemed to have an opportunity to ask their questions and air their concerns.

For my part, I did my best to answer the questions posed to me as clearly and completely as I could. For the record, I wish to correct one statement I made: I stated that no aircraft landed at the Battlelab as part of the Jaded Thunder event. I wish to correct that statement: Aircraft landed briefly to discharge personnel, departed and then briefly returned to land and pick up personnel. My apologies, I was thinking of a different event when I made my initial statement.

The environment during the meeting, where people can legitimately and respectfully disagree and openly discuss their concerns, is what this nation is about. That ability is unique in the world today; it only exists in a small handful of nations. It is a right that must be earned, on an ongoing basis, and it is the reason that I, and my colleagues, do what we do. It is not something that can be taken for granted. Otherwise, we will lose it, as certainly as so many others already have.

The defense of that right, and others, is why our military exists, and why our military must remain the greatest and most powerful in the world. It's why the men and women who act to protect it must practice, train and research continuously. And that is why the Battlelab exists: to support the men and women defending us.

I would also like to highlight what was, for me, the most important part of the meeting: a family attended with their children, and one young lady felt comfortable enough in the venue to ask a question. The question was about a neighbor who may be frightened by the noise because he has PTSD from prior military service. Her question was not political or self-serving; it was a show of quite legitimate concern about a neighbor who she wanted to help.

The fact that she felt comfortable, respected and safe enough to ask a question, without fear of ridicule or retribution, is a tribute to all who attended. Thank you for creating an environment in which that could occur. This occurrence and what it represents, more than anything else, and contrary to the news portrayals, gives me hope for our future.

Meeting outcomes broadly fell into two areas: (1) improved communication and (2) concern about noise. As I promised during the meeting, Unconventional Concepts, Inc. will modify our notification protocol to include local newspapers as well as the town, per our stated intent to more widely disseminate information in a timely fashion before events occur. With respect to noise: I welcome continuing dialogue, but I again reiterate that the event noise of concern is no more intense and of no longer

duration at nearby homes than noise from other sources (such as rifles or mine blasting). However, I thank you again for raising the concern and being willing to discuss it; UCI will continue to work with the community on this issue.

Again, I thank you all for taking the time to attend the meeting and discussion, and for showing the respect that you did. I am heartened that what occurred that evening is still possible in the polarized environment in which we find ourselves. I only wish our government could do the same.

——

Michael Hopmeier is the owner and president of Unconventional Concepts, Inc., a national security consulting firm.

NEWSLETTER

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EXHIBIT H

Adirondack EXPLORER

COMMUNITIES

Lewis residents push back against military exercises

Tensions rise as tactical tests, proposed cannon testing disrupts life in small Adirondack community



By Tim Rowland
October 17, 2025



Town of Lewis residents at a public meeting Thursday. Photo by Tim Rowland

Unconventional Concepts President Michael Hopmeier and town of Lewis residents engaged in an evening of frequently testy exchanges at a public meeting Thursday, as homeowners protested **a recent series of war games** that they viewed as inconsistent with the tranquility of the Adirondack Park.

Residents said the company, based at a **Cold War-era nuclear missile silo site**, "has brought war to our town," while Hopmeier contended the noise associated with low-flying aircraft and weapons testing is no worse than the everyday sounds of logging operations, truck traffic on the Northway or even the F-35 fighter jets routinely flown out of Burlington.

Michael Hopmeier, owner of Unconventional Concepts, answers questions at a community meeting in Lewis. Photo by Tim Rowland

Nighttime exercises rattle community

Last month, **military exercises known as Jaded Thunder rattled residents** with sounds of warfare and helicopters hovering just above the tree line late into the night. They also said the company and the town had done a poor job of communicating the war games, which caught them unprepared.

Hopmeier conceded the point and vowed to improve communications in the future, but said he had no plans to end the occasional exercises, which are performed by active military soldiers and are designed to help different branches interact smoothly.

Beyond the exercises, Hopmeier has an application before the Adirondack Park Agency to test howitzers on his property to determine, for example, how various barrel coatings might affect the weapon's durability and accuracy. The public comment period on the proposal is open through the end of the month.

Most of the discussion, however, revolved around low-flying Black Hawk helicopters, which were flying out of Fort Drum and conducting exercises in Lewis.

"The whole purpose of those exercises was to help these different units learn how to work together, to coordinate, and operate across boundaries," Hopmeier said. "All the aircraft that were involved, and all of the personnel that were involved were active duty military personnel, who had very specific and strict training requirements."

He said Lewis was appealing as a testing grounds because it has features that are not available further west, such as mountainous terrain and dense forest that allows testing of such things as foliage-penetrating radar.

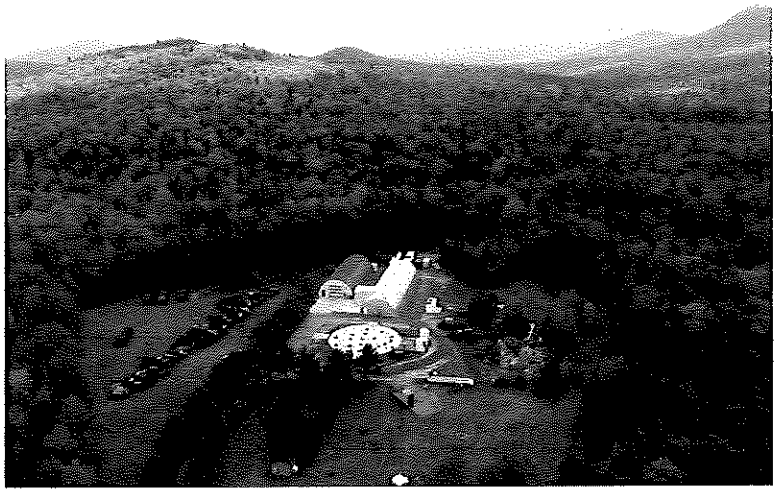
To learn more and submit comments, go to https://apa.ny.gov/contact/ApaCommentPopup.cfm?ProjectNumber=2021-0276.

But residents said the town also has homes, families, young children and animals that were adversely affected by the activities. "Cows get spooked and scared," said Alaina Denton, who feared farmers, not Unconventional Concepts, would be liable for animals that might break through fences and be hit by cars. The exercises also spooked horses at an equestrian facility that was providing riding lessons for children, she said.

There were also concerns for former military members with PTSD and kids that had been put to bed on a school night when the helicopters flew over. Hopmeier said the latest flight was at 10:11 p.m., but some residents said some choppers were still active at 3 a.m.

They said there is a difference between everyday sounds of chain saws and interstate traffic and military flights. "A chain saw doesn't come right over your home," said one resident.

While residents said they respected property rights, they said the impact goes beyond the missile silo acreage. "The problem is, it's not just your property," said Timothy Mount. "And there's a difference between an F-35 taking off from an airport and having helicopters flying right over people's homes at 11 o'clock at night in Lewis, New York."



RELATED READING

Artillery weapon testing proposal moves forward in Lewis

Read more

Limited legal options for town control

Hopmeier said he wants to be a good neighbor, and that his company, which employs 10, has economic and tax benefits for the town, as well as offering educational opportunities to interns and a battery of emergency equipment that has been made available to the town should it be needed. He also said his operation has minimal environmental impact.

"We are not here to cut down the trees. We're not here to create a bombing range. We're not here to blow things up as fun as that may be," he said. "Having bombs laying around, having trees cut down and destroyed in clear-cutting areas, that makes it completely and totally useless for our means. Far from doing that, our strong emphasis and effort is to keep the forest and the environment as healthy as it can be."

Describing Unconventional Concepts as a "laboratory," Hopmeier said his research can potentially benefit ecological causes using its highly sensitive instruments.

"One of the areas that we're working on very aggressively is how do we monitor forest health?" he said. "How can we listen to the acoustic signature, the sound in the background in the forest, to find out our insects are getting in and damaging the trees, or are we having problems with moisture content in the soil?"

While unpersuaded, residents were told they have little control over the exercises. Lewis Supervisor Jim Monty said when the town redrew its comprehensive plan several years ago, the concept of zoning was soundly defeated. "There's a lot of emotion, but from a legal perspective, as a landowner he's not different from any one of us; he just happens to have a lot of guns," Monty said.

Residents countered that the town needs more control over its future. "I certainly think we have to ask ourselves what kind of businesses we want in our community," said Steve Ives. "And it sounds like a lot of us don't want this kind of business in our community."

But without land use regulations beyond the APA, there's little in the way of a review process for businesses. Nor does the town have a noise ordinance, nor was there consensus that it would be a solution.

Cole Fernandez said a noise law could have unintended consequences for accepted pursuits in Lewis, such as hunting and logging. "You all need to remember, if you pass sound ordinances, it goes way further than just what he does," he said. "It affects every single one of you."

The one central agreement was for better communications, so residents can prepare their families and animals for exercises that may be held in the future.

"All I can say is we did make the effort and what we thought was reasonable," Hopmeier said. "Apparently it was not sufficient, so we're happy to go ahead and try and do something different."



Amy Meighan

October 17, 2025 at 10:37 am

I don't live in Lewis, but just north of Lewis. Don't fool yourselves. This is a progression of testing which can lead to a much larger scale of testing of other weapons which our rural community does not need.



Bob

October 17, 2025 at 10:55 am

It sure seems as though there's something that could be done by the town.

PACE ENVIRONMENTAL LITIGATION CLINIC

JOHN JAY LEGAL SERVICES, INC.

ELISABETH HAUB SCHOOL OF LAW

78 NORTH BROADWAY

WHITE PLAINS, NEW YORK 10603

PHONE: 914.422.4343

FAX: 914.422.4437

OF COUNSEL	SUPERVISING ATTORNEY	ADMINISTRATOR
KARL S. COPLAN	TODD D. OMMEN	JENNIFER RUHLE

August 10, 2026

Via Email

Honorable 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

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

Dear Judge Greenwood:

I write on behalf of the Intervenors to note for the record in this proceeding (the "Record") that the Applicants unjustifiably excluded Intervenors from the site inspection that occurred in July. The issues concerning the site inspection were thoroughly discussed and addressed prior to the inspection, and while we do not intend to reargue those issues, we want to put all the facts and Intervenors' full position into the Record being compiled for the APA Board because the emails regarding the site inspection may not ultimately be part of the Record.

As you know, the Parties originally intended and agreed to a site inspection that would be open to all parties to these proceedings. Some of the details were to be determined, but section II the Third Revised Scheduling Order dated June 24, 2026, plainly set out this agreement:

> **Site Visit:**
>
> The parties conferred and discussed a schedule for a site visit for APA hearing staff, intervening parties and any retained experts on June 15, 2026 and are proposing a

> site visit to occur July 15-17 or the week of July 27, 2026. . .

By letter dated July 7, 2026, and circulated on July 8, 2026, one week before the proposed date of the agreed-upon inspection, the Applicants announced their "conditions" for the inspection, which included requiring a waiver of liability, limitations on the number of visitors "per party" (including Intervenors), and various time and transportation restrictions. *See* Ex. A (July 7, 2026, Letter). The parties agreed to most of the conditions, including the waiver and transportation conditions, but both APA staff and Intervenors raised issues with the start time, which properties would be included and the length of the inspection. The Intervenors also expressed some concern about the limitation on number of participants. *See* Exh. B (July 8, 2026, email from Paul VanCott); Exh. C (July 8, 2026, email from Grace Sullivan). After some attempts to negotiate these details, counsel for the Applicants abruptly stated that the Applicants "withdraw the offer extended to the intervening parties to perform an inspection of the project site." *See* Exh. D (July 9, 2026, email from Matthew Norfolk). After both APA staff and Intervenors objected to this sudden change in position, which was directly contrary to the provisions of the Scheduling Order, the Applicants again confirmed their refusal to allow any Intervenors to attend the site visit and threatened to have them arrested if they attempted to:

> My clients have made it abundantly clear to me that law enforcement will be called if any unauthorized individuals attempt to enter upon the land where the project site is located. I don't know how to say it any other way. The intervening parties will not be allowed to attend a site visit.

Exh. E (July 10, 2026, email from Matthew Norfolk). Our understanding is that the Site Visit occurred on July 15, 2026, with only APA representatives permitted to attend.

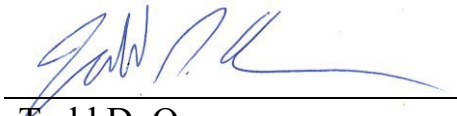
As Your Honor has repeatedly made clear, and no party disputes, the entire purpose of this proceeding is to gather sufficient information such that the APA Board can make a fully informed and reasonable decision on the pending Application. This is precisely why Your Honor permitted intervention by the Intervenors, and why all parties agreed to participate in the site inspection so that the experts testifying in this proceeding can be fully informed, which, in turn, will allow the APA Board to have a fully developed record. There is simply no principled basis to limit the content or quality of that Record by refusing to allow parties to these proceedings to inform their testimony with first-hand knowledge of the Site. There is certainly no basis for that limitation if the Applicants' only justifications for the exclusion are disagreements over the starting time (which the

Applicants ultimately agreed to) and an additional 45 minutes at the Site (which may or may not have been permitted). We respectfully submit that the exclusion of the Intervenors and their experts from the site visit is prejudicial because it deprives them of first-hand observation of the project site.

In addition to the prejudice to Intervenors, we further submit that the Record to be provided to the APA Board will be incomplete and limited due to the Applicants' refusal to comply with a term of the Third Revised Scheduling Order that they had *already* agreed to.

We understand that Your Honor does not believe you have the authority to Order a site inspection, and while we respectfully disagree with that conclusion, at a minimum we want the facts to be clearly set out in the Record here. Intervenors remain willing to schedule a new site inspection should that opportunity be provided.

Sincerely,



Todd D. Ommen
Counsel for Sierra Club

Cc: Counsel of record

Exhibit A

NORFOLK BEIER PLLC
ATTORNEYS AT LAW

July 7, 2026

Via Email Only
Hon. David Greenwood
Administrative Law Judge
NYS Department of Environmental Conservation
Office of Hearings and Mediation Services
625 Broadway
Albany, New York 12233-1550
david.greenwood@dec.ny.gov

Re: APA Project 2021-0276;
Sponsor/Applicant: Michael Hopmeier/Unconventional Concepts, Inc.;
Site Address: 195 Hale Hill Road, Town of Lewis, County of Essex

Dear Judge Greenwood:

Our clients, Mr. Michael Hopmeier (Sponsor) and Unconventional Concepts, Inc. (hereinafter referred to as "UCI") (Applicant), require the terms and conditions stated hereinbelow to apply to and govern the site visit scheduled for July 15, 2026. The primary purpose of the terms and conditions is to ensure the safety and well-being of those visiting the site, as well as facilitate an efficient and organized site visit.

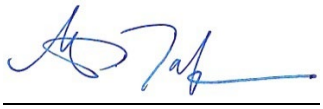
Terms and Conditions of Site Visit:

1. All individuals attending the site visit must sign a waiver of liability and hold harmless agreement, which shall be provided to Your Honor, the Adirondack Park Agency (hereinafter referred to as the "APA") and the parties before 5 pm on Friday, July 10, 2026.
2. The taking of photographs and recording of videos shall be limited to the site.
3. Transportation to the site shall be provided by UCI (individuals will be transported to the site using well-equipped all-terrain passenger vehicles).
4. The visit shall begin at 8:30 am sharp.
5. The Adirondack Park Agency (hereinafter referred to as the "APA") and each party shall be permitted to have no more than three individuals attend the site visit.
6. The APA and each party shall have 45 minutes to inspect the site.

[Signature On Following Page]

Sincerely,

Norfolk Beier PLLC

By: 

Matthew D. Norfolk

cc: Counsel of Record

Exhibit B

Outlook

RE: Preliminary response RE: P2021-0276: Site Visit Scheduling

From VanCott, Paul <pvancott@woh.com>
Date Wed 7/8/2026 1:55 PM
To Matthew D. Norfolk <mnorfolk@norfolkbeier.com>; Greenwood, David N (DEC) <david.greenwood@dec.ny.gov>
Cc Claudia Braymer <executivedirector@protectadks.org>; Hubbard, Jennifer M (APA) <Jennifer.Hubbard@apa.ny.gov>; Christopher Amato <conservationdirector@protectadks.org>; Gitlen, Philip <PGitlen@woh.com>; David Gibson <dgibson@adirondackwild.org>; Seitelman, Anna V. <ASeitelman@woh.com>; Sullivan, Grace (APA) <grace.sullivan@apa.ny.gov>; Ommen, Todd D. <tommen@law.pace.edu>

I do not believe the limitations on # of individuals and time allowed for the site visit are reasonable, particularly for APA staff who have the most witnesses. I also question whether the 8:30 am start is reasonable given that some witnesses may be traveling from a greater distance. Lastly, I thought the visit was to include both properties involved in the project.

Matt, we are a week away and you have put off responding until today. Some additional flexibility should be allowed.

Thank you.

Paul

Paul Van Cott | Whiteman Osterman & Hanna LLP
Of Counsel
One Commerce Plaza | Albany | New York | 12260
| o | 518.487.7733| f | 518.487.7777
| e | pvancott@woh.com | w | www.woh.com

From: Matthew D. Norfolk <mnorfolk@norfolkbeier.com>
Sent: Wednesday, July 8, 2026 12:45 PM
To: Greenwood, David N (DEC) <david.greenwood@dec.ny.gov>
Cc: Claudia Braymer <executivedirector@protectadks.org>; Hubbard, Jennifer M (APA) <Jennifer.Hubbard@apa.ny.gov>; Christopher Amato <conservationdirector@protectadks.org>; Gitlen, Philip <pgitlen@WOH.com>; David Gibson <dgibson@adirondackwild.org>; Seitelman, Anna V. <ASeitelman@woh.com>; Sullivan, Grace (APA) <grace.sullivan@apa.ny.gov>; Ommen, Todd D. <tommen@law.pace.edu>; VanCott, Paul <pvancott@woh.com>
Subject: Re: Preliminary response RE: P2021-0276: Site Visit Scheduling

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Dear Judge Greenwood and Counselors:

Please find attached my letter regarding the anticipated site inspection.

Sincerely,
Matthew D. Norfolk, Esq.

NORFOLK BEIER PLLC
D: 518.302.7064
F: 518.302.7100
A: The Outpost Plaza
55 Barn Road, Suite 201
Lake Placid, NY 12946
E: mnorfolk@norfolkbeier.com

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From: Sullivan, Grace (APA) <Grace.Sullivan@apa.ny.gov>
Sent: Wednesday, July 8, 2026 9:31 AM
To: PVanCott@woh.com <PVanCott@woh.com>; Matthew D. Norfolk <mnorfolk@norfolkbeier.com>; Greenwood, David N (DEC) <david.greenwood@dec.ny.gov>; Executivedirector@protectadks.org <executivedirector@protectadks.org>; Ommen, Todd D. <tommen@law.pace.edu>
Cc: Hubbard, Jennifer M (APA) <Jennifer.Hubbard@apa.ny.gov>; Christopher Amato <conservationdirector@protectadks.org>; pgitlen@WOH.com <pgitlen@WOH.com>; David Gibson <dgibson@adirondackwild.org>; Seitelman, Anna V. <ASeitelman@woh.com>
Subject: RE: Preliminary response RE: P2021-0276: Site Visit Scheduling

Following up on this as well… We are one week out from this date. Can we please get a confirmation (yes or no)? If no, please provide a date that works for the applicant today so that we can get something on the books.

Thanks,
Grace

From: VanCott, Paul <PVanCott@woh.com>
Sent: Tuesday, July 7, 2026 9:32 AM
To: Matthew D. Norfolk <mnorfolk@norfolkbeier.com>; Sullivan, Grace (APA) <Grace.Sullivan@apa.ny.gov>; Greenwood, David N (DEC) <david.greenwood@dec.ny.gov>; Executivedirector@protectadks.org; Ommen, Todd D. <tommen@law.pace.edu>
Cc: Hubbard, Jennifer M (APA) <Jennifer.Hubbard@apa.ny.gov>; Christopher Amato <conservationdirector@protectadks.org>; pgitlen@WOH.com; David Gibson <dgibson@adirondackwild.org>; Seitelman, Anna V. <ASeitelman@woh.com>
Subject: RE: Preliminary response RE: P2021-0276: Site Visit Scheduling

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Are we confirmed for the 15th?

Paul Van Cott | Whiteman Osterman & Hanna LLP
Of Counsel
One Commerce Plaza | Albany | New York | 12260
| o | 518.487.7733| f | 518.487.7777
| e | pvancott@woh.com | w | www.woh.com

From: Matthew D. Norfolk <mnorfolk@norfolkbeier.com>
Sent: Wednesday, July 1, 2026 2:21 PM
To: Sullivan, Grace (APA) <Grace.Sullivan@apa.ny.gov>; VanCott, Paul <PVanCott@woh.com>; Greenwood, David N (DEC) <david.greenwood@dec.ny.gov>; Executivedirector@protectadks.org; Ommen, Todd D. <tommen@law.pace.edu>
Cc: Hubbard, Jennifer M (APA) <Jennifer.Hubbard@apa.ny.gov>; Christopher Amato <conservationdirector@protectadks.org>; Gitlen, Philip <pgitlen@WOH.com>; David Gibson <dgibson@adirondackwild.org>; Seitelman, Anna V. <ASeitelman@woh.com>
Subject: Re: Preliminary response RE: P2021-0276: Site Visit Scheduling

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Good afternoon, Attorney Sullivan,

I will provide days this week - preferably tomorrow. I can say that my client will not agree to Adk Council's expert having his or her own day to inspect the site.

Sincerely,
Matthew D. Norfolk, Esq.

NORFOLK BEIER PLLC
D: 518.302.7064
F: 518.302.7100
A: The Outpost Plaza
55 Barn Road, Suite 201
Lake Placid, NY 12946
E: mnorfolk@norfolkbeier.com

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From: Sullivan, Grace (APA) <Grace.Sullivan@apa.ny.gov>
Sent: Wednesday, July 1, 2026 9:47 AM
To: PVanCott@woh.com <PVanCott@woh.com>; Greenwood, David N (DEC) <david.greenwood@dec.ny.gov>; Executivedirector@protectadks.org <executivedirector@protectadks.org>; Ommen, Todd D. <tommen@law.pace.edu>
Cc: Hubbard, Jennifer M (APA) <Jennifer.Hubbard@apa.ny.gov>; Matthew D. Norfolk <mnorfolk@norfolkbeier.com>; Christopher Amato <conservationdirector@protectadks.org>; pgitlen@WOH.com <pgitlen@WOH.com>; David Gibson <dgibson@adirondackwild.org>; Seitelman, Anna V. <ASeitelman@woh.com>
Subject: RE: Preliminary response RE: P2021-0276: Site Visit Scheduling

Good morning all,

Attorney Norfolk, could you please indicate which days we may be able to schedule the site visit? If we schedule it for the 15th, can we do a separate site visit to accommodate Adirondack Council's expert?

Our expert is also available the week of the 27th. We would like to get something scheduled so that we may all plan around it.

Thanks,
Grace Sullivan

From: VanCott, Paul <PVanCott@woh.com>
Sent: Tuesday, June 23, 2026 3:01 PM
To: Greenwood, David N (DEC) <david.greenwood@dec.ny.gov>; Executivedirector@protectadks.org; Ommen, Todd D. <tommen@law.pace.edu>
Cc: Sullivan, Grace (APA) <Grace.Sullivan@apa.ny.gov>; Hubbard, Jennifer M (APA) <Jennifer.Hubbard@apa.ny.gov>; Matthew D. Norfolk <mnorfolk@norfolkbeier.com>; Christopher Amato <conservationdirector@protectadks.org>; pgitlen@WOH.com; David Gibson <dgibson@adirondackwild.org>; Seitelman, Anna V. <ASeitelman@woh.com>
Subject: RE: Preliminary response RE: P2021-0276: Site Visit Scheduling

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Our noise expert is a critical witness. Is there a way that we can separately accommodate a site visit by him. As noted, he has a scheduled vacation the week that includes the 15th.

Paul

Paul Van Cott | Whiteman Osterman & Hanna LLP
Of Counsel
One Commerce Plaza | Albany | New York | 12260
| o | 518.487.7733| f | 518.487.7777
| e | pvancott@woh.com | w | www.woh.com

From: Greenwood, David N (DEC) <david.greenwood@dec.ny.gov>
Sent: Tuesday, June 23, 2026 9:28 AM
To: Executivedirector@protectadks.org; Ommen, Todd D. <tommen@law.pace.edu>
Cc: Sullivan, Grace (APA) <Grace.Sullivan@apa.ny.gov>; VanCott, Paul <PVanCott@woh.com>; Hubbard, Jennifer M (APA) <Jennifer.Hubbard@apa.ny.gov>; Matthew D. Norfolk <mnorfolk@norfolkbeier.com>; Christopher Amato

Exhibit C

Outlook

RE: Preliminary response RE: P2021-0276: Site Visit Scheduling

From Sullivan, Grace (APA) <Grace.Sullivan@apa.ny.gov>
Date Wed 7/8/2026 2:24 PM
To Greenwood, David N (DEC) <david.greenwood@dec.ny.gov>; Matthew D. Norfolk <mnorfolk@norfolkbeier.com>
Cc Executivedirector@protectadks.org <executivedirector@protectadks.org>; Hubbard, Jennifer M (APA) <Jennifer.Hubbard@apa.ny.gov>; Christopher Amato <conservationdirector@protectadks.org>; pgitlen@WOH.com <pgitlen@WOH.com>; David Gibson <dgibson@adirondackwild.org>; Seitelman, Anna V. <ASeitelman@woh.com>; Ommen, Todd D. <tommen@law.pace.edu>; PVanCott@woh.com <PVanCott@woh.com>

Dear all,

I am in agreement with Attorney Van Cott that some of the proposed terms are unreasonable and unclear, particularly given the delayed notice. My notes are below:

1. Specify meeting location and time
2. Meeting location and time should be no earlier than 10:00 A.M. – It is at least an hour drive for most parties & their representatives. It is a multiple hour drive for our expert (without delays or wrong turns).
3. We are okay with 3 person limitation because only 1 expert, myself, and another staff member will be attending the visit, but believe that **every** expert retained by the parties should have the opportunity to visit on this date if they have determined it is necessary for their preparation of the hearing. I think it would be fair to provide a list of individuals planning to attend the site visit and their role in the hearing ahead of the July 15th visit. The applicant may then object to specific individuals if their purpose is duplicative and/or not justified. The current limitation of 3 individuals is arbitrary & contrary to the purpose of the site visit.
4. Duration of the site visit should be at least 1.5 hours from arrival at the site – We had discussed 2-3, but 1.5 should be sufficient for our expert. We worry that 45 minutes will be an insufficient amount of time to exit the vehicles, inspect the site, return to the vehicles. I do not want our expert to feel rushed, but we agree to not dally longer than necessary to complete the work we set out to do.
5. We had agreed to include both parcels in the site visit (though our expert only needs to visit the parcel at 195 Hale Hill Lane). If both parcels are not to be included, Applicant's Attorney must provide a compelling reason for this shift.

Thanks,
Grace

From: Greenwood, David N (DEC) <david.greenwood@dec.ny.gov>
Sent: Wednesday, July 8, 2026 1:58 PM
To: Matthew D. Norfolk <mnorfolk@norfolkbeier.com>
Cc: Executivedirector@protectadks.org; Hubbard, Jennifer M (APA) <Jennifer.Hubbard@apa.ny.gov>; Christopher Amato <conservationdirector@protectadks.org>; pgitlen@WOH.com; David Gibson <dgibson@adirondackwild.org>; Seitelman, Anna V. <ASeitelman@woh.com>; Sullivan, Grace (APA)

<Grace.Sullivan@apa.ny.gov>; Ommen, Todd D. <tommen@law.pace.edu>; PVanCott@woh.com
Subject: Re: Preliminary response RE: P2021-0276: Site Visit Scheduling

Dear Parties:
I have reviewed the terms and conditions of site visit in the letter dated July 7, 2026 from Applicant's counsel addressed to me received today. In my role as Hearing Officer and as a personal matter I have no objections to the terms and conditions. I do not speak for APA hearing staff or any of the intervenors of course. I do have one request, and that is some directions on exactly where to park upon arrival at 195 Hale Hill Road.

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
w: (518) 402-9004 | david.greenwood@dec.ny.gov
dec.ny.gov

From: Matthew D. Norfolk <mnorfolk@norfolkbeier.com>
Sent: Wednesday, July 8, 2026 12:45 PM
To: Greenwood, David N (DEC) <david.greenwood@dec.ny.gov>
Cc: Executivedirector@protectadks.org <executivedirector@protectadks.org>; Hubbard, Jennifer M (APA) <Jennifer.Hubbard@apa.ny.gov>; Christopher Amato <conservationdirector@protectadks.org>; pgitlen@WOH.com <pgitlen@WOH.com>; David Gibson <dgibson@adirondackwild.org>; Seitelman, Anna V. <ASeitelman@woh.com>; Sullivan, Grace (APA) <Grace.Sullivan@apa.ny.gov>; Ommen, Todd D. <tommen@law.pace.edu>; PVanCott@woh.com <PVanCott@woh.com>
Subject: Re: Preliminary response RE: P2021-0276: Site Visit Scheduling

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Dear Judge Greenwood and Counselors:

Please find attached my letter regarding the anticipated site inspection.

Sincerely,
Matthew D. Norfolk, Esq.

NORFOLK BEIER PLLC
D: 518.302.7064
F: 518.302.7100
A: The Outpost Plaza
55 Barn Road, Suite 201
Lake Placid, NY 12946
E: mnorfolk@norfolkbeier.com

Exhibit D

Outlook

Re: Preliminary response RE: P2021-0276: Site Visit Scheduling

From Matthew D. Norfolk <mnorfolk@norfolkbeier.com>
Date Thu 7/9/2026 5:05 PM
To VanCott, Paul <PVanCott@woh.com>; Sullivan, Grace (APA) <Grace.Sullivan@apa.ny.gov>; Greenwood, David N (DEC) <david.greenwood@dec.ny.gov>
Cc Executivedirector@protectadks.org <executivedirector@protectadks.org>; Hubbard, Jennifer M (APA) <Jennifer.Hubbard@apa.ny.gov>; Christopher Amato <conservationdirector@protectadks.org>; Gitlen, Philip <PGitlen@woh.com>; David Gibson <dgibson@adirondackwild.org>; Seitelman, Anna V. <ASeitelman@woh.com>; Ommen, Todd D. <tommen@law.pace.edu>; Sean Davis <sdavis@norfolkbeier.com>

Dear Judge Greenwood:

On behalf of my clients, Project Sponsor Michael Hopmeier and Unconventional Concepts, Inc., the Applicant, I hereby withdraw the offer extended to the intervening parties to perform an inspection of the project site. The intervening parties object to the site visit terms and conditions my clients have presented. Furthermore, there is no legal requirement that a project sponsor or applicant permit intervening parties to enter upon and inspect a project site. I certainly could not find any. I invite all receiving this email to correct me if there is, indeed, a legal mandate requiring my clients to permit intervening parties to enter upon and inspect the project site.

Sincerely,
Matthew D. Norfolk, Esq.

NORFOLK BEIER PLLC
D: 518.302.7064
F: 518.302.7100
A: The Outpost Plaza
55 Barn Road, Suite 201
Lake Placid, NY 12946
E: mnorfolk@norfolkbeier.com

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From: VanCott, Paul <PVanCott@woh.com>
Sent: Thursday, July 9, 2026 1:57 PM

To: Matthew D. Norfolk <mnorfolk@norfolkbeier.com>; Sullivan, Grace (APA) <Grace.Sullivan@apa.ny.gov>; Greenwood, David N (DEC) <david.greenwood@dec.ny.gov>
Cc: Executivedirector@protectadks.org <executivedirector@protectadks.org>; Hubbard, Jennifer M (APA) <Jennifer.Hubbard@apa.ny.gov>; Christopher Amato <conservationdirector@protectadks.org>; Gitlen, Philip <PGitlen@woh.com>; David Gibson <dgibson@adirondackwild.org>; Seitelman, Anna V. <ASeitelman@woh.com>; Ommen, Todd D. <tommen@law.pace.edu>; Sean Davis <sdavis@norfolkbeier.com>
Subject: RE: Preliminary response RE: P2021-0276: Site Visit Scheduling

What do these last 2 emails from you mean, Matt?

Perhaps we should call off any site visit if your client is unwilling provide reasonable courtesies to accommodate staff and the other parties. You are essentially denying the parties a meaningful site visit and not allowing staff and the intervenors to obtain information needed for a full and complete record.

The APA Board said both parcels are considered to be part of the project site, by the way. You have had the Order since last Fall.

Pual

Paul Van Cott | Whiteman Osterman & Hanna LLP
Of Counsel
One Commerce Plaza | Albany | New York | 12260
| o | 518.487.7733| f | 518.487.7777
| e | pvancott@woh.com | w | www.woh.com

From: Matthew D. Norfolk <mnorfolk@norfolkbeier.com>
Sent: Thursday, July 9, 2026 1:50 PM
To: Sullivan, Grace (APA) <Grace.Sullivan@apa.ny.gov>; Greenwood, David N (DEC) <david.greenwood@dec.ny.gov>
Cc: Executivedirector@protectadks.org; Hubbard, Jennifer M (APA) <Jennifer.Hubbard@apa.ny.gov>; Christopher Amato <conservationdirector@protectadks.org>; Gitlen, Philip <pgitlen@WOH.com>; David Gibson <dgibson@adirondackwild.org>; Seitelman, Anna V. <ASeitelman@woh.com>; Ommen, Todd D. <tommen@law.pace.edu>; VanCott, Paul <PVanCott@woh.com>; Sean Davis <sdavis@norfolkbeier.com>
Subject: Re: Preliminary response RE: P2021-0276: Site Visit Scheduling

CAUTION: This email originated from outside of the firm. Do not click links or open attachments unless you recognize the sender and are expecting the message.

Take this issue up with APA Staff.

Sincerely,
Matthew D. Norfolk, Esq.

NORFOLK BEIER PLLC
D: 518.302.7064
F: 518.302.7100
A: The Outpost Plaza
55 Barn Road, Suite 201
Lake Placid, NY 12946
E: mnorfolk@norfolkbeier.com

Exhibit E

Outlook

Re: P2021-0276 - UCI Ballistic Range Application

From Matthew D. Norfolk <mnorfolk@norfolkbeier.com>
Date Fri 7/10/2026 5:20 PM
To Claudia Braymer <executivedirector@protectadks.org>
Cc Hubbard, Jennifer M (APA) <jennifer.hubbard@apa.ny.gov>; Christopher Amato <conservationdirector@protectadks.org>; Gitlen, Philip <pgitlen@woh.com>; David Gibson <dgibson@adirondackwild.org>; Seitelman, Anna V. <aseitelman@woh.com>; Ommen, Todd D. <tommen@law.pace.edu>; Sean Davis <sdavis@norfolkbeier.com>; Greenwood, David N (DEC) <david.greenwood@dec.ny.gov>; Chelsie Geesler <CGeesler@norfolkbeier.com>

The Third Revised Scheduling Order does not mandate my clients to allow the intervening parties to attend the site visit or otherwise enter upon the land where the project site is located. Additionally, the Third Revised Scheduling Order does not authorize or give the intervening parties the right to attend the site visit or otherwise enter upon the land where the project site is located. My clients have made it abundantly clear to me that law enforcement will be called if any unauthorized individuals attempt to enter upon the land where the project site is located.

I don't know how to say it any other way. The intervening parties will not be allowed to attend a site visit.

Sincerely,
Matthew D. Norfolk, Esq.

NORFOLK BEIER PLLC
D: 518.302.7064
F: 518.302.7100
A: The Outpost Plaza
55 Barn Road, Suite 201
Lake Placid, NY 12946
E: mnorfolk@norfolkbeier.com

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From: Claudia Braymer <executivedirector@protectadks.org>
Sent: Friday, July 10, 2026 5:03 PM

To: Matthew D. Norfolk <mnorfolk@norfolkbeier.com>
Cc: Hubbard, Jennifer M (APA) <jennifer.hubbard@apa.ny.gov>; Christopher Amato <conservationdirector@protectadks.org>; Gitlen, Philip <pgitlen@woh.com>; David Gibson <dgibson@adirondackwild.org>; Seitelman, Anna V. <aseitelman@woh.com>; Ommen, Todd D. <tommen@law.pace.edu>; Sean Davis <sdavis@norfolkbeier.com>; Greenwood, David N (DEC) <david.greenwood@dec.ny.gov>; Chelsie Geesler <CGeesler@norfolkbeier.com>
Subject: Re: P2021-0276 - UCI Ballistic Range Application

Dear Judge Greenwood,

I will note that a site visit for the APA staff, intervening parties and experts is included in the Third Revised Scheduling Order. We are prepared to attend with 2 or 3 individuals at 8:30am or 10:00am on July 15.

Thank you,
Claudia Braymer

On Fri, Jul 10, 2026 at 4:45 PM Matthew D. Norfolk <mnorfolk@norfolkbeier.com> wrote:

> Dear Judge Greenwood:
>
> My clients have agreed to start the site visit at 10:00, July 15, 2026. Attorney Sullivan has confirmed that she and two other representatives of the APA will attend the site visit, beginning at 10:00 am, on July 15, 2026. It is my understanding that a 10:00 am start will accommodate your schedule and alleviate the need for you to make plans to stay at a hotel the night before. I ask that you kindly advise if you will attend the site.
>
> My clients will not agree to permit the intervening parties to visit the project site. There is no legal requirement for an applicant to allow intervening parties to visit the project site. Without any legal obligation, by and through my email sent on July 9, 2026, at 12:48 pm, my clients offered the intervening parties the opportunity to visit the project site with reasonable terms and conditions. In response, they audaciously objected to those terms and conditions - despite possessing no right to enter upon the project site or participate in a site visit. It appears the intervening parties wish to have unfettered access to the project site. As a result of the intervening parties' refusal to accept my clients' terms and conditions for a site visit, my clients exercised their lawful right and withdrew their offer extended to them. My clients have not changed their position. They will not allow the intervening parties access to the project site.
>
> By Monday, July 13, 2026, I will provide a disclaimer/hold harmless agreement that my clients require those attending the site visit to execute. By copy hereof, I ask Attorney Sullivan to identify the individuals who will be accompanying her during the site visit and provide copies of their driver's licenses or equivalent forms of identity. I ask that this be done by noon, Monday, July 13, 2026. Well in advance of the site visit, I will also provide those authorized to attend the site visit directions to the location where we will meet to be transported to the project site by all-terrain vehicles my clients are making available.
>
> Sincerely,
> Matthew D. Norfolk, Esq.
> NORFOLK BEIER PLLC
> D: 518.302.7064
> F: 518.302.7100
> A: The Outpost Plaza
> 55 Barn Road, Suite 201

Lake Placid, NY 12946
E: mnorfolk@norfolkbeier.com

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NORFOLK BEIER PLLC
ATTORNEYS AT LAW

August 11, 2026

Via Email
Hon. David Greenwood
Administrative Law Judge
NYS Department of Environmental Conservation
Office of Hearings and Mediation Services
625 Broadway
Albany, New York 12233-1550
david.greenwood@dec.ny.gov

Re: APA Project 2021-0276
Sponsor/Applicant: Michael Hopmeier/Unconventional Concepts, Inc.

Dear Judge Greenwood:

I request a 21-day extension to file written witness testimony and exhibits. I simply need more time to complete the submission. If you are inclined to grant my request, of course, I will have no objection to Attorney Sullivan and counsel for the intervenors to be granted more time for them to file their written testimony and exhibits.

Thank you for your consideration of my request herein.

Respectfully,

Norfolk Beier PLLC

By: _____
Matthew D. Norfolk, Esq.

cc: Service List

Outlook

Re: P2021-0276 - UCI Ballistic Range Application

From Greenwood, David N (DEC) <david.greenwood@dec.ny.gov>
Date Wed 08/12/2026 10:36 AM
To Matthew D. Norfolk <mnorfolk@norfolkbeier.com>
Cc Sullivan, Grace (APA) <Grace.Sullivan@apa.ny.gov>; Ommen, Todd D. <tommen@law.pace.edu>; Executivedirector@protectadks.org <executivedirector@protectadks.org>; Hubbard, Jennifer M (APA) <Jennifer.Hubbard@apa.ny.gov>; pgitlen@WOH.com <pgitlen@WOH.com>; Seitelman, Anna V. <aseitelman@woh.com>; Chelsie Geesler <CGeesler@norfolkbeier.com>; Sean Davis <sdavis@norfolkbeier.com>; PVanCott@woh.com <PVanCott@woh.com>; David Gibson <dgibson@adirondackwild.org>; Christopher Amato <conservationdirector@protectadks.org>

Dear Parties:

In the interests of responding as quickly as possible to the letter request for "a 21-day extension to file written witness testimony and exhibits" I received from Applicant's counsel at 3:38 p.m. yesterday August 11, 2021, my response to the request is this email rather than a letter ruling. Per the Third Revised Scheduling Order dated June 24, 2026, the Applicant was to file and serve pre-filed testimony of witnesses and related exhibits on or before 5:00 p.m. today August 12, 2026. Also, Per the Third Revised Scheduling Order "Any requests to modify or amend this Scheduling Order must be filed in writing at least 10 calendar days before the established due date. Prior to filing the request, the parties must confer and attempt to resolve the conflict before filing the request with the hearing officer." Additionally, the APA hearing procedures provide under "Extension of time by consent" at 9 NYCRR 580.20 that "Any time period specified in this Part may be extended for good cause by written mutual consent of the project sponsor and the agency staff".

The Applicant's request for a 21-day extension was not made "at least 10 days before the established due date."

There is no indication that "Prior to filing the request" the parties conferred to attempt to resolve the conflict.

There is no indication that the extension is for "good cause" rather the only reason stated in the request is "I simply need more time to complete the submission".

There is no indication that the "mutual consent of the project sponsor and the agency staff" has been obtained.

Because the untimely request for a 21-day extension to file written witness testimony and exhibits does not comport with the procedure for such requests set forth in the Third Revised Scheduling Order, or the APA's hearing procedures, I am required to deny it. The request for "a 21-day extension to file written witness testimony and exhibits" I received from Applicant's counsel at 3:38 p.m. yesterday August 11, 2026 is hereby DENIED.

Nonetheless, the hearing in this matter must proceed, and as the Applicant's request for a modification of the timelines in the Third Scheduling Order is an application to the hearing officer for a ruling, order or determination, 9 NYCRR 580.11(c) provides that "The hearing officer shall give all parties an opportunity to respond thereto." Accordingly, the most viable way to proceed is to conduct a pre-hearing video conference between the applicant, APA hearing staff and the other parties as soon as possible to develop a Fourth Revised Scheduling Order that is mutually agreeable to the parties.

The following dates and times for a conference call this week and next week work for myself, hopefully we can decide on a time that works for everyone:

Friday August 14 — 10am
Monday August 17 — 10am or 2pm
Wednesday August 19 — 10am or 2pm

Please reply all with dates and times that you are available by **2pm on Thursday August 13**. Once we find a date and time for the conference call, I would ask APA hearing staff to kindly provide us all with a Webex link to use to log into the call.

Thank you for your time and attention to these matters.

Sincerely and thank you,

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
w: (518) 402-9004 | david.greenwood@dec.ny.gov
dec.ny.gov

From: Matthew D. Norfolk <mnorfolk@norfolkbeier.com>
Sent: Tuesday, August 11, 2026 3:38 PM
To: Greenwood, David N (DEC) <david.greenwood@dec.ny.gov>
Cc: Sullivan, Grace (APA) <Grace.Sullivan@apa.ny.gov>; Ommen, Todd D. <tommen@law.pace.edu>; Executivedirector@protectadks.org <executivedirector@protectadks.org>; Hubbard, Jennifer M (APA) <Jennifer.Hubbard@apa.ny.gov>; pgitlen@WOH.com <pgitlen@WOH.com>; Seitelman, Anna V. <aseitelman@woh.com>; Chelsie Geesler <CGeesler@norfolkbeier.com>; Sean Davis <sdavis@norfolkbeier.com>; PVanCott@woh.com <PVanCott@woh.com>; David Gibson <dgibson@adirondackwild.org>; Christopher Amato <conservationdirector@protectadks.org>
Subject: Re: P2021-0276 - UCI Ballistic Range Application

Attention: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Dear Judge Greenwood:

Please find attached my letter-request.

Sincerely,
Matthew D. Norfolk, Esq.

NORFOLK BEIER PLLC
D: 518.302.7064
F: 518.302.7100
A: The Outpost Plaza
55 Barn Road, Suite 201

Lake Placid, NY 12946
E: mnorfolk@norfolkbeier.com

Outlook

Re: Reply in Further Support of Invervenors' Joint Motion

From Greenwood, David N (DEC) <david.greenwood@dec.ny.gov>
Date Thu 09/10/2026 1:06 PM
To Matthew D. Norfolk <mnorfolk@norfolkbeier.com>
Cc Christopher Amato <conservationdirector@protectadks.org>; Sean Davis <sdavis@norfolkbeier.com>; pgitlen@WOH.com <pgitlen@WOH.com>; PVanCott@woh.com <PVanCott@woh.com>; Ommen, Todd D. <tommen@law.pace.edu>; David Gibson <dgibson@adirondackwild.org>; Executivedirector@protectadks.org <executivedirector@protectadks.org>; O'Connell, Thomas Carl <toconnell@law.pace.edu>; Sullivan, Grace (APA) <Grace.Sullivan@apa.ny.gov>; Hubbard, Jennifer M (APA) <Jennifer.Hubbard@apa.ny.gov>

Good Afternoon All:
I do not believe oral argument is necessary for me to decide the Intervenors' joint motion or the Applicants' cross-motion. The motion papers before me from all parties are thorough, eloquent and fully explain the arguments for and against the requested relief. I am well into writing a ruling on the motion and cross-motion and intend to issue it with a few days. Given the exigency of the need for a ruling in light of the October hearing date, delaying the issuance of a ruling to hold oral argument would be unwise. Sincerely and thank you,

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
w: (518) 402-9004 | david.greenwood@dec.ny.gov
dec.ny.gov

From: Matthew D. Norfolk <mnorfolk@norfolkbeier.com>
Sent: Wednesday, September 9, 2026 6:44 PM
To: Greenwood, David N (DEC) <david.greenwood@dec.ny.gov>
Cc: Christopher Amato <conservationdirector@protectadks.org>; Sean Davis <sdavis@norfolkbeier.com>; pgitlen@WOH.com <pgitlen@WOH.com>; PVanCott@woh.com <PVanCott@woh.com>; Ommen, Todd D. <tommen@law.pace.edu>; David Gibson <dgibson@adirondackwild.org>; Executivedirector@protectadks.org <executivedirector@protectadks.org>; O'Connell, Thomas Carl <toconnell@law.pace.edu>; Sullivan, Grace (APA) <Grace.Sullivan@apa.ny.gov>; Hubbard, Jennifer M (APA) <Jennifer.Hubbard@apa.ny.gov>
Subject: Re: Reply in Further Support of Invervenors' Joint Motion

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Good Evening, Judge Greenwood,

I request oral argument on the Intervenors' motion "to dismiss" and the Applicants' cross-motion. This request was included in the notice of cross-motion I filed on behalf of the Applicants.

Thank you for your consideration.

Sincerely,
Matthew D. Norfolk, Esq.

NORFOLK BEIER PLLC
D: 518.302.7064
F: 518.302.7100
A: The Outpost Plaza
55 Barn Road, Suite 201
Lake Placid, NY 12946
E: mnorfolk@norfolkbeier.com

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From: Greenwood, David N (DEC) <david.greenwood@dec.ny.gov>
Sent: Sunday, September 6, 2026 3:21 PM
To: Christopher Amato <conservationdirector@protectadks.org>
Cc: Matthew D. Norfolk <mnorfolk@norfolkbeier.com>; Sean Davis <sdavis@norfolkbeier.com>; pgitlen@WOH.com <pgitlen@WOH.com>; PVanCott@woh.com <PVanCott@woh.com>; Ommen, Todd D. <tommen@law.pace.edu>; David Gibson <dgibson@adirondackwild.org>; Executivedirector@protectadks.org <executivedirector@protectadks.org>; O'Connell, Thomas Carl <toconnell@law.pace.edu>; Sullivan, Grace (APA) <Grace.Sullivan@apa.ny.gov>; Hubbard, Jennifer M (APA) <Jennifer.Hubbard@apa.ny.gov>
Subject: Re: Reply in Further Support of Invervenors' Joint Motion

I have received the Intervenors' reply affirmation in further support of the Intervenors' joint motion and in opposition to the Applicants' cross-motion. Thank you.

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
w: (518) 402-9004 | david.greenwood@dec.ny.gov
dec.ny.gov

From: Christopher Amato <conservationdirector@protectadks.org>
Sent: Thursday, September 3, 2026 4:14 PM
To: Greenwood, David N (DEC) <david.greenwood@dec.ny.gov>
Cc: Matthew D. Norfolk <mnorfolk@norfolkbeier.com>; Sean Davis <sdavis@norfolkbeier.com>; pgitlen@WOH.com <pgitlen@WOH.com>; PVanCott@woh.com <PVanCott@woh.com>; Ommen, Todd D. <tommen@law.pace.edu>; David Gibson <dgibson@adirondackwild.org>; Executivedirector@protectadks.org <executivedirector@protectadks.org>; O'Connell, Thomas Carl <toconnell@law.pace.edu>; Sullivan, Grace (APA) <Grace.Sullivan@apa.ny.gov>; Hubbard, Jennifer M (APA) <Jennifer.Hubbard@apa.ny.gov>
Subject: Reply in Further Support of Invervenors' Joint Motion

Attention: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Dear Judge Greenwood:

Please find attached the Intervenors' reply affirmation in further support of the Intervenors' joint motion and in opposition to the Applicants' cross-motion.

Respectfully submitted,

Christopher Amato
Conservation Director and Counsel
Protect the Adirondacks
P.O. Box 48
North Creek, NY 12853
(518) 251-2700 (o)
(518) 860-3696 (c)

5.31 Motion to Dismiss Subfolder

STATE OF NEW YORK
ADIRONDACK PARK AGENCY

In the Matter of the Application of

UNCONVENTIONAL CONCEPTS, INC.
and MICHAEL HOPMEIER

NOTICE OF JOINT MOTION

For a Permit Pursuant to Section 809 of the Adirondack Park Agency Act and 9 NYCRR Parts 573 and 574

Project No. 2021-0276

PLEASE TAKE NOTICE, that upon the annexed Affirmation of Christopher A. Amato, Esq., dated August 17, 2026, and upon all prior pleadings and proceedings had herein, Intervenors Adirondack Council, Adirondack Wild: Friends of the Forest Preserve, Protect the Adirondacks, and Sierra Club hereby move the Honorable David L. Greenwood, Administrative Law Judge, for an Order (i) dismissing this adjudicatory proceeding on the grounds that the Applicants have failed to comply with this tribunal's Third Scheduling Order, including failing without justification or good cause to submit pre-filed testimony in support of the application by the ordered deadline and therefore defaulting on their opportunity to submit additional information required by the Adirondack Park Agency ("APA") and necessary for the APA to make the statutorily required findings for permit issuance; and (ii) referring the pending incomplete application to the APA Board for final action; and for such other and further relief deemed just and proper.

Dated: Albany, New York
August 17, 2026



CHRISTOPHER A. AMATO

TO: Matthew Norfolk, Esq.
Grace Sullivan, Esq.
Jennifer Hubbard, Esq.

STATE OF NEW YORK
ADIRONDACK PARK AGENCY

In the Matter of the Application of

UNCONVENTIONAL CONCEPTS, INC.
and MICHAEL HOPMEIER

For a Permit Pursuant to Section 809 of the Adirondack Park Agency Act and 9 NYCRR Parts 573 and 574

AFFIRMATION IN SUPPORT OF INTERVENORS' JOINT MOTION TO DISMISS THIS HEARING AND REFER TO APA BOARD FOR FINAL ACTION ON THE APPLICATION

Project No. 2021-0276

CHRISTOPHER A. AMATO, an attorney duly admitted to practice before the courts of the State of New York, hereby affirms under penalty of perjury:

1. I am Conservation Director and Counsel for Intervenor Protect the Adirondacks ("PROTECT"). I submit this affirmation in support of the joint motion by Intervenors Adirondack Council, Adirondack Wild: Friends of the Forest Preserve, Sierra Club, and PROTECT (collectively, "Intervenors") to dismiss this adjudicatory proceeding and refer the pending application by Unconventional Concepts, Inc. and Michael Hopmeier (the "Applicants") to the Adirondack Park Agency ("APA") Board for final action.
2. The requested relief is warranted because the Applicants have (i) refused to acknowledge that the portion of the project site located at 87 Hale Hill Lane (the "missile silo site") is part of the application, even though that parcel, Lot 29, is specifically identified as part of the project site in the application and in the APA Board's November 14, 2025 hearing order; (ii) failed to provide Intervenors and their experts access to the missile silo site or to the other project site parcel (Lots 29 and 31) as required by the Third Revised Scheduling Order ("Order"); and (iii)

failed to submit pre-filed testimony in support of the application by August 12, 2026 as required by the Order.

3. Your Honor correctly denied the Applicants' untimely and substantively deficient request for an additional three weeks to prepare and submit testimony. The request was not submitted at least 10 days prior to the filing deadline, and the Applicants made no effort to confer with the other parties prior to submitting it, in direct violation of the Order's requirements. The Intervenors oppose issuance of a Fourth Scheduling Order that would provide the Applicants with additional time to submit testimony because doing so would (i) effectively reverse Your Honor's prior ruling; (ii) be unwarranted, in any event, as the Applicants have not stated any reason, much less good cause, for the extension; and (iii) would significantly prejudice the Intervenors which have already made arrangements with their witnesses for complying with the long-established schedule in the Order.
4. The Intervenors likewise oppose issuance of yet another scheduling order because the Applicants have demonstrated a continuing disregard for the Order and for the fair and orderly conduct of this proceeding. Not only have the Applicants failed to comply with their obligation to submit pre-filed testimony (and have offered no adequate justification for that failure), but they have refused to permit the Intervenor witnesses to participate in the site inspection contemplated by the Order.
5. The Applicants' refusal to acknowledge that the missile silo site is part of the project site, their refusal to permit the Intervenors to participate in the project site visit, and their failure to timely submit pre-filed testimony have prejudiced the Intervenors.

6. The Applicants' claim that the missile silo site is not part of the project site, if allowed to stand, will misrepresent the full scope of the proposed project and result in an incomplete record that precludes the APA Board's full review of all aspects of the proposed project.
7. Additionally, the Applicants' refusal to allow the Intervenors and their experts to participate in the site visit deprives them of first-hand observation of the project site and hinders their preparation for and participation in the adjudicatory hearing.
8. Moreover, Intervenors and their experts have relied upon the timely filing of the Applicants' pre-filed testimony and have organized their schedules to ensure that it can be reviewed and assessed, and responsive testimony can be prepared, by the deadline in the Order for the Intervenors to submit pre-filed testimony. While a new scheduling order may establish new, later deadlines for submission of the parties' pre-filed testimony, altering the schedule at this late date—after it has been in place for months—means that Intervenors and their experts will need to significantly readjust their schedules to review the Applicants' testimony and to provide responsive pre-filed testimony due to scheduling conflicts that would have been avoid had the Applicants simply complied with the Order.
9. The APA's Order sending the application to an adjudicatory hearing explicitly states that the purpose of the hearing is to develop sufficient information to enable the APA Board to determine whether the application meets the statutory criteria for permit issuance.
10. Because the Applicants failed to submit any pre-filed testimony by the deadline established in the Order—despite having had approximately nine months to prepare—the information sought by the APA Board to determine whether the application meets the statutory criteria has not been submitted and the Applicants have failed to meet their burden of proof as required by the APA Act and the APA regulations. Because the Applicants have failed to avail themselves of

the ample time and opportunity to meet their burden, there is no justification for allowing them further time in a new scheduling order.

11. Because the Applicants have failed to meet their burden of proof despite having been provided every opportunity to do so, the APA Board cannot make its required findings under the APA Act and the application must be denied.

12. Denial of a permit application may occur only by vote of the full APA Board. Accordingly, the Intervenors move for this proceeding to be dismissed and for the pending incomplete application be referred to the full APA Board for final action.

Procedural Background

13. The Applicants seek APA approval of an artillery testing range and related activities on properties located in the Town of Lewis, Essex County. The application clearly identifies the missile silo site as part of the project site and states that the site will be used to analyze materials and to store trailers and support equipment (presumably including the storage and possibly the processing of chemical materials that will be used in the testing) between artillery test series. *See* July 9, 2026 email from Grace Sullivan, APA, to Service List, annexed as **Exhibit A**. Clearly, the missile silo site is part of the property that will be used by the Applicants for the artillery testing.

14. The application was submitted on or about November 19, 2021. Between November 2021 and July 2025, APA staff issued six Notices of Incomplete Application ("NIPAs) seeking additional information from the Applicants. Despite repeated efforts by APA staff to obtain information necessary for an informed review of the application, the Applicants failed to provide much of the requested information.

15. Consequently, by Order dated November 14, 2025, the APA Board directed that the application be subject to an adjudicatory hearing to develop "more information to determine whether it can meet Agency approval criteria set forth in [the] APA Act . . . ." *See* APA Project Order, Project 2021-0276 (Nov. 14, 2025) annexed as **Exhibit B**, at 4.

16. On January 23, 2026, Administrative Law Judge ("ALJ") David Greenwood issued a Scheduling Order requiring, among other things, that the Applicants' pre-filed testimony be filed on or before 5:00 p.m. on April 29, 2026.

17. On March 13, 2026, ALJ Greenwood issued a Second Revised Scheduling Order requiring, among other things, that the Applicants' pre-filed testimony be filed on or before 5:00 p.m. on May 20, 2026.

18. On June 24, 2026, ALJ Greenwood issued the Third Revised Scheduling Order. A copy of the Order is annexed as **Exhibit C**.

19. The Order stated: "The parties conferred and discussed a schedule for a site visit for APA hearing staff, intervening parties and any retained experts on June 15, 2026 and are proposing a site visit to occur July 15-17 or the week of July 27, 2026. An exact date has not yet been agreed to." Ex. C, § II.

20. The Order further required the Applicants to submit pre-filed testimony on or before 5:00 p.m. on August 12, 2026. *Id*. § III.

21. The Order expressly provides: "Any requests to modify or amend this Scheduling Order must be filed in writing at least 10 calendar days before the established due date. Prior to filing the request, the parties must confer and attempt to resolve the conflict before filing the request with the hearing officer." *Id*. § V.

The Applicants Refuse to Allow the Intervenors to Participate in the Site Visit

22. As stated in the application and confirmed by APA staff, and as demonstrated above, the missile silo site is part of the project site. *See* Ex. A.

23. The Applicants have nevertheless persisted in claiming that the missile silo site is not part of the project site. *See* Email from Grace Sullivan, Esq., APA, to Service List, dated July 13, 2026, annexed as **Exhibit D**.

24. In addition, despite having agreed to a site visit for all parties, and despite that agreement having been memorialized in the Order, the Applicants abruptly refused to allow the Intervenors to participate in the site visit. *See* Emails from Matt Norfolk, Esq. to Service List dated July 10, 2026, annexed as **Exhibit E**. The Applicants further threatened to prosecute the Intervenors for trespass if they appeared for the site visit. *Id*.

25. The circumstances surrounding this event, as well as an explanation of the prejudice suffered by the Intervenors as a result of the Applicants' refusal to comply with the terms of the Order, are set forth in the August 10, 2026 letter from Todd Ommen, Esq., counsel for Intervenor Sierra Club, to the ALJ, annexed as **Exhibit F**.

The Applicants Fail to Submit Pre-Filed Testimony

26. The Applicants have known since the APA Board's November 14, 2025 Order that their application would be the subject of an adjudicatory hearing.

27. In addition, the Applicants have known since at least the ALJ's January 23, 2026 Scheduling Order that they would be required to submit pre-filed testimony in support of their application.

28. Nevertheless, the Applicants nevertheless failed to submit pre-filed testimony on or before 5:00 p.m. on August 12 as required by the Order.

29. Instead, late in the afternoon of August 11—the day before the filing deadline—Applicants' counsel submitted a letter requesting an additional 21 days to prepare and submit testimony. *See* Letter from Matt Norfolk, Esq. to ALJ Greenwood dated August 11, 2026, annexed as **Exhibit G**.

30. Counsel's eleventh-hour request provided no justification or good cause for the requested extension, stating only: "I simply need more time." *Id.*

31. By email dated August 12, 2026, Your Honor denied the Applicants' request for an extension, noting that the request was untimely, had not been the subject of conferral between the parties, and failed to establish "good cause" for an extension. *See* Email from ALJ Greenwood to Service List dated August 12, 2026, annexed as **Exhibit H**.

The Scheduled Conference

32. The ruling denying the Applicants' request for an extension proposed "a pre-hearing video conference between the applicant, APA hearing staff and the other parties as soon as possible to develop a Fourth Revised Scheduling Order that is mutually agreeable to the parties." *See* Ex. G.

33. As set forth above, the Intervenors oppose issuance of a Fourth Revised Scheduling Order because it would: (i) effectively nullify Your Honor's prior ruling denying the Applicants' request for an extension; (ii) grant the Applicants the very relief that Your Honor has determined is unwarranted; (iii) in essence reward the Applicants' flagrant disregard of the Order; (iv) significantly prejudice the Intervenors; and (v) result in a failure to maintain "order and the efficient conduct of the hearing" as required by APA regulations. 9 NYCRR § 580.14(a)(4)(xi).

34. The Intervenors therefore respectfully submit that the conference, scheduled for August 19 at 10:00 a.m. is unnecessary and unwarranted.

The Applicants Have Failed to Meet Their Burden of Proof and the Application Must Therefore Be Referred to the APA Board for Final Action

35. The APA Act provides that the APA may not issue a permit for new land use and development unless it determines that the project will "not have an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the park or upon the ability of the public to provide supporting facilities and services made necessary by the project, taking into account the commercial, industrial, residential, recreational or other benefits that might be derived from the project." Executive Law § 809(10)(e).

36. The APA's regulations further make clear that the applicant in an adjudicatory hearing has the burden of proving that the proposed project satisfies the statutory criteria for issuance of a permit. 9 NYCRR § 580.14(b)(6)(i).

37. The APA's Order explicitly states: "Information currently available [in the application] is insufficient to make a determination as to any of [the APA Act] approval criteria. A public hearing would help to develop these issues and may reveal additional issues relating to other approval criteria." Ex. B at 5.

38. The Applicants' unjustified failure to submit pre-filed testimony in support of the application by the deadline established in the Order effectively constitutes a default on their application. As noted above, the Applicants have had months of notice that pre-filed testimony would be required. Their eleventh hour request for additional time, made in violation of the Order's procedural requirements and without anything approaching a showing of good cause, cannot excuse their failure to comply with the Order.

39. The Applicants have disregarded the requirements governing this proceeding, and there is no basis to conclude that further extensions or revised scheduling orders will result in compliance. The Applicants' conduct has continued to prejudice the Intervenors, waste the time and resources of this Tribunal and the parties, and undermine the fair and orderly development of a complete record for APA decision-making.

40. The Applicants have had a full and fair opportunity to present their case for permit issuance and have failed to do so.

41. The APA Act provides that denial of a permit application may only be by vote of the full APA Board after an adjudicatory hearing. Executive Law § 809(3)(d).

42. Here, an ALJ has been assigned; numerous conferences have been held between the parties and the ALJ; discovery has been completed; and three scheduling orders have been issued. The hearing has therefore substantially commenced.

43. By failing to submit pre-filed testimony by the deadline established in the Order, the Applicants have failed to avail themselves of the opportunity to present evidence in support of their application.

44. Accordingly, this proceeding should be dismissed and the pending incomplete application should be referred to the APA Board for final action.

45. The APA's Order requiring an adjudicatory hearing was expressly based upon its finding that the Applicants had not provided sufficient information to allow the APA Board to make its required statutory findings under APA Act § 809(10).

46. Because the Applicants have failed to meet their burden of proof by failing to submit pre-filed testimony as required by the Order, the Applicants' application remains deficient and the only appropriate final action is denial of the permit application.

WHEREFORE, the Intervenors respectfully request that this proceeding be dismissed and that the pending application be referred to the full APA Board for final action, together with such other and further relief as Your Honor deems just and proper.

Dated: Albany, New York
August 17, 2026



CHRISTOPHER A. AMATO

EXHIBIT A

Preliminary response RE: P2021-0276: Site Visit Scheduling

Sullivan, Grace (APA) <Grace.Sullivan@apa.ny.gov> Thu, Jul 9, 2026 at 1:32 PM
To: "Matthew D. Norfolk" <mnorfolk@norfolkbeier.com>, "Greenwood, David N (DEC)" <david.greenwood@dec.ny.gov>
Cc: "Executivedirector@protectadks.org" <executivedirector@protectadks.org>, "Hubbard, Jennifer M (APA)" <Jennifer.Hubbard@apa.ny.gov>, Christopher Amato <conservationdirector@protectadks.org>, "pgitlen@WOH.com" <pgitlen@woh.com>, David Gibson <dgibson@adirondackwild.org>, "Seitelman, Anna V." <ASeitelman@woh.com>, "Ommen, Todd D." <tommen@law.pace.edu>, "PVanCott@woh.com" <PVanCott@woh.com>, Sean Davis <sdavis@norfolkbeier.com>

Attorney Norfolk,

We are less than a week out from this site visit – we would appreciate some efforts to accommodate the Agency and intervening parties' experts.

1. Fine
2. I have no objection to this meeting time for myself, but considering the number of parties involved and the distance many people will have to travel I think shifting the meeting time to an hour and a half later would be the considerate thing to do. You have not provided a legitimate reason as to why the 10:00A.M. start time cannot be accommodated. The Agency would gladly arrange for accommodations for our expert witness, but because we are discussing this less than a week from the scheduled visit, and our expert is on vacation with his family, I do not know whether it will be practicable for him to travel the night prior. I do know that he would be able to attend a site visit at 10:00AM on July 15, 2026. I would like to bother him as little as possible. Moreover, I am sure the intervening parties would tend to agree that the later start is preferred.
3. If the Applicant has legitimate concerns about the safety, perhaps it makes sense to limit the number of individuals/site visit and arrange for additional site visits to accommodate the parties and their experts as needed.
4. I would like confirmation prior to the site visit that the site visit will be at least 1.5 hours.
5. Although only Lot 31 (Pulsifer's property, 195 Hale Hill Lane) is listed in the APA application material submitted to the Agency, as you can see on the attached supplemental page (which was attached as part of the initial submission), the applicant references storing equipment at 87 Hale Hill Lane. The applicant has also indicated that the material collected will be analyzed at this site. As such, the Agency has determined that both parcels are part of the Project Site.

I have updated the service list to include Sean.

Thank you,

Grace

From: Matthew D. Norfolk <mnorfolk@norfolkbeier.com>
Sent: Thursday, July 9, 2026 12:48 PM

To: Greenwood, David N (DEC) <david.greenwood@dec.ny.gov>
Cc: Executivedirector@protectadks.org; Hubbard, Jennifer M (APA) <Jennifer.Hubbard@apa.ny.gov>; Christopher Amato <conservationdirector@protectadks.org>; pgitlen@WOH.com; David Gibson <dgibson@adirondackwild.org>; Seitelman, Anna V. <ASeitelman@woh.com>; Ommen, Todd D. <tommen@law.pace.edu>; PVanCott@woh.com; Sean Davis <sdavis@norfolkbeier.com>; Sullivan, Grace (APA) <Grace.Sullivan@apa.ny.gov>
Subject: Re: Preliminary response RE: P2021-0276: Site Visit Scheduling

Attention: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Good morning, Judge Greenwood and Counselors:

The terms and conditions that my clients have presented are reasonable. Judge Greenwood has no objection to them.

Below I address Attorney Sullivan's and Attorney Van Cott's objections or concerns, as the case may be.

1. The specific location where we are to meet will be provided under separate cover. I can tell you that the meeting location will be at the beginning of a wooded rough road which travels over a steep incline for a mile plus. My clients have no obligation to accommodate those who will be visiting the site. Yet, they will be dedicating vehicles, fuel and staff to transport the individuals attending the site visit.

2. Meeting at 8:30 am to begin the site visit is not unreasonable. The workday for many of us begins at 8:30 am. The State has vast resources and I am sure that it can afford accommodating its witnesses with housing the night before the site visit. There are many economical hotels in the area. I know there are two inns and a motel in Elizabethtown, which is not far from the site. The price of a hotel in the area is minute in comparison to what the State has expended to date in reviewing the present application for a temporary project. It should also be pointed out that it is the State (*i.e.*, the APA), and some would say The Adirondack Council, who mandates this hearing proceeding. Presumably, in ordering the hearing, the APA confirmed beforehand that it has the financial resources to prepare for and conduct the hearing.

3. With respect to the limitation of the number of people that may attend the site visit, my clients are sincerely concerned about the safety of those attending the site visit. The land is comprised of steep inclines, ledges or cliffs and uneven terrain, making it a treacherous, unsafe place to be for people. The more people that attend increases the risk of injury or death. The APA has no objection to limiting the number of people who may attend the site visit to three. Moreover, none of the parties have objected to this limitation. I acknowledge that Attorney Van Cott does not "believe" that the limitation on the number of individuals is reasonable and expresses concern that this limitation may prejudice the APA. However, as Attorney Sullivan states in her email below, the APA does not have an objection to the three-person limitation.

4. With respect to the time my clients are willing to allow the APA and the parties to visit the site, 45 minutes is reasonable. There is nothing preventing the APA and the parties from requesting more time during the site visit. In such case, I'll defer to my clients to decide the request.

5. Finally, the site visit is to be limited to the property expressly and specifically identified in my clients' application for a permit. I respectfully refer you to my clients' Application for Commercial and/or Industrial Uses (hereinafter referred to as the "Application"), page 2, section 4, *Project Site Location/Identification*. In this section, the project site is identified with particularity with its tax map parcel number, 38.1-1-31.000 (Lot 31). Additionally, my clients identified the owner of Lot 31, James Pulsifer, on page 1 of the Application. Mr. Pulsifer's owner-consent was submitted to the APA. Further identification of the project site (*e.g.*, the street address) can be found in the attachments and supplement to the Application. At no time throughout the entire application process did my clients amend the permit application to include more property(ies) to be part of the project site. The property the APA and the parties seek to inspect is not part of my clients' application. That property's street address is 87 Hale Hill Lane, bears tax map parcel number 38.1-1-29.000, and is owned by Diversified Upstate Enterprises, LLC. It should be noted that owner-consent has never been submitted to the APA on behalf of Diversified Upstate Enterprises, LLC. This is so because Diversified Upstate Enterprises, LLC is not an owner of the property designated as the project site.

P.S. I included on this email Sean Davis, a new employee of Norfolk Beier, as he will be assisting me with this matter. Kindly include Sean on all correspondence.

Sincerely,

Matthew D. Norfolk, Esq.

NORFOLK BEIER PLLC

D: 518.302.7064

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A: The Outpost Plaza

55 Barn Road, Suite 201

Lake Placid, NY 12946

E: mnorfolk@norfolkbeier.com

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From: Sullivan, Grace (APA) <Grace.Sullivan@apa.ny.gov>
Sent: Wednesday, July 8, 2026 2:24 PM
To: Greenwood, David N (DEC) <david.greenwood@dec.ny.gov>; Matthew D. Norfolk <mnorfolk@norfolkbeier.com>
Cc: Executivedirector@protectadks.org <executivedirector@protectadks.org>; Hubbard, Jennifer M (APA) <Jennifer.Hubbard@apa.ny.gov>; Christopher Amato <conservationdirector@protectadks.org>; pgitlen@WOH.com <pgitlen@WOH.com>; David Gibson <dgibson@adirondackwild.org>; Seitelman, Anna V. <ASeitelman@woh.com>; Ommen, Todd D. <tommen@law.pace.edu>; PVanCott@woh.com <PVanCott@woh.com>
Subject: RE: Preliminary response RE: P2021-0276: Site Visit Scheduling

Dear all,

I am in agreement with Attorney Van Cott that some of the proposed terms are unreasonable and unclear, particularly given the delayed notice. My notes are below:

1. Specify meeting location and time
2. Meeting location and time should be no earlier than 10:00 A.M. – It is at least an hour drive for most parties & their representatives. It is a multiple hour drive for our expert (without delays or wrong turns).
3. We are okay with 3 person limitation because only 1 expert, myself, and another staff member will be attending the visit, but believe that **every** expert retained by the parties should have the opportunity to visit on this date if they have determined it is necessary for their preparation of the hearing. I think it would be fair to provide a list of individuals planning to attend the site visit and their role in the hearing ahead of the July 15th visit. The applicant may then object to specific individuals if their purpose is duplicative and/or not justified. The current limitation of 3 individuals is arbitrary & contrary to the purpose of the site visit.
4. Duration of the site visit should be at least 1.5 hours from arrival at the site – We had discussed 2-3, but 1.5 should be sufficient for our expert. We worry that 45 minutes will be an insufficient amount of time to exit the vehicles, inspect the site, return to the vehicles. I do not want our expert to feel rushed, but we agree to not dally longer than necessary to complete the work we set out to do.
5. We had agreed to include both parcels in the site visit (though our expert only needs to visit the parcel at 195 Hale Hill Lane). If both parcels are not to be included, Applicant's Attorney must provide a compelling reason for this shift.

Thanks,

Grace

From: Greenwood, David N (DEC) <david.greenwood@dec.ny.gov>
Sent: Wednesday, July 8, 2026 1:58 PM
To: Matthew D. Norfolk <mnorfolk@norfolkbeier.com>
Cc: Executivedirector@protectadks.org; Hubbard, Jennifer M (APA) <Jennifer.Hubbard@apa.ny.gov>; Christopher Amato <conservationdirector@protectadks.org>; pgitlen@WOH.com; David Gibson <dgibson@adirondackwild.org>; Seitelman, Anna V. <ASeitelman@woh.com>; Sullivan, Grace (APA) <Grace.Sullivan@apa.ny.gov>; Ommen, Todd D. <tommen@law.pace.edu>; PVanCott@woh.com
Subject: Re: Preliminary response RE: P2021-0276: Site Visit Scheduling

EXHIBIT B

NEW YORK STATE | Adirondack Park Agency P.O. Box 99, 1133 NYS Route 86 Ray Brook, New York 12977 Tel: (518) 891-4050 www.apa.ny.gov	**APA Project Order 2021-0276** Date Issued: 11/14/2025
In the matter of the application of **Unconventional Concepts, Inc.,** and **Michael Hopmeier** subject to section 809 of the Adirondack Park Agency Act and 9 NYCRR Parts 573 and 574	

INTRODUCTION

On November 19, 2021, the Adirondack Park Agency (Agency) received an application to undertake a Class B Regional Project, in the Town of Lewis, Essex County. The applicant 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").

The howitzer testing range utilizes two parcels both located on land classified as Rural Use in the official Adirondack Park Land Use and Development Plan Map: (1) Tax Map Number 38.1-1-29.00 (8± acres), located at 87 Hale Hill Lane, is owned by Diversified Upstate Enterprises, LLC (Lot 29), and will be used to store equipment associated with testing; and (2) Tax Map Number 38.1-1-31.000 (197± acres), located at 195 Hale Hill Lane, is owned by Pulsifer Logging LLC (Lot 31). The applicant will be granted access to Lot 31 to perform the testing. The applicant intends to use a logged area on Lot 31 that backs up to Big Church Mountain as the howitzer testing range. The proposed testing site is located approximately 300 feet from the closest point of Taylor Pond Wild Forest, 2.1 miles from the closest point of Jay Mountain Wilderness, 4.7 miles from the closest point of Hurricane Mountain Wilderness. There are 44 residences located within two miles of the howitzer testing range. The howitzer testing range is 3.2 miles from the hamlet of Lewis and within 1.5 miles of the surrounding Moderate Intensity Use residential area. The project site is also located 10.8 miles from Lake Champlain.

A portable 155mm howitzer barrel assembly is proposed to be placed on a 100-foot by 100-foot crushed gravel pad and test-fired on Lot 31. Each test would fire a steel projectile into a target area. No explosive warheads are proposed to be used. The howitzer assembly is proposed to be fired up to 30 times per year on weekdays,

between the hours of 10am and 4pm. The applicant proposes to place a kinetic energy-absorbing system (soft catch system) at the eastern side of the range to catch projectiles fired. The soft catch system would consist of an 8-foot by 8-foot by 40-foot long metal shipping container or similar filled container with sand and other material to stop the projectiles.

Additional proposed equipment includes a mobile power supply such as a generator on a trailer, portable instrumentation carriers, a trailer, a port-a-potty, and other mobile support equipment. In between test series, all trailers and equipment would be removed from Lot 31 and stored on Lot 29.

Between November 2021 and July 2025, Agency staff issued six Notices of Incomplete Permit Application. The applicant responded to the last notice on September 11, 2025 and Agency staff deemed the application complete on September 26, 2025, at which point Agency staff commenced their formal review. The matter comes to the Agency for a determination pursuant to 9 NYCRR 580.2 with respect to a project hearing. The Agency herein directs the matter to a formal project hearing pursuant to Adirondack Park Agency Act (APA Act) § 809.

FINDINGS

I. In addressing the applicable criteria in 9 NYCRR 580.2, the record before the Agency supports the following conclusions:

(1) "The size and/or complexity of the project, whether measured by cost, area, effect upon municipalities, or uniqueness of resources likely to be affected."

The proposed activity is unique – the Agency has not permitted a howitzer testing range facility, nor is it aware of any existing facility of this type in the Adirondack Park. The howitzer testing range has the potential to affect the natural, scenic, ecological, wildlife, recreational, and open space resources of the park, including but not limited to: potential discharges, residues, or other pollutants that may affect water, air and land resources; noise impacts produced by the howitzer testing range; unknown disruption to native and migrating wildlife and their habitats at or near the proposed project site considering species' sensitivities; and the impacts to adjoining and nearby land uses, including but not limited to effects on the residents of the Town of Lewis, impact to property values in the area, the community character and quality of life of the residents of the Town of Lewis, and health and safety impacts relating to the howitzer testing range, and the operation, storage and transport of military equipment outside of a designated military-controlled area.

(2) "The degree of public interest in the project, as evidenced by communication from the general public, governmental officials or private organizations."

a. The level of public interest in this project is evidenced by the receipt of over 1,400 comments, the level of media coverage, and the scope of issues raised. Of the over 1,400 comments received, 19 comments expressed support for the project; the remaining raised concerns. Approximately 15 of the 44 residences within two miles of the howitzer testing range submitted comments.

b. The comments were received from concerned individuals, including adjoining and nearby landowners, residents outside the Park, a regional media editorial board, and regional and local environmental advocacy organizations.

c. The topics addressed in the comments include the following:

i. The permit application contains inaccurate, misleading, or internally inconsistent information with the applicant's public statements and actions.

ii. Issues raised about the applicability, accuracy, reliability, and scientific value of the sound study provided by the applicant.

iii. Concerns about the potential impact of noise on human health and safety, wildlife, and compatibility with the commercial, recreational, and residential uses.

iv. Concerns about potential pollutants related to the proposed activity.

d. The project received significant media coverage following the Agency's public notice period from October 1, 2025 to October 30, 2025. Approximately 97% of all comments were received during this period.

e. The applicant held a public information meeting in the Town of Lewis on October 16, 2025. According to a North Country Public Radio article, approximately 75 members of the public attended the meeting, and raised concerns and objections to the project similar to the written comments received by the Agency.

(3) "The presence of significant issues relating to the criteria for approval of the project."

The proposed howitzer testing range requires more information to determine whether it can meet Agency approval criteria set forth in APA Act § 809(10)(a) and (b) concerning the land use and development plan and the compatibility of the project with the character and purposes of land classified as Rural Use and APA Act § 809(10)(e) concerning the development considerations in APA Act § 805(4) and 9 NYCRR 574.5; for example:

a. Is a howitzer testing range compatible with the Adirondack Park Land Use and Development Plan? [APA Act § 809(10)(a)]

b. Is the howitzer testing range compatible with the character description and purposes, policies and objectives of the Rural Use land area classification? [APA Act § 809(10)(b)] The APA Act describes the character in Rural Use Areas as being those areas where natural resource limitations and public considerations necessitate fairly stringent development constraints. The basic purpose and objective of Rural Use areas is to provide for and encourage those rural land uses that are consistent and compatible with the relatively low tolerance of the areas' natural resources and the preservation of the open spaces that are essential and basic to the unique character of the park. [APA Act § 805(3)(f)]

c. Will a howitzer testing range have an undue adverse impact upon the natural, scenic, ecological, wildlife, recreational or open space resources of the park,

considering the following development considerations described in APA Act § 805(4) and 9 NYCRR 574.5:

i. Whether there are impacts to water, land, and air resources [APA Act § 805(4)(a)(1) – (3)];

ii. Whether there are noise impacts [APA Act § 805(4)(a)(4)];

iii. Whether there are impacts to Critical Resource Areas and Wildlife. [APA Act § 805(4)(a)(5) – (6)]; and

iv. Whether there are impacts to adjoining and nearby land uses. [APA Act § 805(4)(c)(2)(a)]

Information currently available is insufficient to make a determination as to any of these approval criteria. A public hearing would help to develop these issues and may reveal additional issues relating to other approval criteria.

(4) "The possibility that the project can only be approved if major modifications are made or substantial conditions are imposed."

Based on the current information available, the Agency is unaware of any modifications or substantial conditions the Agency could impose that would address the potential impacts outlined above. However, more information could develop during a hearing that could support the approvability or deniability of the project, and/or reveal conditions that could be imposed.

(5) "The possibility that information presented at a public hearing would be of assistance to the agency in its review."

The howitzer testing range raises unique issues and has the potential to affect the natural, scenic, ecological, wildlife, recreational, and open space resources of the park, including but not limited to: potential discharges, residues, or other pollutants that may affect water, air and land resources; noise impacts produced by the howitzer testing range; unknown disruption to native and migrating wildlife and their habitats at or near the proposed project site considering species' sensitivities; and the impacts to adjoining and nearby land uses, including but not limited to effects on the residents of the Town of Lewis, impact to property values in the area, the community character and quality of life of the residents of the Town of Lewis, and health and safety impacts relating to the howitzer testing range, and the operation, storage and transport of military equipment outside of a designated military-controlled area.

A hearing would also help address and resolve concerns about inconsistent,

incorrect, or misleading information, including but not limited to concern about the applicability, accuracy, reliability, and scientific value of the sound study conducted by the applicant as it applies to a howitzer testing range.

A public hearing would facilitate the receipt of testimony to address these issues. This information would help the Agency make the findings and determinations it is required to make under the APA Act.

(6) "The extent of public involvement achieved by other means."

The Agency is not aware of other government approvals or public hearings required to review the howitzer testing range by which the public may participate in the consideration of the proposed activity. Accordingly, the hearing contemplated in this Order may be the only hearing at which the unique issues identified above may be publicly considered. A hearing will therefore provide a unique opportunity for interested individuals or organizations to be involved and express support or concerns related to the project.

The degree of public interest has also demonstrated the public's desire to be informed about the proposed project. Therefore, holding a hearing on this application will provide additional transparency that will be beneficial to the public.

II. 9 NYCRR 580.3 provides that "the Agency may determine to limit the issues to be considered at the hearing, in which case it will advise the project sponsor of its determination, and the notice of hearing will specify the issues to be considered."

III. Notwithstanding the above, 9 NYCRR 580.9 provides "the hearing officer may direct the parties to appear for a conference to simplify, define, limit or resolve issues. The hearing officer shall summarize for the record the action taken at the conference and any admissions, stipulations or agreements which were made by the parties."

IV. Pursuant to 9 NYCRR 580.14(b)(3), the hearing officer may also order a brief, informal presentation at the outset of the hearing to answer questions from members of the public who are not parties to the hearing.

V. The Agency is not requesting that the hearing officer make findings of fact or conclusions of law pursuant to 9 NYCRR 580.14(a)(5); the Agency reserves to itself the exclusive right to make its own findings of fact and conclusions of law as part of its final Agency determination and order pursuant to 9 NYCRR 580.18.

ORDER

THE AGENCY HEREBY ORDERS this matter to public hearing and, pursuant to 9 NYCRR 580.3, directs the following issues be considered at hearing:

Issue #1: Whether the proposed howitzer testing range is compatible with the Adirondack Park land use and development plan, including, but not limited to, whether the howitzer testing range is compatible with the purpose of insuring overall conservation, protection, preservation, development and use of the unique scenic, wildlife, recreational, open space, ecological, and natural resources of the Adirondack Park. [APA Act § 809(10)(a)]

Issue #2: Whether the proposed howitzer testing range is a compatible use within the Rural Use land area classification, and whether it is compatible with the character description and purposes, policies and objectives of the Rural Use land area classification, including but not limited to whether the proposed use should be considered a "commercial use;" and if not, whether the proposed howitzer testing range is a compatible use. [APA Act § 809(10)(b)]

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 park [APA Act § 809(10)(e)], considering the development considerations contained in APA Act § 805(4) and 9 NYCRR 574.5, including, but not limited to the following:

i. Whether the howitzer testing range involves any potential discharges, residues, or other pollutants that may affect water resources, land resources, or air resources. [APA Act § 805(4)(a)(1) – (3)]

ii. Whether the howitzer testing range would have an undue adverse impact to land resources within the park, such as soils, forest and open space resources, including the quality and availability of nearby lands for outdoor recreational purposes. [APA Act § 805(4)(a)(1) and (2)]

iii. Whether there is a reliable, comprehensive and accurate projection of the noise that will be produced by the howitzer testing range and whether such noise will have an undue adverse impact upon the Park's resources. [APA Act § 805(4)(a)(1)]

iv. Whether noise mitigation exists or whether they are practical to implement that would avoid undue impact to the Park's resources. [APA Act § 805(4)(a)(1)]

v. Whether the howitzer testing range will create undue ecological impacts or disruption to native or migrating wildlife and their habitats at or near the howitzer testing range, considering species' sensitivities. [APA Act § 805(4)(a)(5) and (6)]

vi. Whether the howitzer testing range could have health and safety impacts relating to the operation, storage, and transport of military equipment. [APA Act § 805(4)(c)(2)(a)]

vii. Whether the howitzer testing range could impact nearby Wilderness and Wild Forest areas. [APA Act § 805(4)(c)(2)(a)]

viii. Whether the howitzer testing range would have economic impact on adjoining and nearby land uses, such as property values. [APA Act § 805(4)(c)(2)(a)]

FURTHER ORDERED, the following are issues for which no testimony or evidence is necessary:

1. Conformance with the overall intensity guidelines.

   The project does not propose development that would exceed the overall intensity guidelines for a Rural Use land use area that allows a maximum of 75 principal buildings per square mile, pursuant to APA Act § 809(10)(c) and APA Act § 805(3)(f)(3).

2. Shoreline Restrictions.

   No shorelines have been identified on the proposed project site, pursuant to APA Act §§ 810(10)(d) and 806 and 9 NYCRR 575.

FURTHER ORDERED, the hearing officer shall have all the authority provided in 9 NYCRR 580.9, and the hearing notice shall direct potential parties to address the issues stated above in any petition for party status. The hearing officer may in their sole discretion simplify, define, limit, or resolve the scope of issues, or add an issue if not expressly excluded and for which a party makes an offer of proof to ensure that the record covers substantive and significant issues relating to the findings or determinations required of the Agency under APA Act § 805(4) and § 809(10). The determinations of the hearing officer on party status, issues and the conduct of the hearing shall be reported for the record prior to beginning the hearing as provided in 9 NYCRR 580.9.

FURTHER ORDERED, that the applicant be notified of the Agency's intent to hold a public hearing on the project before the Agency renders its decision to approve or disapprove the project, or to approve it subject to conditions.

FURTHER ORDERED, that the applicant be given, upon fifteen days' written notice by certified mail, an opportunity to submit a new application.

NOW, THEREFORE, upon all of the foregoing and under authority of the Agency's action, due deliberation having been had upon all of the foregoing, and upon a majority vote of Agency members on November 14, 2025, duly had and recorded**,**

ORDER issued this 14th day
of November 2025.

E N T E R

ADIRONDACK PARK AGENCY

BY: _____
Barbara Rice
Executive Director

EXHIBIT C

In the Matter of the Application of

UNCONVENTIONAL CONCEPTS, Inc., and MICHAEL HOPMEIER

THIRD REVISED SCHEDULING ORDER

APA Project No. 2021-0276

The adjudicatory hearing in the above-captioned matter has been **adjourned** from June 24, 2026 and shall now commence on **Wednesday October 28, 2026**, at 10:00 A.M. at Adirondack Park Agency headquarters located at 1133 NYS Route 86, Ray Brook, New York 12977 and such additional dates as determined to be necessary.

I. Discovery

Responses to preliminary interrogatories and requests for production of documents were due at 5:00 p.m. on April 29, 2026.

APA hearing staff shall supplement their April 29, 2026 responses by production of all relevant, material, and non-privileged documents, excluding expert reports, by serving such documents on all parties and the hearing officer on or before 5:00 p.m. on June 26, 2026.

Applicant and intervening parties are not required to supplement their April 29, 2026 discovery responses, unless otherwise ordered following any motion to compel.

II. Site Visit

The parties conferred and discussed a schedule for a site visit for APA hearing staff, intervening parties and any retained experts on June 15, 2026 and are proposing a site visit to occur July 15-17 or the week of July 27, 2026. An exact date has not yet been agreed to.

III. Pre-filed Direct Testimony

Pursuant to 9 NYCRR 580.14(f), the hearing officer may require the submission of pre-filed written testimony for witnesses. Unless otherwise ordered, all testimony shall be written and pre-filed in accordance with the schedule established in this Order, and service on the hearing officer and the parties shall be by email. Each witness offered as an expert must provide, or must be accompanied by a technical report that provides, a full explanation of the basis for the views set forth therein, including data, tables, protocols, computations, formulae, and any other information necessary for verification of the views set forth, as well as a bibliography of reports, studies and other documents relied upon. Upon ten (10) days notice (which time may be shortened or extended by the Hearing Officer) the party submitting pre-filed testimony may also

be required to make available all raw data, well logs, laboratory notes, and other basic materials, as well as all items on the bibliography provided. Whenever pre-filed testimony is not required, any party may demand, from any other party or the Agency propounding an expert witness, all backup information that would be required in connection with pre-filed testimony.

The pre-filed submissions will be limited to direct testimony with the associated exhibits. The pre-filed direct testimony will be prepared in question and answer format. Each line on every page will be numbered, and each page of the pre-filed testimony must be numbered. Errata will not be accepted after the filing date. During the hearing, the witnesses will have the opportunity to correct any typographical errors of their written pre-filed direct testimony before cross-examination. In the alternative, the witness may file an affidavit in advance of the hearing session describing any changes or corrections to the pre-filed direct testimony and associated exhibits.

The applicant will file and serve pre-filed testimony of witnesses and related exhibits on or before 5:00 p.m. on **August 12, 2026**.

APA staff shall file and serve pre-filed direct testimony and related exhibits on or before 5:00 p.m. on **August 26, 2026**.

Intervenors shall file and serve pre-filed direct testimony and related exhibits on or before 5:00 p.m. on **September 9, 2026**.

IV. Order of Proceedings

The parties shall meet and confer with the Hearing Officer on Wednesday October 7, 2026 to discuss (i) the order of proceedings; (ii) scheduling of witnesses; and (iii) proposed schedule and locations for hearing dates.

At the hearing, the sponsoring party will ask the witness to attest to the pre-filed testimony. The parties will have the opportunity to cross-examine each witness unless the parties stipulate otherwise. If a party intends to introduce any exhibits during cross-examination, copies of the exhibits must be provided to each party and the hearing officer at that time. The sponsoring party may ask its witness questions on re-direct, followed by recross-examination.

The hearing will continue, as needed, until each party has presented their direct case, and the other parties have exercised their right to cross-examine the witnesses.

At the conclusion of the hearing the parties shall have the opportunity to submit final briefs relating to any issue of law, ruling, or positions taken.

V. Modification of Scheduling Order

Any requests to modify or amend this Scheduling Order must be filed in writing at least 10 calendar days before the established due date. Prior to filing the request, the parties must confer and attempt to resolve the conflict before filing the request with the hearing officer.

SO ORDERED



David N. Greenwood
APA Hearing Officer

Dated: June 24, 2026
Albany, New York
To: Attached Service List

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

Project Sponsor / Applicant Representatives

Matthew D. Norfolk
Norfolk Beier PLLC
1936 Saranac Ave, Suite 106
Lake Placid, NY 12946

APA Hearing Staff

Grace Sullivan
Senior Attorney
Adirondack Park Agency
PO Box 99
1133 NYS Route 86
Ray Brook, NY 12977

Jennifer Hubbard
Adirondack Park Agency
PO Box 99
1133 NYS Route 86
Ray Brook, NY 12977

Intervenors

Roger Downs
Conservation Director
Sierra Club Atlantic Chapter

Care of Todd D. Ommen
Managing Attorney
Pace Environmental Litigation Clinic
78 North Broadway
White Plains, NY 10603

David Gibson
Managing Partner
Adirondack Wild: Friends of the Forest Preserve
P.O. Box 9247
Niskayuna, NY 12309

Paul Van Cott, Esq.
Philip H. Gitlen, Esq.
Anna V. Seitelman, Esq.
Attorneys for Adirondack Council, Inc.
Whiteman Osterman & Hanna LLP
One Commerce Plaza
Albany, NY 12260

Christopher Amato, Esq.
Conservation Director and Counsel
Claudia Braymer, Esq.
Executive Director
Protect the Adirondacks
P.O. Box 48
North Creek, NY 12853

David N. Greenwood
Administrative Law Judge
NYS DEC
Office of Hearings and Mediation Services
625 Broadway, 1st Floor
Albany, New York 12233-1550

EXHIBIT D

P2021-0276 - UCI Ballistic Range Application

Sullivan, Grace (APA) <Grace.Sullivan@apa.ny.gov> Mon, Jul 13, 2026 at 3:40 PM
To: "Greenwood, David N (DEC)" <david.greenwood@dec.ny.gov>, ": Matthew D. Norfolk" <mnorfolk@norfolkbeier.com>, "Executivedirector@protectadks.org" <executivedirector@protectadks.org>, "Hubbard, Jennifer M (APA)" <Jennifer.Hubbard@apa.ny.gov>, Christopher Amato <conservationdirector@protectadks.org>, "pgitlen@WOH.com" <pgitlen@woh.com>, David Gibson <dgibson@adirondackwild.org>, "Seitelman, Anna V." <aseitelman@woh.com>, "Ommen, Todd D." <tommen@law.pace.edu>, Sean Davis <sdavis@norfolkbeier.com>, Chelsie Geesler <CGeesler@norfolkbeier.com>, "PVanCott@woh.com" <PVanCott@woh.com>

Dear Judge Greenwood and all,

I was left off the e-mail chain initiated by Attorney Norfolk on Friday, so I was not in receipt of the below communications until flagged by co-counsel, Jennifer Hubbard, this afternoon. It also appears that Attorney Paul Van Cott was left off the chain.

It is my understanding that, at present, the applicant will not allow the intervening parties to attend a site visit at either parcel identified as part of the project site. However, the applicant has agreed to a site visit for APA staff, the Agency's noise expert, Dr. Timothy McAuley, and Administrative Law Judge, David Greenwood, at 10 A.M. on July 15, 2026 for TMP 38.1-1-31.000 (195 Hale Hill Lane, Lewis, NY). The Agency hearing staff intend to move forward with this scheduled site visit.

Judge Greenwood, we agree with your assessment below regarding your participation in a site visit which does not include all parties.

Agency staff will provide a copy our New York State Agency IDs and our expert will provide a copy of his license with any private personal information redacted. We will complete this step ASAP.

Attendees:

Grace Sullivan, Senior Attorney, APA hearing staff member

Megan Philips, Deputy Director of Planning, Expert Witness

Dr. Timothy McAuley, Noise and Environmental Expert Witness

Additionally, there are a few issues that have arisen from the site visit discussions which need to be resolved, but that should not prevent this site visit from moving forward. Those issues and the hearing staff's position on such issues are outlined briefly below.

1. **Definition of the Project Site**. In recent communications, attorney for the applicant has suggested that the project site should be limited to TMP 38.1-1-31.000 (195 Hale Hill Lane, Lewis, NY). This is inconsistent with

the Agency's November Order & Agency's designation of the project site since receipt of the Application and issuance of the Agency's first NIPA. The application identified TMP 38.1-1-31.000 (195 Hale Hill Lane, Lewis, NY) as the project site but indicated in the appendix to the application that materials for the project would be stored at TMP 38.1-1-29.00 (87 Hale Hill Lane, Lewis, NY). Based on this information, the Agency determined that both parcels are necessarily a part of the project site and has identified them as such on each communication since issuance of the first Notice of Incomplete Permit Application. Throughout the Agency's review of this project, the information provided by the Applicant has underscored the Agency's determination that lot 29 is integral to the proposed project – the proximity of lot 29 to lot 31 was cited as a reason that alternative locations are not plausible and the data gathered in connection with the proposed testing will be analyzed at the facilities on lot 29. Both parcels were also identified publicly in the Agency's November Board Presentation, November Order, and the Notice of Public Hearing.

It is Agency hearing staff's position that the project as currently proposed is inextricably tied to both lot 29 and lot 31. The attorney for the Applicant has suggested in recent communications that because the landowner for lot 29, Diversified Upstate Enterprises LLC, did not sign the application, as is required under Agency Regulations, that lot 29 cannot be included as part of the project review site. It is Agency hearing staff's understanding and belief that Michael Hopmeier, the Applicant, is the sole member of Diversified Upstate Enterprises LLC. As such, Michael Hopmeier's signature to the application, participation in the review process, and failure to raise this objection over the course of the project review, strongly support a conclusion of implied consent and any argument to the contrary is disingenuous. Nonetheless, Agency hearing staff recognize that Agency Regulations require written consent of the landowner and will separately seek written consent signed by an authorized representative of Diversified Upstate Enterprises LLC to include TMP 38.1-1-29.00 as part of the project site. Should Diversified Upstate Enterprises LLC refuse to sign such a consent, the Agency will be unable to continue processing the application as currently proposed and the hearing proceedings will be suspended.

2. **Opportunity for Intervenor's site visit.** While there are no specific regulations which mandate the opportunity for a site visit, the Agency agrees with Attorney Van Cott's assessment that the right to inspect the site can find support in CPLR and case law. The Agency is willing to expand upon this position if given additional time. That being said, Agency hearing staff do not believe that right is without limitation. The intervening parties should provide a justification for their needs as it relates to both parcels. The Applicant may be able to demonstrate that the site visit should be limited to a particular area or for specific purposes. At present, Agency hearing staff do not take a position as to the scope of an intervenors site visit. Agency hearing staff recognize that these issues will not be resolved prior to the July 15, 2026 site visit and as such propose resolution of these issues be addressed separately.

Sincerely,

Grace Sullivan

[Quoted text hidden]

EXHIBIT E

P2021-0276 - UCI Ballistic Range Application

Matthew D. Norfolk <mnorfolk@norfolkbeier.com> Fri, Jul 10, 2026 at 5:20 PM
To: Claudia Braymer <executivedirector@protectadks.org>
Cc: "Hubbard, Jennifer M (APA)" <jennifer.hubbard@apa.ny.gov>, Christopher Amato <conservationdirector@protectadks.org>, "Gitlen, Philip" <pgitlen@woh.com>, David Gibson <dgibson@adirondackwild.org>, "Seitelman, Anna V." <aseitelman@woh.com>, "Ommen, Todd D." <tommen@law.pace.edu>, Sean Davis <sdavis@norfolkbeier.com>, "Greenwood, David N (DEC)" <david.greenwood@dec.ny.gov>, Chelsie Geesler <CGeesler@norfolkbeier.com>

The Third Revised Scheduling Order does not mandate my clients to allow the intervening parties to attend the site visit or otherwise enter upon the land where the project site is located. Additionally, the Third Revised Scheduling Order does not authorize or give the intervening parties the right to attend the site visit or otherwise enter upon the land where the project site is located. My clients have made it abundantly clear to me that law enforcement will be called if any unauthorized individuals attempt to enter upon the land where the project site is located.

I don't know how to say it any other way. The intervening parties will not be allowed to attend a site visit.

Sincerely,

Matthew D. Norfolk, Esq.
NORFOLK BEIER PLLC
D: 518.302.7064
F: 518.302.7100
A: The Outpost Plaza
55 Barn Road, Suite 201
Lake Placid, NY 12946
E: mnorfolk@norfolkbeier.com

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From: Claudia Braymer <executivedirector@protectadks.org>
Sent: Friday, July 10, 2026 5:03 PM
To: Matthew D. Norfolk <mnorfolk@norfolkbeier.com>

Cc: Hubbard, Jennifer M (APA) <jennifer.hubbard@apa.ny.gov>; Christopher Amato <conservationdirector@protectadks.org>; Gitlen, Philip <pgitlen@woh.com>; David Gibson <dgibson@adirondackwild.org>; Seitelman, Anna V. <aseitelman@woh.com>; Ommen, Todd D. <tommen@law.pace.edu>; Sean Davis <sdavis@norfolkbeier.com>; Greenwood, David N (DEC) <david.greenwood@dec.ny.gov>; Chelsie Geesler <CGeesler@norfolkbeier.com>
Subject: Re: P2021-0276 - UCI Ballistic Range Application

Dear Judge Greenwood,

I will note that a site visit for the APA staff, intervening parties and experts is included in the Third Revised Scheduling Order. We are prepared to attend with 2 or 3 individuals at 8:30am or 10:00am on July 15.

Thank you,
Claudia Braymer

On Fri, Jul 10, 2026 at 4:45 PM Matthew D. Norfolk <mnorfolk@norfolkbeier.com> wrote:

> Dear Judge Greenwood:
>
> My clients have agreed to start the site visit at 10:00, July 15, 2026. Attorney Sullivan has confirmed that she and two other representatives of the APA will attend the site visit, beginning at 10:00 am, on July 15, 2026. It is my understanding that a 10:00 am start will accommodate your schedule and alleviate the need for you to make plans to stay at a hotel the night before. I ask that you kindly advise if you will attend the site.
>
> My clients will not agree to permit the intervening parties to visit the project site. There is no legal requirement for an applicant to allow intervening parties to visit the project site. Without any legal obligation, by and through my email sent on July 9, 2026, at 12:48 pm, my clients offered the intervening parties the opportunity to visit the project site with reasonable terms and conditions. In response, they audaciously objected to those terms and conditions - despite possessing no right to enter upon the project site or participate in a site visit. It appears the intervening parties wish to have unfettered access to the project site. As a result of the intervening parties' refusal to accept my clients' terms and conditions for a site visit, my clients exercised their lawful right and withdrew their offer extended to them. My clients have not changed their position. They will not allow the intervening parties access to the project site.
>
> By Monday, July 13, 2026, I will provide a disclaimer/hold harmless agreement that my clients require those attending the site visit to execute. By copy hereof, I ask Attorney Sullivan to identify the individuals who will be accompanying her during the site visit and provide copies of their driver's licenses or equivalent forms of identity. I ask that this be done by noon, Monday, July 13, 2026. Well in advance of the site visit, I will also provide those authorized to attend the site visit directions to the location where we will meet to be transported to the project site by all-terrain vehicles my clients are making available.
>
> Sincerely,
> Matthew D. Norfolk, Esq.
> NORFOLK BEIER PLLC
> D: 518.302.7064
> F: 518.302.7100
> A: The Outpost Plaza
> 55 Barn Road, Suite 201
> Lake Placid, NY 12946
> E: mnorfolk@norfolkbeier.com

EXHIBIT F

PACE ENVIRONMENTAL LITIGATION CLINIC

JOHN JAY LEGAL SERVICES, INC.

ELISABETH HAUB SCHOOL OF LAW

78 NORTH BROADWAY

WHITE PLAINS, NEW YORK 10603

PHONE: 914.422.4343

FAX: 914.422.4437

OF COUNSEL	SUPERVISING ATTORNEY	ADMINISTRATOR
KARL S. COPLAN	TODD D. OMMEN	JENNIFER RUHLE

August 10, 2026

Via Email

Honorable 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

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

Dear Judge Greenwood:

I write on behalf of the Intervenors to note for the record in this proceeding (the "Record") that the Applicants unjustifiably excluded Intervenors from the site inspection that occurred in July. The issues concerning the site inspection were thoroughly discussed and addressed prior to the inspection, and while we do not intend to reargue those issues, we want to put all the facts and Intervenors' full position into the Record being compiled for the APA Board because the emails regarding the site inspection may not ultimately be part of the Record.

As you know, the Parties originally intended and agreed to a site inspection that would be open to all parties to these proceedings. Some of the details were to be determined, but section II the Third Revised Scheduling Order dated June 24, 2026, plainly set out this agreement:

> **Site Visit:**
>
> The parties conferred and discussed a schedule for a site visit for APA hearing staff, intervening parties and any retained experts on June 15, 2026 and are proposing a

> site visit to occur July 15-17 or the week of July 27, 2026. . .

By letter dated July 7, 2026, and circulated on July 8, 2026, one week before the proposed date of the agreed-upon inspection, the Applicants announced their "conditions" for the inspection, which included requiring a waiver of liability, limitations on the number of visitors "per party" (including Intervenors), and various time and transportation restrictions. *See* Ex. A (July 7, 2026, Letter). The parties agreed to most of the conditions, including the waiver and transportation conditions, but both APA staff and Intervenors raised issues with the start time, which properties would be included and the length of the inspection. The Intervenors also expressed some concern about the limitation on number of participants. *See* Exh. B (July 8, 2026, email from Paul VanCott); Exh. C (July 8, 2026, email from Grace Sullivan). After some attempts to negotiate these details, counsel for the Applicants abruptly stated that the Applicants "withdraw the offer extended to the intervening parties to perform an inspection of the project site." *See* Exh. D (July 9, 2026, email from Matthew Norfolk). After both APA staff and Intervenors objected to this sudden change in position, which was directly contrary to the provisions of the Scheduling Order, the Applicants again confirmed their refusal to allow any Intervenors to attend the site visit and threatened to have them arrested if they attempted to:

> My clients have made it abundantly clear to me that law enforcement will be called if any unauthorized individuals attempt to enter upon the land where the project site is located. I don't know how to say it any other way. The intervening parties will not be allowed to attend a site visit.

Exh. E (July 10, 2026, email from Matthew Norfolk). Our understanding is that the Site Visit occurred on July 15, 2026, with only APA representatives permitted to attend.

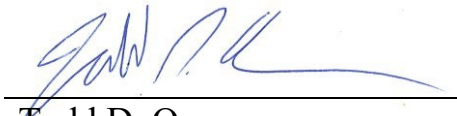
As Your Honor has repeatedly made clear, and no party disputes, the entire purpose of this proceeding is to gather sufficient information such that the APA Board can make a fully informed and reasonable decision on the pending Application. This is precisely why Your Honor permitted intervention by the Intervenors, and why all parties agreed to participate in the site inspection so that the experts testifying in this proceeding can be fully informed, which, in turn, will allow the APA Board to have a fully developed record. There is simply no principled basis to limit the content or quality of that Record by refusing to allow parties to these proceedings to inform their testimony with first-hand knowledge of the Site. There is certainly no basis for that limitation if the Applicants' only justifications for the exclusion are disagreements over the starting time (which the

Applicants ultimately agreed to) and an additional 45 minutes at the Site (which may or may not have been permitted). We respectfully submit that the exclusion of the Intervenors and their experts from the site visit is prejudicial because it deprives them of first-hand observation of the project site.

In addition to the prejudice to Intervenors, we further submit that the Record to be provided to the APA Board will be incomplete and limited due to the Applicants' refusal to comply with a term of the Third Revised Scheduling Order that they had *already* agreed to.

We understand that Your Honor does not believe you have the authority to Order a site inspection, and while we respectfully disagree with that conclusion, at a minimum we want the facts to be clearly set out in the Record here. Intervenors remain willing to schedule a new site inspection should that opportunity be provided.

Sincerely,



Todd D. Ommen
Counsel for Sierra Club

Cc: Counsel of record

Exhibit A

NORFOLK BEIER PLLC
ATTORNEYS AT LAW

July 7, 2026

Via Email Only
Hon. David Greenwood
Administrative Law Judge
NYS Department of Environmental Conservation
Office of Hearings and Mediation Services
625 Broadway
Albany, New York 12233-1550
david.greenwood@dec.ny.gov

Re: APA Project 2021-0276;
Sponsor/Applicant: Michael Hopmeier/Unconventional Concepts, Inc.;
Site Address: 195 Hale Hill Road, Town of Lewis, County of Essex

Dear Judge Greenwood:

Our clients, Mr. Michael Hopmeier (Sponsor) and Unconventional Concepts, Inc. (hereinafter referred to as "UCI") (Applicant), require the terms and conditions stated hereinbelow to apply to and govern the site visit scheduled for July 15, 2026. The primary purpose of the terms and conditions is to ensure the safety and well-being of those visiting the site, as well as facilitate an efficient and organized site visit.

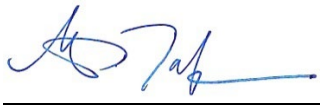
Terms and Conditions of Site Visit:

1. All individuals attending the site visit must sign a waiver of liability and hold harmless agreement, which shall be provided to Your Honor, the Adirondack Park Agency (hereinafter referred to as the "APA") and the parties before 5 pm on Friday, July 10, 2026.
2. The taking of photographs and recording of videos shall be limited to the site.
3. Transportation to the site shall be provided by UCI (individuals will be transported to the site using well-equipped all-terrain passenger vehicles).
4. The visit shall begin at 8:30 am sharp.
5. The Adirondack Park Agency (hereinafter referred to as the "APA") and each party shall be permitted to have no more than three individuals attend the site visit.
6. The APA and each party shall have 45 minutes to inspect the site.

[Signature On Following Page]

Sincerely,

Norfolk Beier PLLC

By: 

Matthew D. Norfolk

cc: Counsel of Record

Exhibit B

Outlook

RE: Preliminary response RE: P2021-0276: Site Visit Scheduling

From VanCott, Paul <pvancott@woh.com>
Date Wed 7/8/2026 1:55 PM
To Matthew D. Norfolk <mnorfolk@norfolkbeier.com>; Greenwood, David N (DEC) <david.greenwood@dec.ny.gov>
Cc Claudia Braymer <executivedirector@protectadks.org>; Hubbard, Jennifer M (APA) <Jennifer.Hubbard@apa.ny.gov>; Christopher Amato <conservationdirector@protectadks.org>; Gitlen, Philip <PGitlen@woh.com>; David Gibson <dgibson@adirondackwild.org>; Seitelman, Anna V. <ASeitelman@woh.com>; Sullivan, Grace (APA) <grace.sullivan@apa.ny.gov>; Ommen, Todd D. <tommen@law.pace.edu>

I do not believe the limitations on # of individuals and time allowed for the site visit are reasonable, particularly for APA staff who have the most witnesses. I also question whether the 8:30 am start is reasonable given that some witnesses may be traveling from a greater distance. Lastly, I thought the visit was to include both properties involved in the project.

Matt, we are a week away and you have put off responding until today. Some additional flexibility should be allowed.

Thank you.

Paul

Paul Van Cott | Whiteman Osterman & Hanna LLP
Of Counsel
One Commerce Plaza | Albany | New York | 12260
| o | 518.487.7733| f | 518.487.7777
| e | pvancott@woh.com | w | www.woh.com

From: Matthew D. Norfolk <mnorfolk@norfolkbeier.com>
Sent: Wednesday, July 8, 2026 12:45 PM
To: Greenwood, David N (DEC) <david.greenwood@dec.ny.gov>
Cc: Claudia Braymer <executivedirector@protectadks.org>; Hubbard, Jennifer M (APA) <Jennifer.Hubbard@apa.ny.gov>; Christopher Amato <conservationdirector@protectadks.org>; Gitlen, Philip <pgitlen@WOH.com>; David Gibson <dgibson@adirondackwild.org>; Seitelman, Anna V. <ASeitelman@woh.com>; Sullivan, Grace (APA) <grace.sullivan@apa.ny.gov>; Ommen, Todd D. <tommen@law.pace.edu>; VanCott, Paul <pvancott@woh.com>
Subject: Re: Preliminary response RE: P2021-0276: Site Visit Scheduling

CAUTION: This email originated from outside of the firm. Do not click links or open attachments unless you recognize the sender and are expecting the message.

Dear Judge Greenwood and Counselors:

Please find attached my letter regarding the anticipated site inspection.

Sincerely,
Matthew D. Norfolk, Esq.

NORFOLK BEIER PLLC
D: 518.302.7064
F: 518.302.7100
A: The Outpost Plaza
55 Barn Road, Suite 201
Lake Placid, NY 12946
E: mnorfolk@norfolkbeier.com

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From: Sullivan, Grace (APA) <Grace.Sullivan@apa.ny.gov>
Sent: Wednesday, July 8, 2026 9:31 AM
To: PVanCott@woh.com <PVanCott@woh.com>; Matthew D. Norfolk <mnorfolk@norfolkbeier.com>; Greenwood, David N (DEC) <david.greenwood@dec.ny.gov>; Executivedirector@protectadks.org <executivedirector@protectadks.org>; Ommen, Todd D. <tommen@law.pace.edu>
Cc: Hubbard, Jennifer M (APA) <Jennifer.Hubbard@apa.ny.gov>; Christopher Amato <conservationdirector@protectadks.org>; pgitlen@WOH.com <pgitlen@WOH.com>; David Gibson <dgibson@adirondackwild.org>; Seitelman, Anna V. <ASeitelman@woh.com>
Subject: RE: Preliminary response RE: P2021-0276: Site Visit Scheduling

Following up on this as well… We are one week out from this date. Can we please get a confirmation (yes or no)? If no, please provide a date that works for the applicant today so that we can get something on the books.

Thanks,
Grace

From: VanCott, Paul <PVanCott@woh.com>
Sent: Tuesday, July 7, 2026 9:32 AM
To: Matthew D. Norfolk <mnorfolk@norfolkbeier.com>; Sullivan, Grace (APA) <Grace.Sullivan@apa.ny.gov>; Greenwood, David N (DEC) <david.greenwood@dec.ny.gov>; Executivedirector@protectadks.org; Ommen, Todd D. <tommen@law.pace.edu>
Cc: Hubbard, Jennifer M (APA) <Jennifer.Hubbard@apa.ny.gov>; Christopher Amato <conservationdirector@protectadks.org>; pgitlen@WOH.com; David Gibson <dgibson@adirondackwild.org>; Seitelman, Anna V. <ASeitelman@woh.com>
Subject: RE: Preliminary response RE: P2021-0276: Site Visit Scheduling

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Are we confirmed for the 15th?

Paul Van Cott | Whiteman Osterman & Hanna LLP
Of Counsel
One Commerce Plaza | Albany | New York | 12260
| o | 518.487.7733| f | 518.487.7777
| e | pvancott@woh.com | w | www.woh.com

From: Matthew D. Norfolk <mnorfolk@norfolkbeier.com>
Sent: Wednesday, July 1, 2026 2:21 PM
To: Sullivan, Grace (APA) <Grace.Sullivan@apa.ny.gov>; VanCott, Paul <PVanCott@woh.com>; Greenwood, David N (DEC) <david.greenwood@dec.ny.gov>; Executivedirector@protectadks.org; Ommen, Todd D. <tommen@law.pace.edu>
Cc: Hubbard, Jennifer M (APA) <Jennifer.Hubbard@apa.ny.gov>; Christopher Amato <conservationdirector@protectadks.org>; Gitlen, Philip <pgitlen@WOH.com>; David Gibson <dgibson@adirondackwild.org>; Seitelman, Anna V. <ASeitelman@woh.com>
Subject: Re: Preliminary response RE: P2021-0276: Site Visit Scheduling

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Good afternoon, Attorney Sullivan,

I will provide days this week - preferably tomorrow. I can say that my client will not agree to Adk Council's expert having his or her own day to inspect the site.

Sincerely,
Matthew D. Norfolk, Esq.

NORFOLK BEIER PLLC
D: 518.302.7064
F: 518.302.7100
A: The Outpost Plaza
55 Barn Road, Suite 201
Lake Placid, NY 12946
E: mnorfolk@norfolkbeier.com

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From: Sullivan, Grace (APA) <Grace.Sullivan@apa.ny.gov>
Sent: Wednesday, July 1, 2026 9:47 AM
To: PVanCott@woh.com <PVanCott@woh.com>; Greenwood, David N (DEC) <david.greenwood@dec.ny.gov>; Executivedirector@protectadks.org <executivedirector@protectadks.org>; Ommen, Todd D. <tommen@law.pace.edu>
Cc: Hubbard, Jennifer M (APA) <Jennifer.Hubbard@apa.ny.gov>; Matthew D. Norfolk <mnorfolk@norfolkbeier.com>; Christopher Amato <conservationdirector@protectadks.org>; pgitlen@WOH.com <pgitlen@WOH.com>; David Gibson <dgibson@adirondackwild.org>; Seitelman, Anna V. <ASeitelman@woh.com>
Subject: RE: Preliminary response RE: P2021-0276: Site Visit Scheduling

Good morning all,

Attorney Norfolk, could you please indicate which days we may be able to schedule the site visit? If we schedule it for the 15th, can we do a separate site visit to accommodate Adirondack Council's expert?

Our expert is also available the week of the 27th. We would like to get something scheduled so that we may all plan around it.

Thanks,
Grace Sullivan

From: VanCott, Paul <PVanCott@woh.com>
Sent: Tuesday, June 23, 2026 3:01 PM
To: Greenwood, David N (DEC) <david.greenwood@dec.ny.gov>; Executivedirector@protectadks.org; Ommen, Todd D. <tommen@law.pace.edu>
Cc: Sullivan, Grace (APA) <Grace.Sullivan@apa.ny.gov>; Hubbard, Jennifer M (APA) <Jennifer.Hubbard@apa.ny.gov>; Matthew D. Norfolk <mnorfolk@norfolkbeier.com>; Christopher Amato <conservationdirector@protectadks.org>; pgitlen@WOH.com; David Gibson <dgibson@adirondackwild.org>; Seitelman, Anna V. <ASeitelman@woh.com>
Subject: RE: Preliminary response RE: P2021-0276: Site Visit Scheduling

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Our noise expert is a critical witness. Is there a way that we can separately accommodate a site visit by him. As noted, he has a scheduled vacation the week that includes the 15th.

Paul

Paul Van Cott | Whiteman Osterman & Hanna LLP
Of Counsel
One Commerce Plaza | Albany | New York | 12260
| o | 518.487.7733| f | 518.487.7777
| e | pvancott@woh.com | w | www.woh.com

From: Greenwood, David N (DEC) <david.greenwood@dec.ny.gov>
Sent: Tuesday, June 23, 2026 9:28 AM
To: Executivedirector@protectadks.org; Ommen, Todd D. <tommen@law.pace.edu>
Cc: Sullivan, Grace (APA) <Grace.Sullivan@apa.ny.gov>; VanCott, Paul <PVanCott@woh.com>; Hubbard, Jennifer M (APA) <Jennifer.Hubbard@apa.ny.gov>; Matthew D. Norfolk <mnorfolk@norfolkbeier.com>; Christopher Amato

Exhibit C

Outlook

RE: Preliminary response RE: P2021-0276: Site Visit Scheduling

From Sullivan, Grace (APA) <Grace.Sullivan@apa.ny.gov>
Date Wed 7/8/2026 2:24 PM
To Greenwood, David N (DEC) <david.greenwood@dec.ny.gov>; Matthew D. Norfolk <mnorfolk@norfolkbeier.com>
Cc Executivedirector@protectadks.org <executivedirector@protectadks.org>; Hubbard, Jennifer M (APA) <Jennifer.Hubbard@apa.ny.gov>; Christopher Amato <conservationdirector@protectadks.org>; pgitlen@WOH.com <pgitlen@WOH.com>; David Gibson <dgibson@adirondackwild.org>; Seitelman, Anna V. <ASeitelman@woh.com>; Ommen, Todd D. <tommen@law.pace.edu>; PVanCott@woh.com <PVanCott@woh.com>

Dear all,

I am in agreement with Attorney Van Cott that some of the proposed terms are unreasonable and unclear, particularly given the delayed notice. My notes are below:

1. Specify meeting location and time
2. Meeting location and time should be no earlier than 10:00 A.M. – It is at least an hour drive for most parties & their representatives. It is a multiple hour drive for our expert (without delays or wrong turns).
3. We are okay with 3 person limitation because only 1 expert, myself, and another staff member will be attending the visit, but believe that **every** expert retained by the parties should have the opportunity to visit on this date if they have determined it is necessary for their preparation of the hearing. I think it would be fair to provide a list of individuals planning to attend the site visit and their role in the hearing ahead of the July 15th visit. The applicant may then object to specific individuals if their purpose is duplicative and/or not justified. The current limitation of 3 individuals is arbitrary & contrary to the purpose of the site visit.
4. Duration of the site visit should be at least 1.5 hours from arrival at the site – We had discussed 2-3, but 1.5 should be sufficient for our expert. We worry that 45 minutes will be an insufficient amount of time to exit the vehicles, inspect the site, return to the vehicles. I do not want our expert to feel rushed, but we agree to not dally longer than necessary to complete the work we set out to do.
5. We had agreed to include both parcels in the site visit (though our expert only needs to visit the parcel at 195 Hale Hill Lane). If both parcels are not to be included, Applicant's Attorney must provide a compelling reason for this shift.

Thanks,
Grace

From: Greenwood, David N (DEC) <david.greenwood@dec.ny.gov>
Sent: Wednesday, July 8, 2026 1:58 PM
To: Matthew D. Norfolk <mnorfolk@norfolkbeier.com>
Cc: Executivedirector@protectadks.org; Hubbard, Jennifer M (APA) <Jennifer.Hubbard@apa.ny.gov>; Christopher Amato <conservationdirector@protectadks.org>; pgitlen@WOH.com; David Gibson <dgibson@adirondackwild.org>; Seitelman, Anna V. <ASeitelman@woh.com>; Sullivan, Grace (APA)

<Grace.Sullivan@apa.ny.gov>; Ommen, Todd D. <tommen@law.pace.edu>; PVanCott@woh.com
Subject: Re: Preliminary response RE: P2021-0276: Site Visit Scheduling

Dear Parties:
I have reviewed the terms and conditions of site visit in the letter dated July 7, 2026 from Applicant's counsel addressed to me received today. In my role as Hearing Officer and as a personal matter I have no objections to the terms and conditions. I do not speak for APA hearing staff or any of the intervenors of course. I do have one request, and that is some directions on exactly where to park upon arrival at 195 Hale Hill Road.

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
w: (518) 402-9004 | david.greenwood@dec.ny.gov
dec.ny.gov

From: Matthew D. Norfolk <mnorfolk@norfolkbeier.com>
Sent: Wednesday, July 8, 2026 12:45 PM
To: Greenwood, David N (DEC) <david.greenwood@dec.ny.gov>
Cc: Executivedirector@protectadks.org <executivedirector@protectadks.org>; Hubbard, Jennifer M (APA) <Jennifer.Hubbard@apa.ny.gov>; Christopher Amato <conservationdirector@protectadks.org>; pgitlen@WOH.com <pgitlen@WOH.com>; David Gibson <dgibson@adirondackwild.org>; Seitelman, Anna V. <ASeitelman@woh.com>; Sullivan, Grace (APA) <Grace.Sullivan@apa.ny.gov>; Ommen, Todd D. <tommen@law.pace.edu>; PVanCott@woh.com <PVanCott@woh.com>
Subject: Re: Preliminary response RE: P2021-0276: Site Visit Scheduling

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Dear Judge Greenwood and Counselors:

Please find attached my letter regarding the anticipated site inspection.

Sincerely,
Matthew D. Norfolk, Esq.

NORFOLK BEIER PLLC
D: 518.302.7064
F: 518.302.7100
A: The Outpost Plaza
55 Barn Road, Suite 201
Lake Placid, NY 12946
E: mnorfolk@norfolkbeier.com

Exhibit D

Outlook

Re: Preliminary response RE: P2021-0276: Site Visit Scheduling

From Matthew D. Norfolk <mnorfolk@norfolkbeier.com>
Date Thu 7/9/2026 5:05 PM
To VanCott, Paul <PVanCott@woh.com>; Sullivan, Grace (APA) <Grace.Sullivan@apa.ny.gov>; Greenwood, David N (DEC) <david.greenwood@dec.ny.gov>
Cc Executivedirector@protectadks.org <executivedirector@protectadks.org>; Hubbard, Jennifer M (APA) <Jennifer.Hubbard@apa.ny.gov>; Christopher Amato <conservationdirector@protectadks.org>; Gitlen, Philip <PGitlen@woh.com>; David Gibson <dgibson@adirondackwild.org>; Seitelman, Anna V. <ASeitelman@woh.com>; Ommen, Todd D. <tommen@law.pace.edu>; Sean Davis <sdavis@norfolkbeier.com>

Dear Judge Greenwood:

On behalf of my clients, Project Sponsor Michael Hopmeier and Unconventional Concepts, Inc., the Applicant, I hereby withdraw the offer extended to the intervening parties to perform an inspection of the project site. The intervening parties object to the site visit terms and conditions my clients have presented. Furthermore, there is no legal requirement that a project sponsor or applicant permit intervening parties to enter upon and inspect a project site. I certainly could not find any. I invite all receiving this email to correct me if there is, indeed, a legal mandate requiring my clients to permit intervening parties to enter upon and inspect the project site.

Sincerely,
Matthew D. Norfolk, Esq.

NORFOLK BEIER PLLC
D: 518.302.7064
F: 518.302.7100
A: The Outpost Plaza
55 Barn Road, Suite 201
Lake Placid, NY 12946
E: mnorfolk@norfolkbeier.com

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From: VanCott, Paul <PVanCott@woh.com>
Sent: Thursday, July 9, 2026 1:57 PM

To: Matthew D. Norfolk <mnorfolk@norfolkbeier.com>; Sullivan, Grace (APA) <Grace.Sullivan@apa.ny.gov>; Greenwood, David N (DEC) <david.greenwood@dec.ny.gov>
Cc: Executivedirector@protectadks.org <executivedirector@protectadks.org>; Hubbard, Jennifer M (APA) <Jennifer.Hubbard@apa.ny.gov>; Christopher Amato <conservationdirector@protectadks.org>; Gitlen, Philip <PGitlen@woh.com>; David Gibson <dgibson@adirondackwild.org>; Seitelman, Anna V. <ASeitelman@woh.com>; Ommen, Todd D. <tommen@law.pace.edu>; Sean Davis <sdavis@norfolkbeier.com>
Subject: RE: Preliminary response RE: P2021-0276: Site Visit Scheduling

What do these last 2 emails from you mean, Matt?

Perhaps we should call off any site visit if your client is unwilling provide reasonable courtesies to accommodate staff and the other parties. You are essentially denying the parties a meaningful site visit and not allowing staff and the intervenors to obtain information needed for a full and complete record.

The APA Board said both parcels are considered to be part of the project site, by the way. You have had the Order since last Fall.

Pual

Paul Van Cott | Whiteman Osterman & Hanna LLP
Of Counsel
One Commerce Plaza | Albany | New York | 12260
| o | 518.487.7733| f | 518.487.7777
| e | pvancott@woh.com | w | www.woh.com

From: Matthew D. Norfolk <mnorfolk@norfolkbeier.com>
Sent: Thursday, July 9, 2026 1:50 PM
To: Sullivan, Grace (APA) <Grace.Sullivan@apa.ny.gov>; Greenwood, David N (DEC) <david.greenwood@dec.ny.gov>
Cc: Executivedirector@protectadks.org; Hubbard, Jennifer M (APA) <Jennifer.Hubbard@apa.ny.gov>; Christopher Amato <conservationdirector@protectadks.org>; Gitlen, Philip <pgitlen@WOH.com>; David Gibson <dgibson@adirondackwild.org>; Seitelman, Anna V. <ASeitelman@woh.com>; Ommen, Todd D. <tommen@law.pace.edu>; VanCott, Paul <PVanCott@woh.com>; Sean Davis <sdavis@norfolkbeier.com>
Subject: Re: Preliminary response RE: P2021-0276: Site Visit Scheduling

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Take this issue up with APA Staff.

Sincerely,
Matthew D. Norfolk, Esq.

NORFOLK BEIER PLLC
D: 518.302.7064
F: 518.302.7100
A: The Outpost Plaza
55 Barn Road, Suite 201
Lake Placid, NY 12946
E: mnorfolk@norfolkbeier.com

Exhibit E

Outlook

Re: P2021-0276 - UCI Ballistic Range Application

From Matthew D. Norfolk <mnorfolk@norfolkbeier.com>
Date Fri 7/10/2026 5:20 PM
To Claudia Braymer <executivedirector@protectadks.org>
Cc Hubbard, Jennifer M (APA) <jennifer.hubbard@apa.ny.gov>; Christopher Amato <conservationdirector@protectadks.org>; Gitlen, Philip <pgitlen@woh.com>; David Gibson <dgibson@adirondackwild.org>; Seitelman, Anna V. <aseitelman@woh.com>; Ommen, Todd D. <tommen@law.pace.edu>; Sean Davis <sdavis@norfolkbeier.com>; Greenwood, David N (DEC) <david.greenwood@dec.ny.gov>; Chelsie Geesler <CGeesler@norfolkbeier.com>

The Third Revised Scheduling Order does not mandate my clients to allow the intervening parties to attend the site visit or otherwise enter upon the land where the project site is located. Additionally, the Third Revised Scheduling Order does not authorize or give the intervening parties the right to attend the site visit or otherwise enter upon the land where the project site is located. My clients have made it abundantly clear to me that law enforcement will be called if any unauthorized individuals attempt to enter upon the land where the project site is located.

I don't know how to say it any other way. The intervening parties will not be allowed to attend a site visit.

Sincerely,
Matthew D. Norfolk, Esq.

NORFOLK BEIER PLLC
D: 518.302.7064
F: 518.302.7100
A: The Outpost Plaza
55 Barn Road, Suite 201
Lake Placid, NY 12946
E: mnorfolk@norfolkbeier.com

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From: Claudia Braymer <executivedirector@protectadks.org>
Sent: Friday, July 10, 2026 5:03 PM

To: Matthew D. Norfolk <mnorfolk@norfolkbeier.com>
Cc: Hubbard, Jennifer M (APA) <jennifer.hubbard@apa.ny.gov>; Christopher Amato <conservationdirector@protectadks.org>; Gitlen, Philip <pgitlen@woh.com>; David Gibson <dgibson@adirondackwild.org>; Seitelman, Anna V. <aseitelman@woh.com>; Ommen, Todd D. <tommen@law.pace.edu>; Sean Davis <sdavis@norfolkbeier.com>; Greenwood, David N (DEC) <david.greenwood@dec.ny.gov>; Chelsie Geesler <CGeesler@norfolkbeier.com>
Subject: Re: P2021-0276 - UCI Ballistic Range Application

Dear Judge Greenwood,

I will note that a site visit for the APA staff, intervening parties and experts is included in the Third Revised Scheduling Order. We are prepared to attend with 2 or 3 individuals at 8:30am or 10:00am on July 15.

Thank you,
Claudia Braymer

On Fri, Jul 10, 2026 at 4:45 PM Matthew D. Norfolk <mnorfolk@norfolkbeier.com> wrote:

> Dear Judge Greenwood:
>
> My clients have agreed to start the site visit at 10:00, July 15, 2026. Attorney Sullivan has confirmed that she and two other representatives of the APA will attend the site visit, beginning at 10:00 am, on July 15, 2026. It is my understanding that a 10:00 am start will accommodate your schedule and alleviate the need for you to make plans to stay at a hotel the night before. I ask that you kindly advise if you will attend the site.
>
> My clients will not agree to permit the intervening parties to visit the project site. There is no legal requirement for an applicant to allow intervening parties to visit the project site. Without any legal obligation, by and through my email sent on July 9, 2026, at 12:48 pm, my clients offered the intervening parties the opportunity to visit the project site with reasonable terms and conditions. In response, they audaciously objected to those terms and conditions - despite possessing no right to enter upon the project site or participate in a site visit. It appears the intervening parties wish to have unfettered access to the project site. As a result of the intervening parties' refusal to accept my clients' terms and conditions for a site visit, my clients exercised their lawful right and withdrew their offer extended to them. My clients have not changed their position. They will not allow the intervening parties access to the project site.
>
> By Monday, July 13, 2026, I will provide a disclaimer/hold harmless agreement that my clients require those attending the site visit to execute. By copy hereof, I ask Attorney Sullivan to identify the individuals who will be accompanying her during the site visit and provide copies of their driver's licenses or equivalent forms of identity. I ask that this be done by noon, Monday, July 13, 2026. Well in advance of the site visit, I will also provide those authorized to attend the site visit directions to the location where we will meet to be transported to the project site by all-terrain vehicles my clients are making available.
>
> Sincerely,
> Matthew D. Norfolk, Esq.
>
> NORFOLK BEIER PLLC
> D: 518.302.7064
> F: 518.302.7100
> A: The Outpost Plaza
> 55 Barn Road, Suite 201

000859

Lake Placid, NY 12946
E: mnorfolk@norfolkbeier.com

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EXHIBIT G

NORFOLK BEIER PLLC
ATTORNEYS AT LAW

August 11, 2026

Via Email
Hon. David Greenwood
Administrative Law Judge
NYS Department of Environmental Conservation
Office of Hearings and Mediation Services
625 Broadway
Albany, New York 12233-1550
david.greenwood@dec.ny.gov

Re: APA Project 2021-0276
Sponsor/Applicant: Michael Hopmeier/Unconventional Concepts, Inc.

Dear Judge Greenwood:

I request a 21-day extension to file written witness testimony and exhibits. I simply need more time to complete the submission. If you are inclined to grant my request, of course, I will have no objection to Attorney Sullivan and counsel for the intervenors to be granted more time for them to file their written testimony and exhibits.

Thank you for your consideration of my request herein.

Respectfully,

Norfolk Beier PLLC

By: _____
Matthew D. Norfolk, Esq.

cc: Service List

The Outpost Plaza | 55 Barn Road, Suite 201 | Lake Placid, New York 12946
O: 518.302.8080 | F: 518.302.7100
www.norfolkbeier.com

EXHIBIT H

P2021-0276 - UCI Ballistic Range Application

Greenwood, David N (DEC) <david.greenwood@dec.ny.gov> Wed, Aug 12, 2026 at 10:36 AM
To: "Matthew D. Norfolk" <mnorfolk@norfolkbeier.com>
Cc: "Sullivan, Grace (APA)" <Grace.Sullivan@apa.ny.gov>, "Ommen, Todd D." <tommen@law.pace.edu>, "Executivedirector@protectadks.org" <executivedirector@protectadks.org>, "Hubbard, Jennifer M (APA)" <Jennifer.Hubbard@apa.ny.gov>, "pgitlen@WOH.com" <pgitlen@woh.com>, "Seitelman, Anna V." <aseitelman@woh.com>, Chelsie Geesler <CGeesler@norfolkbeier.com>, Sean Davis <sdavis@norfolkbeier.com>, "PVanCott@woh.com" <PVanCott@woh.com>, David Gibson <dgibson@adirondackwild.org>, Christopher Amato <conservationdirector@protectadks.org>

Dear Parties:

In the interests of responding as quickly as possible to the letter request for "a 21-day extension to file written witness testimony and exhibits" I received from Applicant's counsel at 3:38 p.m. yesterday August 11, 2021, my response to the request is this email rather than a letter ruling. Per the Third Revised Scheduling Order dated June 24, 2026, the Applicant was to file and serve pre-filed testimony of witnesses and related exhibits on or before 5:00 p.m. today August 12, 2026. Also, Per the Third Revised Scheduling Order "Any requests to modify or amend this Scheduling Order must be filed in writing at least 10 calendar days before the established due date. Prior to filing the request, the parties must confer and attempt to resolve the conflict before filing the request with the hearing officer." Additionally, the APA hearing procedures provide under "Extension of time by consent" at 9 NYCRR 580.20 that "Any time period specified in this Part may be extended for good cause by written mutual consent of the project sponsor and the agency staff".

The Applicant's request for a 21-day extension was not made "at least 10 days before the established due date."

There is no indication that "Prior to filing the request" the parties conferred to attempt to resolve the conflict.

There is no indication that the extension is for "good cause" rather the only reason stated in the request is "I simply need more time to complete the submission".

There is no indication that the "mutual consent of the project sponsor and the agency staff" has been obtained.

Because the untimely request for a 21-day extension to file written witness testimony and exhibits does not comport with the procedure for such requests set forth in the Third Revised Scheduling Order, or the APA's hearing procedures, I am required to deny it. The request for "a 21-day extension to file written witness testimony and exhibits" I received from Applicant's counsel at 3:38 p.m. yesterday August 11, 2026 is hereby DENIED.

Nonetheless, the hearing in this matter must proceed, and as the Applicant's request for a modification of the timelines in the Third Scheduling Order is an application to the hearing officer for a ruling, order or determination, 9 NYCRR 580.11(c) provides that "The hearing officer shall give all parties an opportunity to respond thereto." Accordingly, the most viable way to proceed is to conduct a pre-hearing video conference between the applicant, APA hearing staff and the other parties as soon as possible to develop a Fourth Revised Scheduling Order that is mutually agreeable to the parties.

The following dates and times for a conference call this week and next week work for myself, hopefully we can decide on a time that works for everyone:

Friday August 14 — 10am
Monday August 17 — 10am or 2pm
Wednesday August 19 — 10am or 2pm

Please reply all with dates and times that you are available by **2pm on Thursday August 13**. Once we find a date and time for the conference call, I would ask APA hearing staff to kindly provide us all with a Webex link to use to log into the call.

Thank you for your time and attention to these matters.

Sincerely and thank you,

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
w: (518) 402-9004 | david.greenwood@dec.ny.gov
dec.ny.gov

From: Matthew D. Norfolk <mnorfolk@norfolkbeier.com>
Sent: Tuesday, August 11, 2026 3:38 PM
To: Greenwood, David N (DEC) <david.greenwood@dec.ny.gov>
Cc: Sullivan, Grace (APA) <Grace.Sullivan@apa.ny.gov>; Ommen, Todd D. <tommen@law.pace.edu>; Executivedirector@protectadks.org <executivedirector@protectadks.org>; Hubbard, Jennifer M (APA) <Jennifer.Hubbard@apa.ny.gov>; pgitlen@WOH.com <pgitlen@WOH.com>; Seitelman, Anna V. <aseitelman@woh.com>; Chelsie Geesler <CGeesler@norfolkbeier.com>; Sean Davis <sdavis@norfolkbeier.com>; PVanCott@woh.com <PVanCott@woh.com>; David Gibson <dgibson@adirondackwild.org>; Christopher Amato <conservationdirector@protectadks.org>
Subject: Re: P2021-0276 - UCI Ballistic Range Application

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[Quoted text hidden]

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,

Administrative Law Judge
David N. Greenwood
NOTICE OF CROSS-MOTION
Oral Argument Requested

PLEASE TAKE NOTICE that upon the affirmation of Matthew D. Norfolk, Esq., affirmed August 28, 2026, with exhibits, and upon all papers and proceedings heretofore had herein, Unconventional Concepts, Inc. and Michael Hopmeier will cross-move Administrative Law Judge David N. Greenwood, on September 7, 2026, or on such date selected by Administrative Law Judge David N. Greenwood, for an order barring Adirondack Council, Adirondack Wild: Friends of the Forest Preserve, Protect the Adirondacks, and Sierra Club from participating in pre-hearing proceedings in the above-captioned adjudicatory proceeding and declaring that said parties may only participate in the public hearing herein to the extent permitted by N.Y.S. Adirondack Park Agency rules and regulations, and granting Unconventional Concepts, Inc. and Michael Hopmeier such other relief deemed just and proper.

Dated: Lake Placid, New York
August 28, 2026

Norfolk Beier PLLC

By: _____

Matthew D. Norfolk, Esq.
55 Barn Road, Ste. 201
Lake Placid, New York 12946
518.302.8080
mnorfolk@norfolkbeier.com
Attorneys for Applicants

To: See Attached Service List

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

Project Sponsor / Applicant Representatives

Matthew M. Norfolk
Norfolk Beier PLLC
1936 Saranac Ave. Suite 106
Lake Placid, NY 12946

Shane Kelly
Norfolk Beier PLLC
1936 Saranac Ave. Suite 106
Lake Placid, NY 12946

APA Hearing Staff

Grace Sullivan
Senior Attorney
Adirondack Park Agency
PO Box 99
1133 NYS Route 86
Ray Brook, NY 12977

Jennifer Hubbard
Adirondack Park Agency
PO Box 99
1133 NYS Route 86
Ray Brook, NY 12977

Petitioners for Party Status

Roger Downs
Conservation Director
Sierra Club Atlantic Chapter
Care of Todd D. Ommen
Managing Attorney
Pace Environmental Litigation Clinic
78 North Broadway
White Plains, NY 10603

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STATE OF NEW YORK
ADIRONDACK PARK AGENCY

In the Matter of the Application of

UNCONVENTIONAL CONCEPTS, INC. and MICHAEL HOPMEIER,

APA Project No. 2021-0276

Administrative Law Judge
David N. Greenwood

Attorney Affirmation in Opposition to the Intervenors' Motion to Dismiss and in Support of Applicants' Cross-Motion to Bar the Intervenors from Participating in Pre-Hearing Proceedings

I, Matthew D. Norfolk, Esq., am a member of Norfolk Beier PLLC, attorneys for Unconventional Concepts, Inc. (hereinafter referred to as "UCI") and Michael Hopmeier (hereinafter collectively referred to as the "Applicants"). I affirm this 28th day of August, 2026, under the penalties of perjury under the laws of the State of New York, which may include a fine or imprisonment, that the foregoing herein is true, and I understand that this document may be filed in an action or proceeding in a court of law. Except where stated to be upon information and belief, the following allegations are based upon my personal knowledge, review of the application record, and correspondence and documents exchanged amongst counsel and Administrative Law Judge (hereinafter referred to as "ALJ") David Greenwood or otherwise filed in this matter.

1. I submit this affirmation in opposition to the joint motion filed by the intervenors, Adirondack Council, Adirondack Wild: Friends of the Forest Preserve, Protect the Adirondacks, and Sierra Club (hereinafter collectively referred to as the "Green Groups"), in the main, seeking to "dismiss" the above-captioned adjudicatory proceeding. Specifically, per the Notice of Joint Motion filed by the Green Groups, they seek an order dismissing the instant adjudicatory proceeding and referring the subject application back to the conflicted New York State Adirondack Park Agency (hereinafter referred to as the "APA") Board of Commissioners, which includes Rush

Holt, a recent Board Member for Adirondack Council, for "final action" *solely* on the grounds that the Applicants have allegedly failed to comply with ALJ Greenwoods' third scheduling order, *to wit*: (1) failed to permit the Green Groups to enter upon and inspect the project site and (2) failed to timely submit "pre-filed" testimony.[1] This affirmation is also submitted in support of the Applicants' cross-motion to bar the Green Groups from participating in pre-hearing proceedings. For the reasons stated below, the Green Groups' motion must be denied in its entirety and the Applicants' cross-motion granted in its entirety.

I. The Green Groups Do Not Have the Legal Right to Participate in Pre-Hearing Proceedings and, Thus, Lack the Legal Right to Conduct a Project Site Inspection or File Their Joint Motion to Dismiss.

2. Pursuant to 9 N.Y.C.R.R. §580.7(a), "[a]ny person may seek to become a party in order to present evidence, cross-examine witnesses, and otherwise participate *in a public hearing* by filing a written petition with the executive director or, if he has been selected at the time of its filing, the hearing officer." (Emphasis added.) As expressly and plainly stated in §580.7(a), the Green Groups may only participate in the *public hearing*. They may "present evidence," which is performed *in a public hearing*. They may "cross-examine witnesses," which is performed *in a public hearing*. And, they may "otherwise participate *in a public hearing*" (emphasis added). Said another way, the Green Groups may present evidence, cross-examine witnesses and participate *in a public hearing* in other ways. They may not participate in *pre-hearing* proceedings nor may ALJ Greenwood, with all due respect, authorize or standby and let the Green Groups participate in pre-hearing proceedings.

3. All of those involved in the above-captioned adjudicatory proceeding, with the exception of Applicants and myself, have repeatedly conflated pre-hearing proceedings with the

[1] "Pre-filed testimony" is written testimony that is to be filed prior to the start of the public hearing in this matter.

public hearing itself, which, again, has yet to start. Long ago, when this adjudicatory proceeding was in its infancy, I pointed out more than once during *pre-hearing* conferences that there is a distinction between the *public hearing*, which is scheduled to begin on October 28, 2026, and *pre-hearing proceedings*, which are ongoing. Part 580 acknowledges, indeed created, the distinction between pre-hearing proceedings and a public hearing. (*See, e.g.*, §580.5, *Parties to the Hearing*; §580.7, *Intervention*; §580.9, *Pre-hearing conferences*; §580.10, *Appearances*; §580.14, *Conduct of the hearing*.) The most obvious distinction found in Part 580 is the title of §580.9, "***Pre-Hearing Conferences***" (emphasis added).

4. Furthermore, every scheduling order that ALJ Greenwood has issued makes a distinction between the public hearing, which is to commence on October 28, 2026, and pre-hearing proceedings. Finally, all who have participated in the pre-hearing proceedings to date, including the Green Groups, attorneys for the Green Groups, APA attorneys and I have expressly recognized or acknowledged the distinction between a public hearing and pre-hearing proceedings. For example, the APA's online public record for the proceeding distinguishes the "Hearing Materials" from "Pre-Hearing Materials." (*See* https://apa.ny.gov/permitting/topic/permit-hearing.html (last visited August 28, 2026).) The "Pre-Hearing" online folder consists of four online subfolders entitled "2025," "2026," "Discovery," and "Witness Lists." These subfolders contain 93 documents. The "Hearing" online folder contains *zero* (0) documents or any other item. The reason for this is because the public hearing has not yet started. Again, it is scheduled for October 28, 2026.

5. Moreover, the pre-hearing proceedings – to date – have not been public or available to the public to attend, making the distinction between pre-hearing proceedings and the public hearing even more clear.

6. In addition to the foregoing, State Administrative Procedure Act (hereinafter referred to as "SAPA") unequivocally supports the argument that pre-hearing proceedings are different than and separate from the public hearing. SAPA recognizes procedural activity occurring before the public hearing in an adjudicatory proceeding. SAPA, Article 3, expressly contemplates and regulates numerous procedural events that may occur before the actual taking of evidence at a hearing. In particular, SAPA §§301, 302, 304, and 305 contemplate notice, pleadings, motions, conferences concerning simplification of issues, filing schedules, discovery, depositions, settlements, consent orders, defaults, and other procedural matters associated with an adjudicatory proceeding. Thus, SAPA distinguishes between the broader adjudicatory proceeding and the actual hearing conducted within that proceeding.

7. SAPA §301(1) provides, "[in] an adjudicatory proceeding, all parties shall be afforded an opportunity for hearing within reasonable time." The statutory language is significant. It does not equate the "adjudicatory proceeding" with the "hearing." Rather, it provides that within an adjudicatory proceeding, a party must be afforded an opportunity for a hearing. That distinction indicates that the adjudicatory proceeding is the broader procedural matter, while the hearing is a component of that proceeding.

8. SAPA §301(2) requires reasonable notice of the hearing. Among other things, the notice must state the time, place and nature of the hearing; the legal authority and jurisdiction under which it will be held; the statutes and rules involved; and a short and plain statement of the matters asserted. The APA may decry that it has been and is the agency's position that a public hearing commences with its issuance of the notice of a public hearing. This is simply wrong – a grossly skewed interpretation of SAPA and the APA regulations. Nonetheless, SAPA §301(2) further permits a party to apply for a "more definite and detailed statement" when the agency's

statement is insufficiently definite or detailed. These requirements necessarily contemplate procedural activity occurring before the hearing itself.

9. SAPA §301(5) provides, "[u]nless precluded by statute, disposition may be made of any adjudicatory proceeding by stipulation, agreed settlement, consent order, default, or other informal method." Accordingly, SAPA expressly recognizes that an adjudicatory proceeding can be resolved through mechanisms that do not require completion of a hearing.

10. SAPA §302 demonstrates that pleadings, motions, and intermediate rulings are part of the adjudicatory proceeding. SAPA §302(1) defines what constitutes the record in an adjudicatory proceeding. It provides, in relevant part, that the record shall include "all notices, pleadings, motions, intermediate rulings," as well as the evidence presented, objections and rulings, proposed findings, recommendations, and the final agency decision. Thus, SAPA, itself, demonstrates that an adjudicatory proceeding encompasses more than merely the hearing.

11. SAPA §304 expressly authorizes pre-hearing case management. SAPA §304 grants substantial procedural authority to the presiding officer. In addition to things not relevant here, §304(4) authorizes the presiding officer to "[r]egulate the course of the hearings, set the time and place for continued hearings, and fix the time for filing of briefs and other documents."

12. Moreover, § 304(5) authorizes the presiding officer to "[d]irect the parties to appear and confer to consider the simplification of the issues by consent of the parties." A conference directed toward narrowing the issues is naturally capable of occurring before the evidentiary hearing. SAPA, therefore, affirmatively contemplates procedural conferences and case-management activities ancillary to, and preceding, the hearing itself.

13. SAPA §305 contemplates pre-hearing discovery and depositions. SAPA §305 provides that "[e]ach agency having power to conduct adjudicatory proceedings may adopt rules

providing for discovery and depositions to the extent and in the manner appropriate to its proceedings." Discovery and depositions precede a hearing and are mechanisms for preparing the issues and evidence to be presented at that hearing. Accordingly, SAPA §305 provides additional statutory confirmation that an adjudicatory proceeding may contain procedural stages occurring before the hearing.

14. In sum, SAPA Article 3 unmistakably contemplates procedural activity occurring before an evidentiary hearing. SAPA §301 provides for notice, requests for more definite statements, and informal disposition. SAPA §302 includes notices, pleadings, motions, and intermediate rulings within the administrative record. SAPA §304 authorizes scheduling, filings, and conferences designed to simplify the issues. SAPA §305 authorizes agency rules governing discovery and depositions. Hence, SAPA's statutory structure supports the conclusion that an adjudicatory proceeding is broader than the hearing itself. The hearing is only one component or stage of the adjudicatory proceeding, while other procedural events, such as discovery or limiting the issues to be addressed at the hearing, may occur before the hearing.

15. Based upon the foregoing, both the APA regulations and SAPA have structured and contemplate an adjudicatory proceeding to include many procedural events or stages separate and apart from the public hearing to be had therein. Revisiting APA regulation 9 N.Y.C.R.R. §580.7(a), the plain language therein only permits qualified persons or entities (intervenors) to participate in the *public hearing*. If the drafters of the regulations intended to permit intervenors to participate in all stages of the adjudicatory proceeding, presumably the APA regulations would have stated so. For example, they would have permitted intervenors to inspect a project site inspection, something that ALJ Greenwood, APA Attorney Sullivan and I all agree the APA regulations do not provide.

16. I acknowledge that counsel for the Green Groups and the attorneys for the APA must promote or defend their respective clients' interests. They will make counter-arguments, I am sure. However, upon information and belief, these attorneys all went to law school. Upon information and belief, they are all licensed to practice law in the State of New York. Educated and qualified as they are, I am sure they agree with my interpretation and summary of the APA regulations and SAPA. There simply is no other reasonable interpretation of the regulations and statute. Indeed, one does not need to be a federal court judge, a justice of the New York State Court of Appeals or New York State Supreme Court, an administrative law judge or a practicing attorney to correctly read and interpret the relevant language in the APA regulations and SAPA and come to the conclusion that the Green Groups do not have the legal right to participate in pre-hearing proceedings.

17. Nonetheless, I anticipate that the Green Groups will argue that intervenors were permitted by the APA to participate in pre-hearing proceedings in the matter of the application of Adirondack Club and Resort (ARC) involving a proposed project in Tupper Lake, New York and, thus, are allowed to participate in pre-hearing proceedings in the instant matter. In particular, they likely will argue that a precedent was set in the ARC application and that the APA's apparent past interpretation of its own regulations is entitled to deference. The APA may adopt this no-good argument, as well. However, as the Appellate Division, Third Department, plainly stated in *Matter of Jorling v. Adirondack Park Agency*, 214 A.D.3d 98, 103 (3d Dept. 2023):

> **An agency's interpretation of its own regulations is ordinarily entitled to deference, but this rule does not apply when the agency's interpretation contradicts the plain language of the regulations or is irrational or unreasonable (*see Matter of Entergy Nuclear Indian Point 2, LLC v New York State Dept. of State*, 130 AD3d 1190, 1192, 14 N.Y.S.3d 177 [3d Dept 2015]; *Matter of Town of Camillus v Commissioner of Dept. of Envtl. Conservation*, 256 AD2d 967, 968, 681 N.Y.S.2d 903 [3d Dept 1998]).**

18. In *Jorling*, an Article 78 proceeding against the APA, in which I participated as counsel for the applicant/respondent, the petitioners challenged the APA's method of categorizing or classifying wetlands. In response, the APA argued that the way it interpreted the relevant APA regulations and the method in which they classified the wetlands in that particular matter had been done by the APA for decades and, therefore, the court should give the agency's interpretation deference and accept its regulation interpretation and methodology and uphold its final action. The Third Department rejected this argument and annulled the APA's determination granting the application because of the agency's misinterpretation or misapplication of its own regulations. The appellate court made it abundantly clear that deference will not be given if an agency's interpretation of its regulations contradicts the plain language of the regulation.

19. As demonstrated above, the Green Groups' anticipated arguments are without merit – they are losing arguments. What's more, unlike the situation in *Jorling* where the APA had classified wetlands using a particular methodology scores and scores of times over a period of decades, here, we are faced with a proceeding that rarely occurs. There has not been a sufficient number of APA adjudicatory proceedings to establish a reliable "track record" and a definitive precedent.[2] Now is the time to mandate compliance with Part 580, in particular §580.7. Otherwise, a court of competent jurisdiction will do that. I am confident about this. The language in the APA regulations, in particular §580.7, and SAPA is simply not open to interpretation.

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[2] I cannot explain with certainty why the intervenors in the ARC proceeding were permitted to participate in pre-hearing proceedings. I have suspicions. Whiteman Osterman & Hanna LLP and former APA attorney, Paul Van Cott, who is now an attorney at Whiteman Osterman & Hanna LLP representing Adirondack Council, were involved in the ARC proceeding. Whiteman Osterman & Hanna LLP represented ARC in the previous proceeding, and Attorney Paul Van Cott was the attorney for the APA. I believe these attorneys involved in the previous ARC proceeding either misinterpreted, overlooked or ignored SAPA and the APA regulations. I suppose there could be other reasons, but in the end, it does not matter. To allow the Green Groups to continue to participate in pre-hearing proceedings in the instant matter would contradict the plain language in SAPA and the APA regulations. Borrowing an old adage, two wrongs don't make a right. This misapplication of SAPA and the APA regulations should not be allowed to continue.

20. As for the Applicants and me, we unsuccessfully opposed the Green Groups' application to be granted party status. We have accepted the ruling granting them party status, although disagree with it. Applicants and I have largely complied with ALJ Greenwood's directives, with the exception of untimely requesting more time to file pre-hearing testimony. Until now, we have tolerated the Green Groups' participation in the pre-hearing proceedings and their maneuvers therein designed to create an adversarial proceeding that resembles a lawsuit rather than an administrative proceeding intended to develop a record for the APA Board to assist it in rendering a determination on the application. However, Applicants can no longer tolerate this. The Green Groups are unlawfully participating in the pre-hearing proceedings and Applicants hereby object, again, to their (unlawful) participation.

21. As demonstrated above, as a matter of law, ALJ Greenwood must grant the Applicants' cross-motion and order the Green Groups barred from further participating in pre-hearing proceedings and, in turn, strike or deny their pending motion to dismiss the adjudicatory proceeding and have the application referred to the conflicted APA Board for final action.

22. Notwithstanding the foregoing, and assuming for the sake of argument that the Green Groups may lawfully participate in pre-hearing proceedings, which they cannot, the Green Groups would still not have the right to inspect the project site. The APA Act and the rules and regulations promulgated thereunder do not give the Green Groups the right to enter upon and inspect the project site.[3] Both ALJ Greenwood and APA Attorney Grace Sullivan agree with this legal conclusion. ALJ Greenwood expressly stated in a conference and in his email of July 10, 2026, that "there is no legal requirement for one to be conducted as part of the hearing process…"

[3] The obvious reason for this is that neither the APA Act nor the rules and regulations found in Title 9, *Executive Department*, Subtitle Q, *Adirondack Park Agency*, permit it. Again, 9 N.Y.C.R.R. §580.7(a) authorize intervenors to participate in the public hearing – nothing more.

Likewise, APA Attorney Sullivan expressly stated in her email of July 9, 2026, that there is no legal requirement to allow the Green Groups an opportunity to inspect the project site. Annexed hereto as **Exhibit A** are true and accurate copies of ALJ Greenwood's and Attorney Sullivan's respective emails. Thus, to the extent that the Green Groups' motion is based upon the Applicants' refusal to let them enter the private land where the project is proposed, it must be denied.

23. Lastly, it must be said that the Applicants have acted in good faith in developing the record for the APA Board to consider. Without any legal obligation or requirement, the Applicants voluntarily offered the Green Groups an opportunity to enter upon and inspect the project site, which is located at 195 Hale Hill Lane, in the Town of Lewis, County of Essex, State of New York (hereinafter referred to as "195 Hale Hill") under certain reasonable terms and conditions. Annexed hereto as **Exhibit B** is a true and accurate copy of the Applicants' invitation to the Green Groups to enter upon 195 Hale Hill and conduct an inspection. In an email sent on July 9, 2026, ALJ Greenwood expressly stated that he "I have no objections to the terms and conditions." The Green Groups rejected the offer, wailing that their inspection should not be subject to any terms and conditions. And now, with their instant motion, the Green Groups have the audacity to accuse the Applicants of being obstinate wrongdoers thumbing their proverbial nose at ALJ Greenwood, the APA and this adjudicatory process.

II. The Missile Silo Lot (87 Hale Hill Lane) Is Not Part of the Project Site and, Therefore, Even If the Green Groups May Participate in Pre-Hearing Proceedings, Which They Cannot, They Have No Legal Right to Inspect the Lot.

24. On November 19, 2021, nearly five years ago, the Applicants filed an *Application for Commercial and/or Industrial Uses* form, with attachments and subsequent supplements, seeking approval to operate a ballistic testing range at 195 Hale Hill Lane to assist the United

States in research and development of artillery.[4] On the second page of the application form, Michael Hopmeier is designated as the Project Sponsor and James Pulsifer is designated as the consenting property owner. Moreover, on page 2 of the application form, the project site is identified by its tax map parcel number - 38.1-1-31.000. That tax map number is designated to 195 Hale Hill only. The attachments to the application form more specifically identified the project site as 195 Hale Hill Lane. For example, attached to the application form is a copy of the deed for 195 Hale Hill (Attachment A), a property description report from the County of Essex for 195 Hale Hill (Attachment A), and site plans depicting 195 Hale Hill (Attachment D). Furthermore, all of Applicants' subsequent responses to the six notices of incomplete application (NIPAs) specifically identify 195 Hale Hill as the project site.

25. Finally, Applicants did not provide the APA proof of consent by the owner of the lot located at 87 Hale Hill Lane, in the Town of Lewis and County of Essex, bearing tax map no. 38.1-1-29.000 (commonly referred to the "Missile Silo Site") to the filing of the project application. This is further proof that the Missile Silo Lot has not and is not a part of the project site.[5]

26. As demonstrated above, Applicants only applied for approval to operate a ballistic testing range at 195 Hale Hill. The project does not include any other property, including but not limited to the Missile Silo Lot. Accordingly, even if the Green Groups had a right to visit and inspect the project site, which they do not, and the Missile Silo Lot was a part of the project, which it is not, the Green Groups would not have a right to visit and inspect the Missile Silo Lot.

[4] The application form, with its attachments and supplements, and other official documents submitted by the Applicants may be found on the APA website, https://apa.ny.gov/permitting/topic/permit-hearing.html.

[5] Notably, at no time over the five years the project application has been pending did the APA request the consent of the owner of the Missile Silo Lot to permit the Applicants to go forward with their application for the project.

Accordingly, to the extent the Green Groups' motion is based upon the Applicants' refusal to permit them to inspect the Missile Silo Site, it must be denied.

III. The Proposed Ballistic Testing Operation Will Be Conducted under a Federal Contract and, Thus, Is Exempt from State and Municipal Land Use Laws, Including the APA ACT, Making the Green Groups' Motion Moot.

27. Formed in 1996, UCI is a professional engineering and technical consulting firm specializing in matters related to national security and strengthening and enhancing the capabilities of the U.S. military. Typical projects involve high value, time critical programs which do not necessarily fall under the purview of conventional consulting firms or government agencies. Its past work has involved agencies and organizations including the Defense Advanced Research Projects Agency, the Defense Threat Reduction Agency, Centers for Disease Control and Prevention (CDC), National Aeronautics and Space Administration (NASA), the Joint Chiefs of Staff, Department of Homeland Security, U.S. Northern Command, U.S. Joint Forces Command, U.S. Army organizations, and the Office of the Secretary of Defense, to name a few. Areas of expertise encompass development and transitioning of technologies from and to civilian, commercial, military, and government sectors. UCI is especially adept at finding and transitioning technologies that are developed for very specific high technology applications but can be adapted and implemented in areas that were not their original purpose. Additionally, UCI does comprehensive strategy and policy reviews to validate concepts of application and operations related to these technologies. The broad background and vision of UCI have resulted in a number of technologies originally developed for specific defense and government initiatives being transitioned into other government programs, thereby leveraging taxpayer's dollars. In addition, UCI has been instrumental in transitioning technologies through Cooperative Research and Development Agreements (CRDAs), Cooperative Agreements (CAs) and commercial licensing

agreements to support university and commercial sector research and development. Dual use of existing technology leverages the high cost of development in new technology and finds alternative markets and applications where none were present before. UCI has also been instrumental in new business development and has supported the transition of Explosive Ordnance Disposal (EOD) training devices, medical testing equipment and antimicrobial solutions into commercial applications. UCI is a registered vendor in the United Nations Global Marketplace as a supplier to the United Nations. UCI has also been a leader in environmental support and maintenance. For example, it has invested significant resources in firefighting equipment, such as firetrucks and high-capacity deployable water bladders, which have been made available to the local Town of Lewis fire department. Further, it is expending resources in the deployment of pollinators. For example, UCI is currently deploying honeybee colonies for the sole purpose of supporting the environment and will not be realizing any financial gain from the sale of the honey as part of their strategic mission to enhance and maintain the Adirondak Park through proactive measures, something the Green Groups purport to do, but seldom seem to do.

28. Make no mistake, UCI's national-security work is an integral part of ensuring the national security of the United States of America and its citizens. No one should assume that the proposed ballistic testing range is just a commercial shooting range. It is not.

29. All of the activities and uses the Applicants propose (*i.e.*, ballistic testing and the storage of munition and other equipment) will be performed under and subject to a federal contract. These activities or uses are strictly regulated by federal departments and agencies (*e.g.*, the United States Army Capabilities Command and Defense Command (DEVCOM) and Defense Contract Management Agency). Federal government contractors, like UCI, are audited every six months.

30. The Applicants stated in their application that the testing would be subject to federal contracts, but seemingly was ignored by the APA, the Green Groups and the media. The APA continues to claim jurisdiction over the project. The Applicants decided to continue with the application before the APA in good faith to demonstrate transparency and consider the concerns the APA and Green Groups may have with the project. Yet, at no time has the APA encouraged discussions with the Applicants (and the Green Groups) to resolve the issues it has with the proposed project. The Applicants' requests to engage in meaningful discussions with the APA to consider modifications to the proposed project and the operations planned went unreturned.

31. Nonetheless, as mentioned above and stated in the application, the proposed ballistic testing at 195 Hale Hill will only be performed pursuant to a contract with the federal government (*e.g.* Department of War and U.S. Army). Under the Supremacy Clause of the United States Constitution (Clause 2) and the doctrine of intergovernmental immunity, federal government actions are generally not subject to state or municipal regulations. *United States v. Windsor*, 765 F.2d 16 (2d Cir 1985) ("Absent congressional consent, direct state regulation of the activities of the [federal] Government is barred by the Supremacy Clause.") This includes acts performed by federal government private contractors. *See, e.g., Goodyear Atomic Corp. v. Miller*, 486 U.S. 174, 180-81 (1988); *Windsor, supra*; *The Geo Group and United States of America v. Newsom*, Case No. 20-56172 (9th Cir. 2020); *United States v. State of Montana*, 699 F. Supp. 836 (Montana District 1988). Thus, again, assuming for the sake of argument that the Green Groups may participate in pre-hearing proceedings, which they cannot, their instant motion is moot. Any argument or proof submitted against the application is irrelevant. The entire project is subject to federal regulations and only federal regulations. The proposed project is immune to state regulation, including the APA Act and the rules and regulations promulgated thereunder.

WHEREFORE, it is respectfully requested that ALJ Greenwood deny the Green Groups' motion in its entirety and grant the Applicants' cross-motion in its entirety, grant the Applicants such other and further relief as is just, fair, and appropriate.



By: _____

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Attorneys for Michael Hopmeier and
Unconventional Concepts, Inc.

EXHIBIT A

Outlook

RE: Preliminary response RE: P2021-0276: Site Visit Scheduling

From Sullivan, Grace (APA) <Grace.Sullivan@apa.ny.gov>

Date Thu 7/9/2026 5:04 PM

To Matthew D. Norfolk <mnorfolk@norfolkbeier.com>; PVanCott@woh.com <PVanCott@woh.com>

Cc Greenwood, David N (DEC) <david.greenwood@dec.ny.gov>; Executivedirector@protectadks.org <executivedirector@protectadks.org>; Hubbard, Jennifer M (APA) <Jennifer.Hubbard@apa.ny.gov>; Christopher Amato <conservationdirector@protectadks.org>; pgitlen@WOH.com <pgitlen@WOH.com>; David Gibson <dgibson@adirondackwild.org>; Seitelman, Anna V. <ASeitelman@woh.com>; Ommen, Todd D. <tommen@law.pace.edu>; Sean Davis <sdavis@norfolkbeier.com>

Dear Judge Greenwood,

While there are no specific rules, regulations, or statutory provisions which require the intervening parties be provided the opportunity for a site visit, the principles of evidence, judicial equity, and common practice all strongly support that it is well within your authority to order one.

It is unclear to the APA hearing staff how we went from negotiating the terms of the site visit, to a dispute as to whether a site visit should occur at all.

APA hearing staff is willing to limit the July 15th site visit to the portion of the Project Site located at 195 Hale Hill Lane, Lewis, NY, but we believe the discussion as to whether a second site visit may be scheduled for the other parcel should be left open for a later date.

However, for the reasons outlined in our prior e-mails, we request that the terms provided by the Applicant's attorney are modified to reflect the needs of the APA hearing staff, intervening parties, and any participating experts. To reiterate:

1. The site visit start time shall be 10:00A.M.
2. The duration of the site visit shall not be less than 1.5 hours.
3. Any limitation on the number of participants at the site at one time due to "safety concerns" must be addressed through the expansion of site visit opportunities rather than limitations on which experts will be permitted to visit the site. It would be helpful if each of the parties could provide a number of anticipated participants so that we can gauge the extent of this issue. We anticipate having 2-3 attendees.

Respectfully submitted,
Grace Sullivan

From: Matthew D. Norfolk <mnorfolk@norfolkbeier.com>
Sent: Thursday, July 9, 2026 3:58 PM
To: PVanCott@woh.com
Cc: Greenwood, David N (DEC) <david.greenwood@dec.ny.gov>; Sullivan, Grace (APA) <Grace.Sullivan@apa.ny.gov>; Executivedirector@protectadks.org; Hubbard, Jennifer M (APA) <Jennifer.Hubbard@apa.ny.gov>; Christopher Amato <conservationdirector@protectadks.org>; pgitlen@WOH.com; David Gibson <dgibson@adirondackwild.org>; Seitelman, Anna V. <ASeitelman@woh.com>;

Outlook

Re: Preliminary response RE: P2021-0276: Site Visit Scheduling

From Greenwood, David N (DEC) <david.greenwood@dec.ny.gov>

Date Fri 7/10/2026 12:39 PM

To Matthew D. Norfolk <mnorfolk@norfolkbeier.com>; PVanCott@woh.com <PVanCott@woh.com>; Sullivan, Grace (APA) <Grace.Sullivan@apa.ny.gov>

Cc Executivedirector@protectadks.org <executivedirector@protectadks.org>; Hubbard, Jennifer M (APA) <Jennifer.Hubbard@apa.ny.gov>; Christopher Amato <conservationdirector@protectadks.org>; pgitlen@WOH.com <pgitlen@WOH.com>; David Gibson <dgibson@adirondackwild.org>; Seitelman, Anna V. <ASeitelman@woh.com>; Ommen, Todd D. <tommen@law.pace.edu>; Sean Davis <sdavis@norfolkbeier.com>

Dear Parties:
Please forgive my delay in responding to this email thread, I was out this morning with minor outpatient surgery, nothing serious. It would be beneficial to this process to have a site visit, but there is no legal requirement for one to be conducted as part of the hearing process that I am aware of. The requests of APA hearing staff for a slightly later start time and a slightly longer site visit duration seem entirely reasonable to me and I struggle to imagine a good reason for refusing such minor accommodations. I was prepared to get hotel accommodations in order to get to the site as early as proposed, but it would be great if I could just drive from the Albany area in the morning. MR. NORFOLK: Please confer with the Applicant, your client and see if he is willing to continue with the planned site visit for July 15, 2026. Let us know when you can I hope we can work this out.

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
w: (518) 402-9004 | david.greenwood@dec.ny.gov
dec.ny.gov

From: Matthew D. Norfolk <mnorfolk@norfolkbeier.com>
Sent: Thursday, July 09, 2026 5:05 PM
To: PVanCott@woh.com <PVanCott@woh.com>; Sullivan, Grace (APA) <Grace.Sullivan@apa.ny.gov>; Greenwood, David N (DEC) <david.greenwood@dec.ny.gov>
Cc: Executivedirector@protectadks.org <executivedirector@protectadks.org>; Hubbard, Jennifer M (APA) <Jennifer.Hubbard@apa.ny.gov>; Christopher Amato <conservationdirector@protectadks.org>; pgitlen@WOH.com <pgitlen@WOH.com>; David Gibson <dgibson@adirondackwild.org>; Seitelman, Anna V. <ASeitelman@woh.com>; Ommen, Todd D. <tommen@law.pace.edu>; Sean Davis <sdavis@norfolkbeier.com>
Subject: Re: Preliminary response RE: P2021-0276: Site Visit Scheduling

Attention: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Dear Judge Greenwood:

On behalf of my clients, Project Sponsor Michael Hopmeier and Unconventional Concepts, Inc., the Applicant, I hereby withdraw the offer extended to the intervening parties to perform an inspection of the project site. The intervening parties object to the site visit terms and conditions my clients have presented. Furthermore, there is no legal requirement that a project sponsor or applicant permit intervening parties to enter upon and inspect a project site. I certainly could not find any. I invite all receiving this email to correct me if there is, indeed, a legal mandate requiring my clients to permit intervening parties to enter upon and inspect the project site.

Sincerely,

Matthew D. Norfolk, Esq.

NORFOLK BEIER PLLC

D: 518.302.7064
F: 518.302.7100
A: The Outpost Plaza
55 Barn Road, Suite 201
Lake Placid, NY 12946
E: mnorfolk@norfolkbeier.com

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From: VanCott, Paul <PVanCott@woh.com>
Sent: Thursday, July 9, 2026 1:57 PM
To: Matthew D. Norfolk <mnorfolk@norfolkbeier.com>; Sullivan, Grace (APA) <Grace.Sullivan@apa.ny.gov>; Greenwood, David N (DEC) <david.greenwood@dec.ny.gov>
Cc: Executivedirector@protectadks.org <executivedirector@protectadks.org>; Hubbard, Jennifer M (APA) <Jennifer.Hubbard@apa.ny.gov>; Christopher Amato <conservationdirector@protectadks.org>; Gitlen, Philip <PGitlen@woh.com>; David Gibson <dgibson@adirondackwild.org>; Seitelman, Anna V. <ASeitelman@woh.com>; Ommen, Todd D. <tommen@law.pace.edu>; Sean Davis <sdavis@norfolkbeier.com>
Subject: RE: Preliminary response RE: P2021-0276: Site Visit Scheduling

What do these last 2 emails from you mean, Matt?

Perhaps we should call off any site visit if your client is unwilling provide reasonable courtesies to accommodate staff and the other parties. You are essentially denying the parties a

EXHIBIT B

NORFOLK BEIER PLLC
ATTORNEYS AT LAW

July 7, 2026

Via Email Only
Hon. David Greenwood
Administrative Law Judge
NYS Department of Environmental Conservation
Office of Hearings and Mediation Services
625 Broadway
Albany, New York 12233-1550
david.greenwood@dec.ny.gov

Re: APA Project 2021-0276;
Sponsor/Applicant: Michael Hopmeier/Unconventional Concepts, Inc.;
Site Address: 195 Hale Hill Road, Town of Lewis, County of Essex

Dear Judge Greenwood:

Our clients, Mr. Michael Hopmeier (Sponsor) and Unconventional Concepts, Inc. (hereinafter referred to as "UCI") (Applicant), require the terms and conditions stated hereinbelow to apply to and govern the site visit scheduled for July 15, 2026. The primary purpose of the terms and conditions is to ensure the safety and well-being of those visiting the site, as well as facilitate an efficient and organized site visit.

Terms and Conditions of Site Visit:

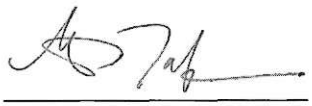
1. All individuals attending the site visit must sign a waiver of liability and hold harmless agreement, which shall be provided to Your Honor, the Adirondack Park Agency (hereinafter referred to as the "APA") and the parties before 5 pm on Friday, July 10, 2026.
2. The taking of photographs and recording of videos shall be limited to the site.
3. Transportation to the site shall be provided by UCI (individuals will be transported to the site using well-equipped all-terrain passenger vehicles).
4. The visit shall begin at 8:30 am sharp.
5. The Adirondack Park Agency (hereinafter referred to as the "APA") and each party shall be permitted to have no more than three individuals attend the site visit.
6. The APA and each party shall have 45 minutes to inspect the site.

[Signature On Following Page]

The Outpost Plaza | 55 Barn Road, Suite 201 | Lake Placid, New York 12946
O: 518.302.8080 | F: 518.302.7100
www.norfolkbeier.com

Sincerely,

Norfolk Beier PLLC

By: 

Matthew D. Norfolk

cc: Counsel of Record

STATE OF NEW YORK
ADIRONDACK PARK AGENCY

In the Matter of the Application of

UNCONVENTIONAL CONCEPTS, INC.
AND MICHAEL HOPMEIER

APA Project No. 2021-0276

APA HEARING STAFF RESPONSE TO INTERVENORS' JOINT MOTION TO DISMISS

On November 13, 2025, after nearly four years of review and requests for additional information, Agency staff recommended P2021-0276 proceed to a public hearing under §580 of the Agency's regulations. Following this recommendation, the Agency Board ordered the project to a hearing for the purpose of further developing the record. The hearing is an opportunity for the Applicant to present evidence and demonstrate that the project is approvable under §809(10) of the Adirondack Park Agency Act ("APA Act").

9 months later and the record is littered with unsubstantiated procedural challenges and is entirely void of additional information that would aid the Agency Board in their review.

Agency hearing staff respectfully request Judge Greenwood take whatever action he deems appropriate to move towards a final resolution of these proceedings including (1) dismissal and reversion to the Agency Board; (2) preclusion of the testimony, but continuation of the proceedings; (3) conditional admission of the testimony, with failure to file or comply with procedure resulting in automatic default; or (4) any other sanctions.

History of the Proceedings

On November 14, 2025, a notice of intent to proceed to hearing was sent to the Applicant.

On November 20, 2025, Judge Greenwood was appointed as the hearing officer. Attorney for the Applicant has repeatedly challenged this designation based on unsubstantiated allegations of bias.

On December 3, 2025, the Agency issued a Notice of Public Hearing with a scheduled appearance date of December 22, 2025 at 6:00 P.M.

On December 12, 2025 Agency hearing staff and attorney for the Applicant submitted a joint request for adjournment. Judge Greenwood ordered the proceedings adjourned until February 4, 2026.

On January 20, 2026, attorney for the Applicant requested a stay of the proceedings via e-mail until the "sponsor's challenge of Judge Greenwood's qualification" was resolved. This request was denied.

On January 21, 2026, Agency hearing staff, attorney for the Applicant, and intervening parties submitted a joint request for adjournment to February 25, 2026. Judge Greenwood granted this request.

On January 30, 2026, attorney for the Applicant brought an Article 78 action seeking to vacate the Board's hearing order and to disqualify Judge Greenwood. The Applicant also requested a stay of the hearing proceedings. The State has moved to dismiss the Article 78 proceedings. The parties are still awaiting a decision from the Court.

On February 11, 2026, at the request of the applicant, consent of the Agency staff, and over objection of the intervening parties, Judge Greenwood ordered the hearing to be adjourned until April 22, 2026.

On March 4, 2026, attorney for the Applicant moved for an indefinite stay of the hearing pending the resolution of the Article 78 proceedings described above. Agency regulations require the hearing be adjourned to a time and date certain, so Applicant requested an adjournment to June 24, 2026, with opportunity for extension. Agency staff and intervening parties objected to the indefinite stay. Judge Greenwood issued an order denying the stay but granting the adjournment to June 24, 2026.

On April 29, 2026, the hearing was adjourned a 5th time to October 28, 2026. This adjournment was requested by Agency hearing staff and consented to by the other parties. The purpose of this 6 month adjournment was to provide all parties the opportunity to engage in discovery, develop expert reports, and prepare for the evidentiary portion of the hearing.

On June 15, 2026, a conference was held with all parties to discuss a revised scheduling order. APA hearing staff proposed the Applicant submit their pre-filed testimony by Wednesday, July 29, 2026, but Applicant's representative indicated he needed additional time to prepare. He stated that he would take as much time as possible, but requested at least two weeks, shifting the deadline to August 12, 2026. He did not provide a basis for the request. Agency staff did not object. Judge Greenwood noted that this adjustment would compress some of the other timelines in the proposed scheduling order, but felt that it was a reasonable accommodation, so long as it didn't shift the overall hearing timeline. Intervening parties, in particular the representative for Adirondack Council, expressed concerns about the timeline and their ability to review the materials submitted by the Applicant but ultimately conceded this point. The Third Revised Scheduling Order was issued on June 24, 2026.

Pursuant to the Third Revised Scheduling Order, the Applicant's pre-filed testimony was due on August 12, 2026. On August 11, 2026 attorney for the Applicant submitted a letter request to Judge Greenwood for a 21 day extension without explanation – attorney for the Applicant stated, "I simply need more time to complete the submission." The Third Revised Scheduling Order, as with all prior scheduling orders, provided that "any requests to modify or amend this Scheduling Order must be filed in writing at least 10 calendar days before the established due date. Prior to filing the request, the parties must confer and attempt to resolve the conflict before filing the request with the hearing officer." Judge Greenwood denied the request for failure to comply with this provision and scheduled a conference to discuss a new scheduling order.

Following the denial, the intervening parties moved to dismiss the proceedings and to send the Application back to the Agency Board for final action. The intervenors argue that a revised scheduling order would "(i) effectively nullify Your Honor's prior ruling denying the Applicants' request for an extension; (ii) grant the Applicants the very relief that Your Honor has determined is unwarranted; (iii) in essence reward the Applicants' flagrant disregard of the Order; (iv) significantly prejudice the Intervenors; and (v) result in a failure to maintain "order and the efficient conduct of the hearing" as required by APA regulations. 9 NYCRR §580.14(a)(4)(xi)."

The parties convened for a brief call on Wednesday, August 19, 2026 to discuss a briefing schedule for this motion. On that call, attorney for the Applicant stated that the Applicant is the only party harmed by the delay. Respectfully, Agency staff disagree.

Argument

I. Legal Authority

The Administrative Law Judge ("ALJ") has broad authority to manage these proceedings under both Agency Regulations and the New York State Administrative Procedures Act("SAPA"). Specifically, Agency regulation §580.14(a)(4)(xi) provides that the hearing officer shall have the authority to "do all acts and take all measures necessary for the maintenance of order and the efficient conduct of the hearing." This includes the authority to admit or exclude evidence under Agency regulation §580.14(a)(4)(ix) and SAPA §306 and to dispose of an adjudicatory proceeding by default under SAPA §301 and Agency regulations §580.10.

APA Act §809(3)(d) provides that "No project may be disapproved without a public hearing first being held thereon." The purpose of this provision is to provide an Applicant facing the possibility of denial with the opportunity to demonstrate that the proposed project meets the required statutory findings under §809(10) of the APA Act.

However, the opportunity to be heard is not without condition as is recognized under the default provisions of SAPA §301 and Agency Regulations §580.10. While default under these provisions typically occurs when a party fails to appear, these sections speak to the underlying principle that the interested party has an obligation to participate in the proceedings in good faith.

Whether dismissal is an appropriate sanction in this instance is a matter to be determined by the ALJ. In making this determination, the ALJ might consider whether the Applicant's failure to comply with the scheduling order was "willful, contumacious, or in bad faith." Wingdale v. Tarnacki, 184 A.D.3d 1178, (4th Dept. 2020) *citing to* Green v. Kingdom Garage Corp. 34 A.D.3d 1373, 1374 (4th Dept. 2006), Peterson v. New York Cent. Mut. Fire Ins. Co., 174 A.D.3d 1386, 1387-1388 (4th Dept. 2019) and Wiljeff LLC v. United Realty Mgt. Corp., 82 A.D.3d 1616, 1619 (4th Dept. 2011). This line of cases deals primarily with dismissal grounded in failure to comply with a disclosure order under CPLR §3126, but the established legal principles are relevant beyond that context. These cases highlight the judiciary's obligation to balance the non-complying party's due process rights against the prejudice the moving party has suffered because of that non-compliance, while also considering the broader judicial economy and allocation of resources.

In balancing these interests and relying on this analogy, the ALJ should be careful not to collapse the distinctions between that body of case law and these proceedings. The standards prescribed by CPLR are instructive but not controlling. Failure to comply with a disclosure order is distinct from failure to submit pre-filed testimony, in that failure to disclose can usually be remedied through some means other than dismissal and should only occur where the non-complying party acted in bad faith. Failure to submit pre-filed testimony is more akin to failure to appear in that the non-complying party either gets another opportunity to submit their pre-filed or not. The ALJ does not necessarily need to find that failure to comply with the scheduling order was independently "willful, contumacious, or in bad faith" if he determines that the only appropriate remedy for this failure is to preclude the testimony considering the totality of the circumstances.

II. Prior Challenges to the Hearing Proceedings

Throughout the proceedings, Applicant by and through his attorney has attempted to undermine the legitimacy of the hearing. He has disregarded procedure without explanation or excuse. He challenged the validity of the hearing order, despite the Boards unanimous vote. He questioned the ALJ's objectivity but failed to support any allegations of bias. He limited the intervenors' ability to meaningfully participate by denying them a site visit. He continues to question their ability to participate despite their full party status. He has publicly and incorrectly indicated that a federal contract would obviate the Agency's review authority. Attorney for the Applicant has done just about everything but

introduce evidence that demonstrates the proposed project is approvable. To be clear, Agency staff are not suggesting that any of the above actions would be inappropriate if grounded by evidence. Attorneys should advocate for clients and submit challenges if they believe and can support their position.

III. Failure to Comply with Scheduling Order and Submission of Pre-filed Testimony

With respect to the present issue, Agency hearing staff share the frustrations expressed by the intervenors. The last revised scheduling order has been in place for over two months. It was carefully constructed and intentionally staggered to provide all parties with the opportunity to submit pre-filed testimony and to review the pre-filed testimony submitted by others. A three week extension does not "give everyone more time" as suggested by the Applicant's representative, it compresses the timeline that all parties, including the Applicant, must work within to review these filings ahead of the October 28 appearance date. It requires the parties and their witnesses to rearrange their schedules to accommodate an unreasonable and inconsiderate request. The delay – in and of itself – is a harm that cannot be fully be redressed by shifting the hearing schedule. If the attorney for the Applicant had complied with the scheduling order and had at least made an attempt to confer with Agency staff and intervening parties before submitting the request to the ALJ, we could have perhaps reached a consensus and affirmatively resolved the scheduling issues to avoid yet another delay to the evidentiary portion of the hearing.

Independently, failure to comply with the scheduling order would be unlikely to be read as "willful, contumacious, or in bad faith", however, in the broader context of this application and these proceedings, it is hard to separate this failure from what appears to be a larger strategy of avoidance. To what end, is unclear. The Agency cannot approve this application without further evidence demonstrating that the project meets the required statutory findings under §809(10).

IV. Conclusion

Agency hearing staff do not advocate for a specific sanction, though some form of admonishment is proper. The ALJ might consider the following (1) dismissal and reversion to the Agency Board; (2) preclusion of the testimony, but continuation of the proceedings; (3) conditional admission of the testimony, with failure to file or comply with procedure resulting in automatic default; or (4) any other sanction the ALJ deems appropriate.

If the ALJ allows the proceedings to move forward, Applicant's representative must affirmatively demonstrate their intent to participate in the proceedings and comply with the hearing process.

The Agency can only provide the opportunity for due process; it cannot compel participation. If the Applicant does not wish to move forward with the hearing process, they are not required to do so and may withdraw at any time.

Respectfully Submitted,

Grace Sullivan
APA Hearing Staff – Attorney

Public Hearing Service List
P2021-0276

Recipient	Address
Project Sponsor – Michael Hopmeier, Unconventional Concepts LLC Authorized Representatives: Matthew D. Norfolk	Matthew D. Norfolk, Esq. Norfolk Beier, PLLC 1936 Saranac Ave, Suite 106 Lake Placid, NY 12946 mnorfolk@norfolkbeier.com Sean Davis Norfolk Beier, PLLC 1936 Saranac Ave, Suite 106 Lake Placid, NY 12946 sdavis@norfolkbeier.com
Administrative Law Judge: David Greenwood	New York State Department of Environmental Conservation Office of Hearing and Mediation Services 625 Broadway, First Floor Albany, NY 12233-1550 david.greenwood@dec.ny.gov
Agency Hearing Staff: Grace Sullivan Jennifer Hubbard	Grace Sullivan grace.sullivan@apa.ny.gov Jennifer Hubbard jennifer.hubbard@apa.ny.gov Adirondack Park Agency P.O. Box 99 1133 NYS Route 86 Ray Brook, NY 12977
Protect the Adirondacks!	Christopher A. Amato, Esq. conservationdirector@protectadks.org P.O. Box 48 North Creek, NY 12853 Claudia Braymer, Esq. executivedirector@protectadks.org P.O. Box 48 North Creek, NY 12853
Adirondack Wild: Friends of the Forrest Preserve	David Gibson dgibson@adirondackwild.org P.O. Box 9247 Niskayuna, NY 12309

Recipient	Address
Sierra Club Atlantic Chapter	Todd Ommen tommen@law.pace.edu 78 North Broadway, White Plains, NY 10603
Adirondack Council	Philip H. Gitlen, Esq. pgitlen@woh.com Whiteman Osterman & Hanna LLP 1 Commerce Plaza, Albany, New York, 12260 Paul Van Cott PVanCott@woh.com Whiteman Osterman & Hanna LLP 1 Commerce Plaza, Albany, New York, 12260 Anna V. Seitelman, Esq. ASeitelman@woh.com Whiteman Osterman & Hanna LLP 1 Commerce Plaza, Albany, New York, 12260

This service list includes all parties to the abovementioned proceeding as of May 7, 2026. This list will be updated as parties join the proceeding. Please continue to check the Agency's website for the most updated list of parties.

STATE OF NEW YORK
ADIRONDACK PARK AGENCY

In the Matter of the Application of

UNCONVENTIONAL CONCEPTS, INC.
and MICHAEL HOPMEIER

For a Permit Pursuant to Section 809 of the
Adirondack Park Agency Act and
9 NYCRR Parts 573 and 574

REPLY AFFIRMATION IN SUPPORT OF INTERVENORS' JOINT MOTION AND IN OPPOSITION TO THE APPLICANTS' CROSS-MOTION

Project No. 2021-0276

CHRISTOPHER A. AMATO, an attorney duly admitted to practice before the courts of the State of New York, hereby affirms under penalty of perjury:

1. I am Conservation Director and Counsel for Intervenor Protect the Adirondacks ("PROTECT"). I submit this reply affirmation in further support of the joint motion by Intervenors Adirondack Council, Adirondack Wild: Friends of the Forest Preserve, Sierra Club, and PROTECT (collectively, "Intervenors") to dismiss this adjudicatory proceeding and refer the pending application of Unconventional Concepts, Inc. and Michael Hopmeier (the "Applicants") to the Adirondack Park Agency ("APA") Board for final action. I also submit this affirmation in opposition to the Applicants' cross-motion to bar the Intervenors from further participation in pre-hearing matters in this proceeding.
2. The Intervenors' motion should be granted because the Applicants do not—and cannot—dispute the dispositive fact that they unjustifiably failed to submit pre-filed testimony as required by the Third Revised Scheduling Order ("Order"). Having been provided the opportunity for a hearing and having neglected to submit the testimony necessary to support their application, the Applicants have failed to sustain their required burden of proof in this

proceeding. The Applicants have not even attempted to establish good cause for this failure, nor have they given this tribunal any reason to retroactively extend their time. Thus, irrespective of the resolution of the issues in the cross-motion, there is no basis to continue this proceeding. No further proceedings are necessary and the record must be referred to the full APA Board for final action, which would also moot the cross-motion and resolve the entirety of the current motion practice.

3. Rather than address the merits of the Intervenors' motion, the Applicants cross-move to bar the Intervenors from further participation in pre-hearing proceedings. The cross-motion should be denied because it is barred by the doctrine of laches and is unsupported by any legal authority.

The Intervenors' Motion Should be Granted

4. The Applicants essentially concede that they have: (i) refused to acknowledge that the portion of the project site located at 87 Hale Hill Lane (the "missile silo site") is part of the application (indeed they persist in that claim in their opposition to the motion), *see* Affirmation of Matthew Norfolk, Esq. ("Norfolk Aff.") ¶¶ 24-26; (ii) failed to provide Intervenors and their experts access to the missile silo site or to the other project site parcel (Lots 29 and 31) as required by the Order;[1] and (iii) failed to submit pre-filed testimony in support of the application by August 12, 2026 as required by the Order, without offering any reasonable justification for that failure.

5. Nor do the Applicants dispute that the Intervenors have been prejudiced by the Applicants' continuing disregard for the Order and for the fair and orderly conduct of this proceeding, as

[1] The Applicants' argument that the APA regulations do not obligate them to allow a site inspection misses the point. Norfolk Aff. ¶ 22. The obligation to allow a site inspection was imposed by the Order. Moreover, both the APA hearing regulations and State Administrative Procedure Act allow for discovery as generally provided in the CPLR. CPLR § 3120(1)(ii) authorizes any party to be permitted "entry upon designated land or other property" owned by another party. *See* Order § II, SAPA § 305; 9 NYCRR § 580.14(a)(4).

described in greater detail in the prior affirmation submitted in support of the Intervenors' motion.

6. Most significantly, the Applicants do not dispute that they have failed to meet their required burden of proof in this proceeding as set forth in the Intervenors' motion. *See* Affirmation of Christopher A. Amato, Esq., dated August 17, 2026 ¶¶ 35-46.

7. Moreover, nothing in the Applicants' opposing papers suggest that allowing this proceeding to continue will produce the additional information the APA Board has deemed necessary to complete its review of the application. To the contrary, the Applicants confirm that they have failed to submit the required consent by the owner of the missile silo site. *See* Norfolk Aff. ¶ 25. The owner of the site is Diversified Upstate Enterprises, LLC, whose sole owner and principal officer is Michael Hopmeier. Both the application and the APA Board's November 14, 2025 Order identify the missile silo site as part of the project site and the Applicants' refusal to submit the required consent to APA provides a separate ground for granting the Intervenors' motion.

8. Indeed, by email dated July 13, 2026, APA Hearing Staff informed the Applicants that "the project as currently proposed is inextricably tied to both lot 29 and lot 31 . . . Should Diversified Upstate Enterprises, LLC refuse to sign such a consent, the Agency will be unable to continue processing the application as currently proposed and the hearing proceedings will be suspended."

9. In addition, the Applicants now contend that their project is exempt from *any* APA review or permitting requirements due to their speculative assertion that they will obtain a federal contract at some future date and that the as yet non-existent contract would provide a basis for preemption under the Supremacy clause of the U.S. Constitution. That position further

demonstrates that the Applicants have no intention of providing the required information to sustain their application or of participating in this proceeding in a responsible manner.

10. The Applicants' cavalier and dismissive attitude about this proceeding is further underscored by their statements to the press. Mr. Norfolk, the Applicants' counsel, reportedly stated that "Any argument or proof against the application is irrelevant" because "[t]he entire project is immune from state regulation." Mr. Hopmeier reportedly echoed that position. These statements make clear that the Applicants view this adjudicatory proceeding as a pointless exercise rather than as a process that must be taken seriously. *See* Zachary Matson, *Howitzer testing applicant: Project "immune" to state regulation, APA Act*, Adirondack Explorer (Aug. 31, 2026), available at https://www.adirondackexplorer.org/communities/land-use/howitzer-testing-applicant-project-immune-to-state-regulation-apa-act/.

11. Under these circumstances, referral of the application to the APA Board for final action is the only rational course. Such action is explicitly authorized by Section 301(5) of State Administrative Procedures Act ("SAPA"), which permits an administrative proceeding to be disposed of by default. Here, the Applicants inexcusably failed to submit pre-filed testimony by the deadline prescribed in the Order and are therefore in default. *See* CPLR § 3215(a) (authorizing default dismissal for "neglect to proceed").

The Applicants' Cross-Motion is Barred by the Doctrine of Laches and is Legally Unsupported

12. Rather than addressing the merits of the Intervenors' motion, the Applicants have cross-moved to bar the Intervenors from further participation in pre-hearing proceedings. The cross-motion should be denied because it is barred by laches and lacks any legal basis.

13. The doctrine of laches is "an equitable bar, based on a lengthy neglect or omission to assert a right . . . resulting [in] prejudice to an adverse party." *Saratoga Cty. Chamber of Commerce v.*

Pataki, 100 NY2d 801, 816 (2003). Here, the Intervenors, each of whom were granted party status by the Ruling on Petitions for Party Status dated January 12, 2026, have expended considerable time and financial resources participating in the pre-hearing proceedings including preparing and submitting petitions to intervene; preparing and responding to discovery requests; participating in conferences; and raising and responding to procedural and substantive issues. At no time during the more than ten months of this extensive pre-hearing process did the Applicants object to the Intervenors' participation.[2] To the contrary, not only have the Applicants demanded that the Intervenors participate in pre-hearing discovery, they have repeatedly responded to the Intervenors' submissions and discovery demands.

14. The Applicants offer no explanation or justification for waiting ten months to challenge the Intervenors' participation. The Intervenors have been substantially prejudiced by that delay. Indeed, the Applicants took advantage of Intervenors' participation as parties and added to Intervenors' prejudice by serving discovery requests, which they now claim had no procedural or legal basis. The Applicants' cross-motion is therefore barred by laches. *See Matter of Schulz v. State*, 81 NY2d 336, 348 (1993) (holding that "[b]ecause the effect of delay on the adverse party may be crucial, delays of even under a year have been held sufficient to establish laches.").

15. The Applicants' position is also contradicted by the APA's hearing regulations. The regulations governing intervention provide that "[a]ny person may seek to become a party in order to present evidence, cross-examine witnesses, *and otherwise participate in a public hearing*,"

[2] The Applicants opposed the petition to intervene by Adirondack Wild: Friends of the Forest Preserve but have since posed no objections and made no motions objecting to the Intervenors' participation in the pre-hearing proceedings.

thereby making clear that, once party status is granted, an intervenor is entitled to participate in all stages of the hearing process. 9 NYCRR § 580.(a); (emphasis added).

16. The regulations further establish that, once a petition to intervene has been granted, the intervenor is a full party to the hearing and is entitled to participate in pre-hearing conferences, the submission and receipt of pre-filed testimony and other matters in the administrative hearing process. *Id*. §§ 580.5(c), 580.9, 580.14(f).

17. The Applicants cite no statute, regulation or other authority supporting their contention that an intervenor who has been granted party status may nevertheless be barred from participating in pre-hearing proceedings. Indeed, the Applicants' reliance on SAPA undermines rather than supports their position. SAPA makes clear that pre-hearing procedures are an integral component of the administrative adjudicatory process. *See, e.g.,* SAPA § 304 (authorizing pre-hearing case management by the administrative law judge); § 305 (providing for pre-hearing discovery and depositions). None of the provisions cited by the Applicants suggest that intervenors who have been granted full party status may be excluded from the critical pre-hearing stages of an administrative proceeding.

18. Indeed, the Applicants themselves acknowledge that "SAPA itself demonstrates that the adjudicatory process encompasses more than merely the hearing;" that "SAPA affirmatively contemplates procedural conferences and case management activities ancillary to, and preceding, the hearing itself;" and that SAPA "contemplates pre-hearing discovery and depositions." Norfolk Aff. ¶¶ 10, 12, 13. These admissions directly undermine the Applicants' claim that the pre-hearing process is separate and independent from the evidentiary portion of the administrative hearing.

19. The Applicants' position is also impractical. The submission of pre-filed testimony is, by definition, part of the pre-hearing process. Excluding the Intervenors from that process would necessarily prevent them from submitting or receiving pre-filed testimony and would thereby impair their ability to participate fully in the evidentiary portion of the hearing. The Applicants' interpretation would thus render the granting of full party status to an intervenor largely meaningless.

20. For all of these reasons, the Applicants' cross-motion should be denied.

The Applicants' Federal Pre-emption Argument is Improperly Raised and Premature

21. The Applicants claim that, because the project will (supposedly) be conducted pursuant to a federal contract, the APA's review and permitting authority is pre-empted by the Supremacy Clause of the United States Constitution. Norfolk Aff. ¶¶ 27-31. This challenge to APA's jurisdiction should be raised, if at all, by a motion to dismiss for lack of jurisdiction. The Applicants have failed to make such a motion and the issue is therefore not properly before this administrative tribunal.

22. In any event, the Applicants' argument is premature because Mr. Norfolk conceded during the August 19, 2026, pre-hearing conference that the Applicants do not have a federal contract.

23. Even if the issue were properly raised and ripe for review, the Applicants could not prevail on the authorities they cite. The cases are either distinguishable, inapposite, or do not support the Applicants' position. For example, *United States v. Windsor*, 765 F.2d 16 (2d Cir. 1985) involved the expansion of an existing, security-classified submarine manufacturing plant on lands owned by the United States government. The Applicants' project, by contrast, is on private lands and is not subject to any comparable security classification. In *Goodyear Atomic Corp. v. Miller*, 486 U.S. 174 (1988), the United States Supreme Court upheld a workmen's

compensation award under state law to an employee working at a federally owned nuclear facility; the decision therefore does not support the Applicants' preemption argument. *Geo Group, Inc. v. Newsom*, 50 F4th 745 (9th Cir. 2022) is likewise inapposite because it involved a challenge to a California law prohibiting the use of private facilities in the State for immigrant detention; it did not concern the application of state land use and environmental permitting requirements to a project located on private lands. Finally, *United States v. State of Montana*, 699 F.Supp. 835 (D. Mont. (1988)) involved the application of state building code requirements to a federal military installation—not the application of state land use and environmental permitting requirements to a private entity operating on private lands, as is the case here.

24. In any event, as noted above, the issue is neither properly before Your Honor nor ripe for review because the Applicants do not have a federal contract. Intervenors reserve their right to make additional arguments in the event that the Applicants make a motion raising this issue.

The Intervenors Join APA Staff's Arguments But Do Not Support the Proposed Alternative Resolutions

25. The Intervenors are gratified that APA staff support the Intervenors' motion to dismiss and join in the legal arguments submitted by APA staff in support of that motion. *See* APA Hearing Staff Response to Intervenors' Joint Motion to Dismiss at 1-5.

26. The Intervenors agree with APA staff that "admonishment is proper" and that "dismissal and reversion to the Agency Board" is appropriate. *Id*. at 5.

27. The Intervenors, however, do not support the two alternative resolutions proposed by APA staff. *Id*. at 1.

28. The first alternative would permit the hearing to continue while precluding the Applicants from presenting testimony. The Intervenors oppose that alternative because the APA's hearing regulations expressly place the burden on the applicant in an adjudicatory hearing to establish

that the proposed project satisfies the statutory criteria for issuance of a permit. *See* 9 NYCRR § 580.14(b)(6)(i). If the Applicants are precluded from presenting testimony, they necessarily will be unable to meet that burden. Further proceedings would therefore serve no useful purpose and would unnecessarily consume the resources of this tribunal, APA staff, and the Intervenors, none of whom bear any burden of proof in this proceeding.

29. The second alternative would permit the Applicant to submit testimony subject to certain unspecified conditions. The Intervenors oppose that alternative because it would, in substance, reverse Your Honor's prior ruling denying the Applicants' request for additional time in which to submit their pre-filed testimony. Moreover, as fully explained above, Applicants have not provided – or even attempted to provide – good cause or any other legal basis for retroactively extending the long-passed deadline. There is simply no justification for allowing the testimony now.

30. Neither of APA staff's proposed alternatives to referral of the application to the APA Board would address the Applicants' continuing refusal to follow the APA Board's order making both parcels part of the project site or the Applicants' blatant disrespect for Your Honor's Order by denying the Intervenors access to the project site and failing to file pre-filed testimony. Only the APA Board can rule that the application is incomplete because of the Applicants' failure to include both of the parcels involved in the project. Only the APA Board can rule that the Applicants have failed to meet their burden of proof with respect to the criteria for permit approval in APA Act § 809(10). It is respectfully submitted that the Applicants have repeatedly demonstrated that they do not take these proceedings seriously and only the APA Board has the authority to take the necessary actions required.

WHEREFORE, the Intervenors respectfully request that the Applicants' cross-motion be denied; that this proceeding be dismissed; that the pending application be referred to the full APA Board for final action; and that Your Honor grant such other and further relief as deemed just and proper.

Dated: Albany, New York
September 3, 2026



CHRISTOPHER A. AMATO

STATE OF NEW YORK
ADIRONDACK PARK AGENCY

In the Matter of the Application of

UNCONVENTIONAL CONCEPTS, INC.
AND MICHAEL HOPMEIER

APA Project No. 2021-0276

APA HEARING STAFF REPLY TO APPLICANT'S RESPONSE AND CROSS MOTION

Applicant's latest submission further supports the conclusion that the Applicant's failure to comply with the scheduling order is part of a broader disregard for the Agency's hearing process. The response and cross motion raise novel arguments concerning the intervening parties' right to participate in the proceedings and the Agency's review authority. Neither argument addresses the Applicant's failure to comply with the scheduling order or to submit pre-filed testimony. If the Applicant does not intend to present evidence, address the hearing issues identified by the Agency Board, and participate in good faith, the Application should be returned to the Board for a determination.

I. Intervening parties' right to participate in the public hearing under Agency §580.7 extends to the entire hearing process.

The Applicant, by and through his attorney, argues that the intervening parties' right to participate in the proceedings is limited by the language in Agency regulations §580.7(a) which provides that "any person may seek to become a party in order to present evidence, cross-examine witnesses, and otherwise participate in a public hearing..." Applicant then argues that the pre-hearing proceedings and the public hearing are both distinct components of the larger adjudicatory proceeding and that §580.7(a) "expressly and plainly" states the intervenors "may only participate in a public hearing." (Norfolk Affirmation, 2). That is *not* what §580.7(a) says.

Agency regulation §580.7 governs petitions for party status. Part (a) of this section states that "any person may seek to become a party in order to present evidence, cross-examine witnesses, and otherwise participate in a public hearing…" The last clause is not a

limitation; it is a catchall. Once a person or organization is granted party status pursuant to this provision, they are a party to the hearing under §580.5(c). This is not an interpretation of the regulations; it is a definition. §580.5 provides that "in addition to the project sponsor and the persons named in section 809(3)(e) of the Adirondack Park Agency Act, the parties to the hearing shall be: (c) persons granted intervention pursuant to section 580.7 of this Part." The intervenors are, by definition, parties to the hearing, which includes the pre-hearing process.

Contrary to the Applicant's assertion that §580.9 "Pre-hearing conferences" best supports his position, this section highlights the intervenors right to participate in the pre-hearing proceedings. This section provides that "the hearing officer may direct the parties to appear for a conference…" This includes all parties to the hearing, if it were intended to exclude those granted party status under §580.7 it would say so.

While an adjudicatory proceeding may be made up of different phases, the pre-hearing process is necessarily part of the public hearing, as is reflected by Part 580 of the Agency's regulations. Part 580 governs "public hearings held on all projects" (§580.1(a)) including the "determination to conduct a public hearing" (§580.2), "notice of hearing" (§580.4), "selection of hearing officer" (§580.8), and "pre-hearing conferences" (§580.9). Each of the aforementioned items are "pre-hearing" actions, but they are all part of and inextricable from the hearing.

The regulations also contemplate party participation in the "post-hearing" process in §580.14(h) and 580.18(a). This is further evidence that while structurally there may be "phases" to the hearing, they are all integral components of the hearing broadly. Limitation of the parties' participation to the "public hearing" is contrary to any reasonable interpretation of the Agency regulations.

To accept the Applicant's interpretation would create an absurd procedural vacuum where intervenors are recognized as full parties under § 580.5(c) yet barred from the very pre-hearing mechanisms designed to streamline the hearing including framing of the issues, scheduling, and pre-filed testimony. Party status is not an honorary title reserved solely for the day of testimony; it grants a meaningful right to shape the proceedings from inception.

II. Agency hearing staff agree with the intervenors assessment that the preemption and federal immunity argument are improperly raised and pre-mature.

We further agree that the cases cited by the Applicant are not on point and do not support his position. The intervenors properly summarized the flaws in Applicant's reliance on these cases. If the Applicant obtains a Federal Contract, Agency hearing staff reserve the right to make further arguments on this issue.

Respectfully Submitted,

Grace Sullivan
APA Hearing Staff – Attorney

NORFOLK BEIER PLLC
ATTORNEYS AT LAW

September 11, 2026

Via Email Only
Honorable David Greenwood
Administrative Law Judge
NYS Department of Environmental Conservation
Office of Hearing and Mediation Services
625 Broadway, First Floor
Albany, NY 12233-1550
david.greenwood@dec.ny.gov

Re: APA Project 2021-0276
Sponsor/Applicant: Michael Hopmeier/Unconventional Concepts, Inc.

Dear Judge Greenwood:

The purpose of this letter is to address Attorney Sullivan's August 28, 2026, submission. The contention advanced by the Intervenors and echoed in substantial part by Adirondack Park Agency ("APA") Attorney Sullivan, that Applicants Unconventional Concepts, Inc. and Michael Hopmeier ("Applicants") and I as their counsel have pursued a deliberate course of delay or a strategy of avoidance is unsupported by a fair examination of the procedural history of this proceeding. At the outset, the argument rests upon a false equivalence: the passage of time is not synonymous with dilatory conduct. A contested administrative proceeding may take considerable time for any number of legitimate reasons, particularly where, as here, the proceeding involves multiple parties, expert testimony, discovery, questions concerning the scope of the project and hearing, procedural motions, jurisdictional issues, and related judicial review. The relevant inquiry is therefore not simply how much time has elapsed. The appropriate inquiry is why the time elapsed, who was responsible for particular adjournments or extensions, whether the Applicants deliberately sought to obstruct the proceeding, and what actual prejudice resulted from any specific procedural noncompliance. Measured by those standards, the charge of intentional delay cannot be sustained.

Indeed, Attorney Sullivan's own August 28, 2026, submission establishes that several significant adjournments were jointly requested, consented to by Attorney Sullivan, or affirmatively requested by Attorney Sullivan. On December 12, 2025, Agency Hearing Staff and Applicants' counsel jointly requested an adjournment. On January 21, 2026, Attorney Sullivan, the Intervenors and I jointly requested another adjournment. On February 11, 2026, an adjournment requested by the Applicants was expressly consented to by Attorney Sullivan. Most significantly, on April 29, 2026, *Attorney Sullivan requested that the evidentiary hearing be adjourned until October 28, 2026*,

explaining that the additional time was necessary to afford all parties ample opportunity to complete discovery, develop expert reports, and prepare for the evidentiary hearing.

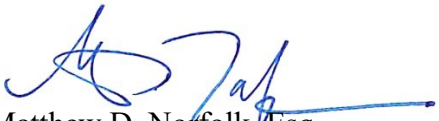
This is not merely a dispute over characterization. Attorney Sullivan expressly conceded that the Applicants' failure to comply with the August 12 scheduling deadline, considered independently, would be unlikely to constitute conduct that was "willful, contumacious, or in bad faith." She instead attempts to convert that discrete scheduling issue into evidence of improper intent by combining it with the Applicants' prior motions, challenges to the hearing process, the Article 78 proceeding, disputes concerning the project site, and other legal advocacy. That reasoning should be rejected. Legitimate litigation activity does not become misconduct simply through aggregation. An unsuccessful motion is not necessarily a frivolous motion. A jurisdictional objection does not become obstruction merely because the APA disagrees with it. Seeking judicial review does not establish an intent to frustrate an administrative proceeding. And disagreement concerning the proper scope of an administrative hearing cannot fairly be converted into evidence of bad faith merely because resolving that disagreement takes time.

Finally, your August 12 ruling undermines the theory that the Applicants' missed deadline justified termination of the proceeding. Although you denied the Applicants' particular 21-day extension request because it did not comply with the procedural requirements of the Third Revised Scheduling Order, you simultaneously stated that "the hearing in this matter must proceed" and determined that the appropriate course was to convene the parties promptly to develop a Fourth Revised Scheduling Order that was mutually agreeable.

For these reasons, any contention that the Applicants or I engaged in sanctionable dilatory conduct should be rejected. Kindly include this letter in the official record for the above-referenced proceeding.

Respectfully,

Norfolk Beier PLLC

By: 
Matthew D. Norfolk, Esq.

cc: Attorneys of Record

6. Record Issues

NEW YORK STATE | Adirondack Park Agency

KATHY HOCHUL
Governor
BARBARA RICE
Executive Director

December 23, 2025

(By E-Mail: david.greenwood@dec.ny.gov)

Honorable David Greenwood
Administrative Law Judge
NYS Department of Environmental Conservation
Office of Hearing and Mediation Services
625 Broadway, First Floor
Albany, NY 12233-1550

Re: In the matter of the application of Unconventional Concepts, Inc. and Michael Hopmeier – P2021-0276

Dear Judge Greenwood,

We are in receipt of the e-mail from Paul Van Cott, attorney for the Adirondack Council, Inc., that requests the complete record to be made publicly available online and updated throughout the proceedings. Pursuant to Agency regulation 580.14(a)(3), the hearing officer is responsible for ensuring a complete record is kept of the proceedings and then is subsequently filed with the Agency at the close of the hearing. We take no position as to whether your Honor should maintain an electronic record which is available to parties to the proceeding.

To clarify, the Agency has established a webpage (https://apa.ny.gov/permitting/topic/permit-hearing.html), separate from the APA's FOIL Records Access Center, which contains many of the documents mentioned in Attorney Van Cott's e-mail request. We are updating this page regularly but may delay publication, unless otherwise ordered, to afford all parties a full and fair opportunity to be heard and until such time as your honor has had an opportunity to respond and issue a final order.

Additionally, in order to maintain a full and complete record, we recommend that any requests for judicial intervention include a caption and/or are submitted on letterhead as a separate document rather than in the body of an email. The proposed caption is attached on the next page.

Respectfully Submitted,

Grace Sullivan

Grace Sullivan

NEW YORK STATE | Adirondack Park Agency

KATHY HOCHUL
Governor
BARBARA RICE
Executive Director

In the Matter of the application of

[DOCUMENT TITLE]

UNCONVENTIONAL CONCEPTS, Inc., and MICHAEL HOPMEIER

APA Project No. 2021-0276

7. Rulings and Orders

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).

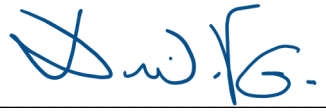
IV. Ruling

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

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

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David N. Greenwood
Administrative Law Judge
NYS DEC
Office of Hearings and Mediation Services
625 Broadway, 1st Floor
Albany, New York 12233-1550

7.2 Appeal of Party Status Ruling (subfolder)

In the Matter of Application of Unconventional Concepts, Inc. and Michael Hopmeier.	APA Project No. 2021-0276 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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518.302.8080
mnorfolk@norfolkbeier.com
Attorneys for Sponsor,
Michael Hopmeier

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

By: _____
Matthew D. Norfolk, Esq.

NEW YORK STATE | Adirondack Park Agency

KATHY HOCHUL
Governor

BARBARA RICE
Executive Director

January 23, 2026

Dear Judge Greenwood,

On January 20, 2026, Matthew D. Norfolk, the attorney for the project sponsor submitted a partial appeal of your ruling on party status with respect to Adirondack Wild: Friends of the Forest Preserve. The appeal was addressed to Agency Executive Director, Barbara Rice. Pursuant to 9 N.Y.C.R.R. 580.7(f)(1), the appeal will be decided by the agency board at its next regular meeting on February 19, 2026. The APA hearing staff request that parties who wish to submit briefs in support or opposition of the decision file those briefs with you by 5 P.M. on Thursday, January 29, 2026. All materials submitted in connection with this partial appeal should be sent to the attached service list pursuant to 9 N.Y.C.R.R. 580.7(f)(2).

This matter will then be referred to the agency board for a vote at the February 19, 2026 board meeting. The board decision will be based on the papers which will include:

(1) Adirondack Wild: Friends of the Forest Preserve Petition for Party Status
(2) Sponsor's Opposition to the Petition to Intervene Filed by Adirondack Wild – Friends of the Forest Preserve
(3) APA P2021-0276 Ruling on Petitions for Party Status
(4) Sponsor's Appeal of the Ruling Granting Adirondack Wild: Friends of the Forest Preserve Party Status
(5) Any responding briefs

Respectfully Submitted,

Grace Sullivan

Grace Sullivan, APA Hearing Staff - Attorney

SO ORDERED:

_____
ALJ Greenwood
DATED:

Public Hearing Service List
P2021-0276

Recipient	Address
Project Sponsor – Michael Hopmeier, Unconventional Concepts LLC Authorized Representatives: Matthew D. Norfolk Shane Kelly	Matthew D. Norfolk, Esq. Norfolk Beier, PLLC 1936 Saranac Ave, Suite 106 Lake Placid, NY 12946 mnorfolk@norfolkbeier.com Shane Kelly, Esq. Norfolk Beier, PLLC 1936 Saranac Ave, Suite 106 Lake Placid, NY 12946 skelly@norfolkbeier.com
Administrative Law Judge: David Greenwood	New York State Department of Environmental Conservation Office of Hearing and Mediation Services 625 Broadway, First Floor Albany, NY 12233-1550 david.greenwood@dec.ny.gov
Agency Hearing Staff: Grace Sullivan	Adirondack Park Agency P.O. Box 99 1133 NYS Route 86 Ray Brook, NY 12977 grace.sullivan@apa.ny.gov
Protect the Adirondacks!	Christopher A. Amato, Esq. conservationdirector@protectadks.org P.O. Box 48 North Creek, NY 12853 Claudia Braymer, Esq. executivedirector@protectadks.org P.O. Box 48 North Creek, NY 12853
Adirondack Wild: Friends of the Forrest Preserve	David Gibson dgibson@adirondackwild.org P.O. Box 9247 Niskayuna, NY 12309

Recipient	Address
Sierra Club Atlantic Chapter	Todd Ommen tommen@law.pace.edu 78 North Broadway, White Plains, NY 10603 David Ramirez Dramirez2@law.pace.edu 78 North Broadway, White Plains, NY 10603
Adirondack Council	Philip H. Gitlen, Esq. pgitlen@woh.com Whiteman Osterman & Hanna LLP 1 Commerce Plaza, Albany, New York, 12260 Paul Van Cott PVanCott@woh.com Whiteman Osterman & Hanna LLP 1 Commerce Plaza, Albany, New York, 12260 Anna V. Seitelman, Esq. ASeitelman@woh.com Whiteman Osterman & Hanna LLP 1 Commerce Plaza, Albany, New York, 12260

This service list includes all parties to the abovementioned proceeding as of January 21, 2026. This list will be updated as parties join the proceeding. Please continue to check the Agency's website for the most updated list of parties.

NEW YORK STATE | Adirondack Park Agency

KATHY HOCHUL
Governor

BARBARA RICE
Executive Director

January 23, 2026

Dear Judge Greenwood,

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(4) Sponsor's Appeal of the Ruling Granting Adirondack Wild: Friends of the Forest Preserve Party Status
(5) Any responding briefs

Respectfully Submitted,

Grace Sullivan

Grace Sullivan, APA Hearing Staff - Attorney

SO ORDERED:

David G.

ALJ Greenwood
DATED: 01/23/2026

Public Hearing Service List
P2021-0276

Recipient	Address
Project Sponsor – Michael Hopmeier, Unconventional Concepts LLC Authorized Representatives: Matthew D. Norfolk Shane Kelly	Matthew D. Norfolk, Esq. Norfolk Beier, PLLC 1936 Saranac Ave, Suite 106 Lake Placid, NY 12946 mnorfolk@norfolkbeier.com Shane Kelly, Esq. Norfolk Beier, PLLC 1936 Saranac Ave, Suite 106 Lake Placid, NY 12946 skelly@norfolkbeier.com
Administrative Law Judge: David Greenwood	New York State Department of Environmental Conservation Office of Hearing and Mediation Services 625 Broadway, First Floor Albany, NY 12233-1550 david.greenwood@dec.ny.gov
Agency Hearing Staff: Grace Sullivan	Adirondack Park Agency P.O. Box 99 1133 NYS Route 86 Ray Brook, NY 12977 grace.sullivan@apa.ny.gov
Protect the Adirondacks!	Christopher A. Amato, Esq. conservationdirector@protectadks.org P.O. Box 48 North Creek, NY 12853 Claudia Braymer, Esq. executivedirector@protectadks.org P.O. Box 48 North Creek, NY 12853
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This service list includes all parties to the abovementioned proceeding as of January 21, 2026. This list will be updated as parties join the proceeding. Please continue to check the Agency's website for the most updated list of parties.

NEW YORK STATE | Adirondack Park Agency

KATHY HOCHUL
Governor

BARBARA RICE
Executive Director

January 23, 2026

(By E-Mail: david.greenwood@dec.ny.gov)

Honorable David Greenwood
Administrative Law Judge
NYS Department of Environmental Conservation
Office of Hearing and Mediation Services
625 Broadway, First Floor
Albany, NY 12233-1550

Re: In the matter of the application of Unconventional Concepts, Inc. and Michael Hopmeier – P2021-0276

Dear Judge Greenwood,

At the January 21, 2026 pre-hearing conference held in connection with the above-mentioned proceeding, the undersigned counsel jointly agreed to a process for publication of hearing documents on the Agency website. As discussed, in order to facilitate the efficient conduct of these proceedings, and as a courtesy to the named parties, the Agency agreed to post to the Agency's hearing webpage (https://apa.ny.gov/permitting/topic/permit-hearing.html) any signed letter correspondence, motions, responses, final stipulations, rulings, determinations, and orders. The Agency will make its best efforts to post such documents with one business day of receipt, however the Agency shall not assume any responsibility for delayed postings. If a reasonable time has elapsed and a party believes that a document is missing from the webpage, that party should alert Grace Sullivan (grace.sullivan@apa.ny.gov). In the case of a dispute concerning the scope of this stipulation, any party may submit a written request to your Honor to determine whether a document should be published to the webpage.

The parties acknowledge that the documents published on the hearing webpage do not represent the final, complete or official record in this proceeding, nor constitute any summary of the proceedings pursuant to sections 580.14(g) and/or 580.18 of Agency regulations.

Respectfully Submitted,

Grace Sullivan
APA Hearing Staff – Attorney

Matthew D. Norfolk
Attorney for Project Sponsor

Paul Van Cott
Attorney for Adirondack Council

David Gibson
Attorney for Adirondack Wild

Todd Ommen
Attorney for Sierra Club Atlantic Chapter

Christopher A. Amato
Attorney for Protect the Adirondacks!

SO ORDERED:

ALJ Greenwood

DATED: 02/18/2026

In the Matter of the Application of

UNCONVENTIONAL CONCEPTS, Inc., and MICHAEL HOPMEIER

RULING ON MOTION TO DISQUALIFY

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. 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).

Four organizations submitted petitions for intervention and party status in December 2025 and I granted each granted party status in a ruling dated January 12, 2026. The four organizations are Sierra Club Atlantic Chapter, Adirondack Wild: Friends of the Forest Preserve, Adirondack Council, Inc. (Adirondack Council), and Protect the Adirondacks. The Project Sponsor has appealed the ruling granting of party status for Adirondack Wild to the Agency's Executive Director and that appeal is pending at the time of this ruling.

This ruling addresses a motion brought by one of the intervening parties, Adirondack Council, dated January 20, 2026, to disqualify the law firm of Norfolk Beier PLLC (Norfolk Beier) from continued representation of the Project Sponsor in this matter (*see* Appendix).

By its motion, Adirondack Council asserts that the law firm of Norfolk Beier PLLC has not demonstrated compliance with "22 NYCRR Section 1200.1.11 of the Rules of Professional Conduct for New York attorneys pertaining to conflicts" and requests an order disqualifying Norfolk Beier from continued representation of the Project Sponsor. The motion is supported by the Affirmation of Paul Van Cott, counsel to the law firm of Whiteman, Osterman & Hanna LLP, attorneys representing Adirondack Council (Affirmation of Paul Van Cott dated January 20, 2026 [Van Cott Aff.]).

The Project Sponsor responded by an attorney affirmation of Matthew D. Norfolk in opposition to the motion to disqualify dated February 3, 2026 (Affirmation of Matthew D. Norfolk dated February 3, 2026 [Norfolk Aff.]).

None of the other parties to this matter submitted papers in support or opposition to the motion, including the Agency itself.

For the reasons discussed below, the motion is denied.

II. Positions of the Parties

In the motion and supporting affirmation, Adirondack Council argues that a conflict barring Norfolk Beier from representing the Project Sponsor in this matter exists because a former APA attorney, Sarah Reynolds (Attorney Reynolds) was personally involved in the APA's review of the Project Application before joining Norfolk Beier as a Senior Counsel (Van Cott Aff. ¶¶ 3-7). Adirondack Council contends that Public Officer Law 73(8)(a) and Rule 1.11(a) of New York's Rules of Professional Conduct for attorneys (*see* 22 NYCRR 1200) prohibit Attorney Reynolds from being involved in Norfolk Beier's representation of the Project Sponsor due to her prior role as an APA attorney and that pursuant to Rule 1.11(b) the prohibition extends to the law firm's representation of the Project Sponsor unless Norfolk Beier gives notice of the conflict to the APA and receives a waiver of the conflict from the APA (Van Cott Aff. ¶¶ 11-26). Adirondack Council maintains that a risk of harm to its interests and the "integrity of the hearing" exists in that attorneys at Norfolk Beier may have gained access to information from Attorney Reynolds regarding the Proposed Project and the Agency's internal deliberations about the Proposed Project, information which other parties to the hearing would not have access to (Van Cott Aff. ¶¶ 27-32). Adirondack Council seeks disqualification of Norfolk Beier from continued representation of the Project Sponsor "unless [Norfolk Beier] can demonstrate full compliance with the requirements of Rule 1.11 and obtain a waiver from APA as required by Rule 1.11(b)" (Van Cott Aff. ¶ 33).

In the Affirmation in Opposition (Opposition), Matthew D. Norfolk, a member of the law firm Norfolk Beier PLLC, asserts that Adirondack Council's motion should be denied in its entirety (Norfolk Aff.). The Opposition raises seven points of fact and law as reasons to deny the motion (Norfolk Aff. ¶¶ 4-21). First, the Opposition asserts that this hearing officer lacks authority to disqualify attorneys, as that authority rests in the "discretion of the courts" (*id.* ¶¶ 4-6). Second, Adirondack Council has no standing to challenge Norfolk Beier's involvement in the hearing because the Adirondack Council is not a former or current client of Norfolk Beier, rather only the APA would have standing (*id.* ¶¶ 7-9). Third, any potential conflict the APA may have raised has been waived by the Agency through its failure to object (*id.* ¶¶ 10-11). Fourth, the issue of disqualification is moot because Attorney Reynolds left the employ of Norfolk Beier in December 2025, prior to the commencement of "the hearing proceedings" (*id.* ¶¶ 12-14). Fifth, there is no conflict or prejudice to Adirondack Council because any information held by Attorney Reynolds was also known to the Agency and the Agency is responsible for rendering a decision on the Project Application after evidence is gathered at the public hearing (*id.* ¶¶ 15-18). Sixth, any conflict of interest held by Attorney Reynolds is not imputed to Norfolk Beier because while Attorney Reynolds was a member of Norfolk Beier she did not engage in the present matter in any way and did not "provide any advice or direction or information she may have obtained from her tenure at APA" to anyone else at Norfolk Beier (*id.* ¶¶ 19-20). Seventh, disqualification of Norfolk Beier would unfairly prejudice the Project Sponsor because Norfolk Beier has represented the Project Sponsor for "over six years" during the application process as well as the public hearing and depriving the Project Sponsor of "their right to chosen counsel" at

this time would be inappropriate (*id.* ¶¶ 21-22).

III. Discussion

As an initial matter, the Opposition asserts that a hearing officer lacks authority to disqualify attorneys, as that authority rests in the "discretion of the courts." I disagree. There are numerous examples of administrative tribunals considering motions for disqualification of counsel due to alleged conflict violations arising from the Rules of Professional Conduct for Attorneys and the former Code of Professional Responsibility (*see e.g.*, *Matter of Call-A-Head Portable Toilets, Inc.*, 2016 WL 6080856 [ALJ Ruling October 11, 2016] [denying a motion brought by a respondent to disqualify a DEC attorney and the DEC Office of General Counsel under the witness-advocate rule]; *Mt. Hope Asphalt Corp.*, 1994 WL 1735262 at *3 [ALJ Ruling September 29, 1994] [denying a motion to disqualify a DEC Regional Attorney and Regional legal staff after finding that the Regional Attorney was not a necessary witness and that disqualification would occasion great disruption to DEC staff's pursuit of the action and impede a parties' right to choose its own counsel]). These examples include disqualification of individual attorneys as well as associated law firms (*see e.g.*, *Matter of the Complaints of Bernard Cassidy et. al*, 1995 WL 945532 at *4 [ALJ Decision April 13, 1995] [disqualifying a law firm and one of its attorneys from representing any party in the action after finding that when an attorney associated with a firm possesses a personal, business, or financial interest that is at odds with that of a client, the firm's representation of that client is prohibited]).

Next, the Opposition contends that Adirondack Council lacks standing to seek disqualification of Norfolk Beier because a party seeking disqualification for an alleged conflict of interest bears the burden of establishing "(1) the existence of a prior attorney-client relationship, and (2) that the former and current representations are both adversely and substantially related" (Norfolk Aff. ¶ 7 *citing McDade v. McDade*, 240 A.D.2d 1010 [3d Dept. 1997]). The Opposition also correctly points to *Rowley v. Waterfront Airways, Inc.* (113 A.D.2d 926 [2d Dept. 1985]) for the proposition that the "basis of a disqualification motion is an allegation of a breach of fiduciary duty owed by an attorney to a current or former client" (*Waterfront Airways, Inc.*, 113 A.D.2d at 927). Here, Adirondack Council does not contend that it and Norfolk Beier (or Attorney Reynolds) have ever been in an attorney-client relationship, rather Adirondack Council contends that there is a need for relief to address the alleged Norfolk Beier conflict because there is a "risk of harm to Adirondack Council's interests and the integrity of the hearing" (Van Cott Aff. ¶ 28). Although some jurisdictions have considered standing for "third-party" or "non-client litigants" on the basis that an ethical breach "obstructs the orderly administration of justice," I have not found cases citing this proposition in New York (*c.f. Colyer v. Smith*, 50 F.Supp.2d 966, 971-72 [C.D.Cal. 1999]). Although Adirondack Council's standing to move to disqualify Norfolk Beier is in doubt, it is clear that the Agency would have standing to challenge an appearance by Attorney Reynolds, a former employee.

Moving on, Adirondack Council's motion identifies the relevant law and establishes a conflict (Van Cott Aff. ¶¶ 11-26). Public Officers Law Section 73(8)(a)(ii) contains post-employment restrictions for State officers and reads, in pertinent part:

> No person who has served as a state officer or employee shall after the termination of such service or employment appear, practice,

> communicate or otherwise render services before any state agency or receive compensation for any such services rendered by such former officer or employee on behalf of any person, firm, corporation or other entity in relation to any case, proceeding, application or transaction with respect to which such person was directly concerned and in which he or she personally participated during the period of his or her service or employment, or which was under his or her active consideration.

(NY Pub. Off. Law 73[8][a][ii]).

Rule 1.11(a) of the Rules of Professional Conduct contains a similar ethical obligation for attorneys who have formerly served as a public officer or employee for the government that states that they "shall not represent a client in connection with a matter in which the lawyer participated personally and substantially as a public officer or employee, unless the appropriate government agency gives its informed consent, confirmed in writing, to the representation" (22 NYCRR 1200 [Rule 1.11(a)(2)]).

The motion contains undisputed facts that establish Attorney Reynolds was a public officer and an attorney for the APA who participated personally and substantially on the Agency's consideration of the Project Application (*see* Van Cott Aff. ¶¶ 5-6, 16, Exs. B, C). Accordingly, upon leaving State service, Attorney Reynolds is disqualified by Public Officer Law Section 73(8)(a)(ii) and Rule 1.11 from any representation of the Project Sponsor in this matter.

Contrary to argument in the Opposition, the conflict is imputed to Norfolk Beier (*see Oklahoma Firefighters Pension & Ret. Sys. v. Musk*, 786 F. Supp. 3d 635, 643 [S.D.N.Y. 2025] [applying Rule 1.11 and stating "[i]n other words, while an attorney's conflicts are ordinarily imputed to his firm based on the presumption that associated attorneys share client confidences, this presumption may be rebutted by the construction of a screen that effectively protects against any sharing of confidential information." (*quotations omitted*)]; *see also* Norfolk Aff. ¶ 19). Rule 1.11(b) of the Rules of Professional Conduct contains the following ethical obligation with respect to a firm that is associated with a disqualified attorney:

> When a lawyer is disqualified from representation under paragraph (a), no lawyer in a firm with which that lawyer is associated may knowingly undertake or continue representation in such a matter unless the firm acts promptly and reasonably to:
> (1) notify, as appropriate, lawyers and nonlawyer personnel within the firm that the personally disqualified lawyer is prohibited from participating in the representation of the current client;
> (2) implement effective screening procedures to prevent the flow of information about the matter between the personally disqualified lawyer and the others in the firm;
> (3) ensure that the disqualified lawyer is apportioned no part of the fee therefrom; and

> (4) give written notice to the appropriate government agency to enable it to ascertain compliance with the provisions of this Rule.

(22 NYCRR 1200 [Rule 1.11(b)]).

The motion contains undisputed facts that establish Attorney Reynolds joined Norfolk Beier in May 2025, after she participated personally and substantially as an attorney for the Agency on the Agency's consideration of the Project Application (*see* Van Cott Aff. ¶¶ 5-6, 20-21; *see also* Norfolk Aff. ¶¶ 13, 19). Thereafter, the Norfolk Beier firm was obligated to conform with Rule 1.11(b)'s provision that "no lawyer in a firm with which that lawyer is associated may knowingly undertake or continue representation in such a matter" unless the firm "acts promptly and reasonably" to undertake the four listed actions. It is also undisputed that Norfolk Beier continued representation of the Project Sponsor on the Permit Application and within this proceeding after Attorney Reynolds joined the firm (*see* Van Cott Aff. ¶¶ 7, 16, 18-21, Ex. G).

Notably, there is nothing in the motion papers or the Opposition that speaks to whether Attorney Reynolds or Norfolk Beier gave "written notice to the appropriate government agency to enable it to ascertain compliance with the provisions of this Rule" or whether the Agency granted a "waiver" or "its informed consent, confirmed in writing, to the representation" (*see* 22 NYCRR 1200 [Rule 1.11(a)(2), (b)]).

However, the Opposition affirms that various steps were taken by Norfolk Beier and Attorney Reynolds to comply with the first three provision of the rule. To wit:

> Attorney Reynolds had no involvement in the matter while employed at Norfolk Beier. She did not participate in any capacity in the representation of the Applicants, either in front of the APA, before or after the Notice of Complete Application, or in the public hearing. Attorney Reynolds did not provide any advice or direction or information that she may have obtained from her tenure at the APA. Attorney Reynolds was not apportioned any fee from Norfolk Beier's work performed on this matter. This was a firm policy I implemented upon hiring Attorney Reynolds. It should be noted that Attorney Reynolds made it clear during the interview process that she could not and would not participate in any way in the present matter. Accordingly, the previous employment of Attorney Reynolds at Norfolk Beier does not disqualify Norfolk Beier from representing the Applicants in the public hearing.

(Norfolk Aff. ¶ 19).

In light of that, I find that "personnel within the firm" were notified that "the personally disqualified lawyer is prohibited from participating in the representation of the current client" (*see* 22 NYCRR 1200 [Rule 1.11(b)(1)]). I find that Norfolk Beier implemented "screening procedures to prevent the flow of information about the matter between the personally disqualified lawyer and the others in the firm" (*see* 22 NYCRR 1200 [Rule 1.11(b)(2)]). And, I

find that Norfolk Beier ensured that "the disqualified lawyer is apportioned no part of the fee therefrom" (*see* 22 NYCRR 1200 [Rule 1.11(b)(3)]).

In addition to the fact that Attorney Reynolds did not participate in the representation of the Project Sponsor in this matter and that Norfolk Beier engaged in screening activities I note that the conflict has been mitigated to an extent by the affirmed fact that Attorney Reynolds no longer is a member of Norfolk Beier, having left the firm in December 2025 (Norfolk Aff. ¶¶ 12-14; *see* Van Cott Aff. ¶ 26). Adirondack Council has shown the potential for harm, but has not asserted that any particular knowledge or information was gained by Norfolk Beier from Attorney Reynolds as a result of the conflict. A not insignificant portion of the personal knowledge of Attorney Reynolds' understanding of the Project Application she acquired while engaged as an APA attorney is in the hands of Adirondack Council in the form of the 20-page May 2024 memorandum from Attorney Reynolds to the Agency's Regulatory Programs Committee attached as an exhibit to their motion (*see* Van Cott Aff. ¶ 6, Ex. C).

At the latest, the APA became aware of the conflict arising from Attorney Reynolds' employment at Norfolk Beier and Norfolk Beier's representation of the Project Sponsor when the Agency's Executive Director was copied on a letter from Paul Van Cott to Matthew D. Norfolk, Esq. dated January 2, 2026 (*see* Van Cott Aff. ¶ 3, Ex. A). APA hearing staff were copied on Adirondack Council's motion to disqualify and given an opportunity to respond to the motion. The APA has had the opportunity to assert its own basis for disqualifying Attorney Reynolds from appearing or practicing before the Agency on this matter but has declined to do so. On the other hand, the Agency also had the opportunity to give its informed consent to the representation of the Project Sponsor by Norfolk Beier and waive the conflict as contemplated by Rule 1.11(a)(2), but it has not done that either. I do not find that this constitutes a "waiver [of the conflict] by the APA through its failure to object" as pressed in the Opposition, but one could infer that the Agency does not feel that the conflict requires disqualification (*see* Norfolk Aff. ¶¶ 10-11).

A final factor to be considered in weighing the motion to disqualify is a party's right to the counsel of its choice, and the potential prejudice to a party from the disruption caused by the removal of its counsel (*see Dev. Don't Destroy Brooklyn v. Empire State Dev. Corp.*, 31 A.D.3d 144, 153 [2006] ["the appearance of impropriety must be balanced against a party's right to the counsel of its choice as well as the possibility that the motion for disqualification may be motivated purely by tactical considerations"]; *see also Calamar Enters., Inc. v. Blue Forest Land Grp., LLC*, 222 F. Supp. 3d 257, 263 [W.D.N.Y. 2016] ["[a] party moving for disqualification carries a heavy burden and must satisfy a high standard of proof. Indeed, a court faced with a disqualification motion must recognize that disqualification has an immediate adverse effect on the client by separating him from counsel of his choice, and that disqualification motions are often interposed for tactical reasons" (*internal quotations and citations omitted*)]; *Aerojet Props., Inc. v. State*, 138 A.D.2d 39, 42 [1988] [affirming a denial of a motion for disqualification, finding that "[m]oreover, to disqualify [the law firm] after extensive involvement in this lawsuit for more than four years would prove patently unfair to both the law firm and its client"]). This factor weighs against disqualifying Norfolk Beier, as the firm has represented the Project Sponsor in the Project Application process and continuing into the proceeding beginning January 2022 and requiring the Project Sponsor to obtain new counsel after so much time and on the eve

of the public hearing commencement would be a substantial burden (*see* Norfolk Aff. ¶ 21).

One of the comments to Rule 1.11 explains that:

> This Rule represents a balancing of interests. On the one hand, where the successive clients are a government agency and another client, public or private, the risk exists that power or discretion vested in that agency might be used for the special benefit of the other client. A lawyer should not be in a position where benefit to the other client might affect performance of the lawyer's professional functions on behalf of the government. Also, unfair advantage could accrue to the other client by reason of access to confidential government information about the client's adversary obtainable only through the lawyer's government service. On the other hand, the rules governing lawyers presently or formerly employed by a government agency should not be so restrictive as to inhibit transfer of employment to and from the government. The government has a legitimate need to attract qualified lawyers as well as to maintain high ethical standards. A former government lawyer is therefore disqualified only from particular matters in which the lawyer participated personally and substantially. The provisions for screening and waiver in paragraph (b) are necessary to prevent the disqualification rule from imposing too severe a deterrent to entering public service. The limitation on disqualification in paragraphs (a)(2) and (d) to matters involving a specific party or specific parties, rather than extending disqualification to all substantive issues on which the lawyer worked, serves a similar function.

(N.Y. Rules of Pro. Conduct, Rule 1.11 cmt. 4).

In considering the balancing of interests here, the factors weighing in favor of granting Adirondack Council's motion to disqualify Norfolk Beier from representing the Project Sponsor in this matter include the nature, duration, and severity of the conflict of interest established by the motion, the conflict's potential for harm to both the interests of the Adirondack Council and the integrity of the hearing, and the avoidance of the appearance of impropriety moving forward.

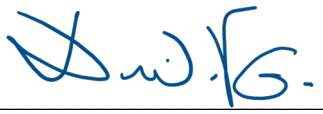
The factors weighing against granting Adirondack Council's motion to disqualify Norfolk Beier from representing the Project Sponsor in this matter include the Adirondack Council's apparent lack of standing to seek disqualification for an alleged conflict of interest when it is not a current or prior client, the APA's lack of action to protect its own interest in removing the conflict of interest with its former employee, the screening activity—although imperfect—undertaken by Attorney Reynolds and Norfolk Beier to mitigate the risk of harm caused by the conflict, the fact that the term of the conflict has ended with the departure of Attorney Reynolds from the Norfolk Beier firm, and the potential prejudice to the Project Sponsor that would occur if the Project Sponsor was required to obtain new counsel after so much time has elapsed and on

the eve of the commencement of the public hearing.

Balancing these factors, I find that it would be improper to disqualify Norfolk Beier from representing the Project Sponsor at this time on the merits, especially considering the burden disqualifying Norfolk Beier would impose on the Project Sponsor. Additionally, I find that Adirondack Council lacks standing to challenge Norfolk Beier's representation of the Project Sponsor in this matter.

IV. Ruling

For the reasons discussed above, Adirondack Council's motion to disqualify Norfolk Beier is DENIED.



David N. Greenwood
APA Hearing Officer

Dated: February 20, 2026
Albany, New York

To: Attached Service List
Appendix: Ruling on Motion to Disqualify Record

APPENDIX

APA Project No. 2021-0276 Public Hearing
Ruling on Motion to Disqualify

1. Adirondack Council, Inc. Notice of Motion dated January 20, 2026.

2. Affirmation of Paul Van Cott dated January 20, 2026.
   Exhibit A: Letter from Paul Van Cott to Matthew D. Norfolk dated January 2, 2026.
   Exhibit B: LAKE PLACID [no author] *Norfolk Beier announces new senior counsel*, Adirondack Daily Enterprise, undated.
   Exhibit C: Memorandum from Sarah Reynolds, Associate Counsel to APA Regulatory Programs Committee, dated May 8, 2024.
   Exhibit D: Letter from Matthew D. Norfolk, Esq. to John Burth, Dan Wilt, David Plante and Christopher E. Cooper dated February 29, 2024 with enclosure "Appeal of Fifth Notice of Incomplete Application".
   Exhibit E: Adirondack Park Agency Draft May Meeting Minutes dated May 16,2024.
   Exhibit F: Reply Memorandum in Support of Project Sponsor's Appeal fo Fifth Notice of Incomplete Application dated May 15, 2024.
   Exhibit G: Fifth Notice of Incomplete Permit Application APA Project No. 2021-0276 with responses from applicant dated June 9, 2025, and attachment: Sound Study Unconventional Concepts, Inc. dated November 2024.
   Exhibit H: Email from Matthew D. Norfolk to Paul Van Cott dated January 2, 2026.

3. Attorney Affirmation of Matthew D. Norfolk, Esq. in Opposition to Motion to Disqualify dated February 3, 2026.

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

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In the Matter of the Application of

UNCONVENTIONAL CONCEPTS, Inc., and MICHAEL HOPMEIER

RULING ON SCHEDULING MOTIONS

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. 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).

Four organizations submitted petitions for intervention and party status in December 2025 and I granted each organization party status in a ruling dated January 12, 2026. The four organizations are: (i) Sierra Club Atlantic Chapter (Sierra Club); (ii) Adirondack Wild: Friends of the Forest Preserve (Adirondack Wild); (iii) Adirondack Council, Inc. (Adirondack Council); and (iv) Protect the Adirondacks. The Project Sponsor appealed the ruling granting party status to Adirondack Wild to the Agency's Executive Director and a review of the transcript of the February 19, 2026, APA Board meeting reveals that the Agency voted to uphold the ruling granting party status to Adirondack Wild.

Additionally, the Project Sponsor has initiated a Civil Practice Law and Rules (CPLR) Article 78 proceeding in New York State Supreme Court seeking to vacate the determination of the Agency to conduct a public hearing on the Project Application and to vacate the determination of the Agency's Executive Director to deny the Project Sponsor's motion to disqualify this hearing officer from presiding over the public hearing on the Project Application (*Matter of Michael Hopmeier v. Bd. of New York State Adirondack Park Agency*, et al, Index. No. CV26-0063 [Sup. Ct. Essex Cnty]). At the time of this writing that matter has a return date of April 20, 2026.

This ruling addresses a letter request for a ruling brought by one of the intervening parties, Protect the Adirondacks, on behalf of itself and the other intervenors (Adirondack Wild, Sierra Club and Adirondack Council), dated March 6, 2026, requesting modifications to the First Revised Scheduling Order issued February 11, 2026 (*see* Appendix). This ruling also addresses a Cross-Motion (Cross-Motion) brought by the Project Sponsor dated March 4, 2026 requesting a

stay of the public hearing and all pre-hearing proceedings during the pendency of the above referenced CPLR Article 78 proceeding and an adjournment of the first hearing date from the current date of April 22, 2026 to June 24, 2026 (*see* Appendix).[1] In response to the request for a ruling and the Cross-Motion, the parties submitted additional input and position comments as follows: (i) an email dated March 9, 2026 from Adirondack Wild; (ii) an email with attached letter dated March 10, 2026 from Protect the Adirondacks; (iii) an email with attached letter dated March 10, 2026 from Sierra Club; (iv) an email with attached letter dated March 11, 2026 from Adirondack Council; (v) an email with attached letter dated March 11, 2026 from APA hearing staff; and (vi) an email with attached letter dated March 11, 2026 from the Project Sponsor (*see* Appendix).

For the reasons discussed below, the letter request for modification of the First Revised Scheduling Order is granted in part. The Cross-Motion is granted in part.

II. Positions of the Parties

In pertinent part of its Cross-Motion, the Applicant requests a stay of the public hearing pending the resolution of the related CPLR Article 78 proceeding and a postponement of the first hearing date of the public hearing from April 22, 2026 to June 24, 2026 (Cross-Motion ¶ 7). The Applicant contends that denying a stay would potentially result in wasteful, duplicative proceedings because Supreme Court "could determine that the APA erred in sending the application to a public hearing and reverse that determination" or "could also determine that the Hearing Officer should be disqualified" (*id.* at ¶ 6).

In its March 6, 2026 letter, Protect the Adirondacks writing on behalf of itself and the other intervenors, requests a sequential delay in the due dates for production of witness lists, the APA staff statement, and preliminary discovery and pre-filed direct testimony. To support its request Protect the Adirondacks states its "understanding from communications among all the parties that APA staff are amenable to these proposed modifications to [the First Revised Scheduling Order]." The intervenors state that the "relatively brief adjournments are warranted and necessary to provide more time for engagement of witnesses, which is proceeding apace but is unlikely to be fully concluded by March 18 [the current due date]." The intervenors request that the due date for the Applicant and APA hearing staff to produce a witness list and for APA hearing staff to produce a statement on development considerations be moved from March 18, 2026, to April 8, 2026 (*see* 9 NYCRR 580.6[b]). The intervenors request that the due date for the intervenors to produce witness lists be moved from March 18, 2026 to April 15, 2026. The intervenors request that the due date for preliminary discovery requests be moved from March 18, 2026 to April 8, 2026. The intervenors request that the due date for discovery responses be moved from April 8, 2026 to April 29, 2026. The intervenors request that the due date for the Applicant to file and serve pre-filed direct testimony be moved from April 29, 2026 to May 20, 2026. The intervenors request that the due date for the APA staff and the intervenors to file and serve pre-filed direct testimony be moved from May 20, 2026 to June 10, 2026. The intervenors

[1] The Cross-Motion is titled a cross-motion as it arises in response to an earlier motion brought by Adirondack Council seeking to revise and re-order the issues to be considered in the public hearing dated February 24, 2026. The Cross-Motion is being addressed herein because it and Protect the Adirondacks' request for modifications to the First Revised Scheduling Order both seek modification of the First Revised Scheduling Order.

submit that having the Applicant and APA staff provide their witness lists one week in advance of the intervenors makes practical sense, because it will avoid needless duplication of witnesses and testimony and more closely aligns with the sequence of proof set forth in APA's hearing regulations.

In its March 10, 2026 letter Protect the Adirondacks argues that the Cross-Motion for a stay should be denied because the Applicant is also seeking a stay of the public hearing in its CPLR Article 78 proceeding, which has not yet been granted, and it would unduly delay this proceeding. Similarly, in its March 10, 2026 letter Sierra Club notes the duration of the CPLR Article 78 proceeding is unknown. Sierra Club further notes that the request for a stay of the hearing proceedings pending the outcome of the CPLR Article 78 challenge has already been denied by both this hearing officer and the Supreme Court of Essex County, which Sierra Club asserts raises the bar of collateral estoppel to the present request for a stay.

In its March 11, 2026 letter Adirondack Council requests that the Cross-Motion for a stay be denied and the intervenors' joint request for modification to the First Revised Scheduling Order be granted.

In its March 11, 2026 letter APA hearing staff presents a well-reasoned argument, consents to intervenors' proposed modifications to the First Revised Scheduling Order, and opposes the Applicant's Cross-Motion for a stay of the public hearing. In brief summary, APA hearing staff contends that the request for a stay is duplicative of prior requests that have been denied or not granted, and undermines the legitimacy of the Applicant's concerns for judicial efficiency and administrative resources. APA hearing staff argues that the two claims raised in Applicant's CPLR Article 78 proceeding are unlikely to succeed and that allowing the public hearing to move forward while the CPLR Article 78 is pending "provides all parties, including the applicant, the opportunity to lay the groundwork for the case they intend to present at the evidentiary portion of the public hearing." APA hearing staff asserts that the Applicant has not provided a compelling argument for how a stay would benefit any party, including the Applicant whose "purported goal is to ultimately obtain an Agency permit."

In a reply letter dated March 11, 2026, the Applicant responds in detail to all of the arguments raised against the Cross-Motion for a stay of the public hearing. Briefly, the Applicant asserts that the request for a stay is not "indefinite" because the Applicant requests adjournment of the first hearing date to a "date, time and place certain" of 10:00 a.m. June 24, 2026 at APA headquarters in Ray Brook, New York. Furthermore, the Applicant contends that the uncertain duration of the CPLR Article 78 proceeding weighs in favor of granting a stay of the public hearing "so as not to waste months' worth of time and money developing a record in this public hearing that could eventually be undone." Rather, the Applicant contends that the intervenors are "creating endless, frivolous busywork in an attempt to drain Applicants' resources." With respect to the intervenors' proposed scheduling order modification, the Applicant specifically opposes modifying the order to allow the intervenors to submit their witness lists a week after the Applicant, rather than simultaneous submission as the existing scheduling order provides, contending that the intervenors are seeking some sort of tactical advantage.

III. Discussion

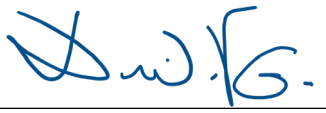
In light of the arguments put forth above, I decline to order a general adjournment of the pre-hearing procedures and hearing dates in the form of a stay of all proceedings in the public hearing. Simply put, State Supreme Court has not yet issued a stay of the public hearing under the auspices of the CPLR Article 78 proceeding and I am determined to continue the process of this public hearing as called for in my appointment as Hearing Officer by the Agency until such a stay is ordered. Notwithstanding that, the intervenors and APA hearing staff all consent to or request moving the pre-hearing procedure due dates in order to give all the parties additional time to prepare for the hearing. The Applicant does not specifically oppose moving the pre-hearing procedure due dates to later dates as proposed by the intervenors. Because APA hearing staff and the intervenors request moving the due dates for pre-hearing proceedings and the Applicant does not oppose that, and also seeks delay, I will grant in part the request to modify the First Revised Scheduling Order. The request seeks to move the final due date for pre-filed direct testimony to June 10, 2026 which "would allow commencement of testimony by mid-July." In light of that, and cognizant of the Applicant's request to move the initial in-person hearing date to June 24, 2026, I will grant that portion of the Cross-Motion and deny the balance of the Cross-Motion. Lastly, in an effort to avoid any claim of advantage sought by the intervenors in modifying the order to allow the intervenors to submit their witness lists a week after the Applicant, rather than simultaneous submission as the existing scheduling order provides, I will deny that portion of the request for modification of the scheduling order.

The practical result of those determinations will be reflected in a Second Revised Scheduling Order, which I will issue concurrently with this ruling.

IV. Ruling

For the reasons discussed above, the request for modification of the First Revised Scheduling Order is GRANTED IN PART.

The Applicant's Cross-Motion for a stay is GRANTED IN PART.



David N. Greenwood
APA Hearing Officer

Dated: March 13, 2026
Albany, New York

To: Attached Service List
Appendix: Ruling on Scheduling Motions Record
Issued Concurrently: Second Revised Scheduling Order

APPENDIX

APA Project No. 2021-0276 Public Hearing
Ruling on Scheduling Motions Record

1. Notice of Cross-Motion dated March 4, 2026.

2. Attorney Affirmation of Matthew D. Norfolk, Esq. dated March 4, 2026.
   Exhibit A: Hon. Allison M. McGahay Scheduling order dated February 13, 2026.

3. Letter Requesting Ruling from Protect the Adirondacks to Hearing Officer dated March 6, 2026.

4. Email dated March 9, 2026 from Adirondack Wild.

5. Email with attached letter from Protect the Adirondacks to Hearing Officer dated March 10, 2026.

6. Email with attached letter from Sierra Club to Hearing Officer dated March 10, 2026.

7. Email with attached letter from Adirondack Council to Hearing Officer dated March 11, 2026.

8. Email with attached letter from APA hearing staff to Hearing Officer dated March 11, 2026.

9. Email with attached letter from the Applicant to Hearing Officer dated March 11, 2026.

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

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In the Matter of the Application of

UNCONVENTIONAL CONCEPTS, Inc., and MICHAEL HOPMEIER

ISSUES RULING

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. 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).

Four organizations submitted petitions for intervention and party status in December 2025 and I granted each organization party status in a ruling dated January 12, 2026. The four organizations are: (i) Sierra Club Atlantic Chapter (Sierra Club); (ii) Adirondack Wild: Friends of the Forest Preserve (Adirondack Wild); (iii) Adirondack Council, Inc. (Adirondack Council); and (iv) Protect the Adirondacks. The Project Sponsor appealed the ruling granting party status to Adirondack Wild to the Agency's Executive Director and a review of the transcript of the February 19, 2026, APA Board meeting reveals that the Agency voted to uphold the ruling granting party status to Adirondack Wild.

Additionally, the Project Sponsor has initiated a Civil Practice Law and Rules (CPLR) Article 78 proceeding in New York State Supreme Court seeking to vacate the determination of the Agency to conduct a public hearing on the Project Application and to vacate the determination of the Agency's Executive Director to deny the Project Sponsor's motion to disqualify this hearing officer from presiding over the public hearing on the Project Application (*Matter of Michael Hopmeier v. Bd. of New York State Adirondack Park Agency*, et al, Index. No. CV26-0063 [Sup. Ct. Essex Cnty]). At the time of this writing that matter has a return date of April 20, 2026.

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 including but not limited to whether the proposed use should be considered a

"commercial use" and, if not, whether the proposed howitzer testing range is a compatible use; 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 in consideration of the development considerations contained in APA Act Section 805(4) and State regulations at 9 NYCRR 574.5.

This ruling addresses several requests from the intervenors to modify the three issues set forth in the Project Order to be considered in the public hearing. In a letter dated January 20, 2026, the Adirondack Council, on behalf of itself and the other intervenors, proposed revisions and suggested additions to the issues to be considered at the public hearing (*see* Appendix). A prehearing conference was conducted on January 21, 2026, wherein it was determined that conducting a further prehearing conference to discuss hearing issues would be beneficial.

An issues conference was scheduled for February 4, 2026. On February 3, 2026, Adirondack Council sent an email to the parties that included APA hearing staff's edits to the intervenors' proposed issues. Also on February 3, 2026, Protect the Adirondacks submitted an offer of proof with respect to adding a proposed issue to read: "Issue #2: Whether the applicant has contractual or other legal arrangements with persons or other legal entities for testing howitzers on the proposed range and substantiation of national security concerns, if any, with respect to such proposed testing." (Offer of Proof).

An issues conference was conducted on February 4, 2026. During the issues conference some consensus was reached on the proposed modifications to the hearing issues among APA hearing staff, the Applicant, and the intervenors (*see generally* February 4, 2026 Recording 38:00-52:00, 1:12:00-1:22:00).[1] After the issues conference a stipulation modifying the issues to be considered at the hearing was circulated but was never executed by the parties or forwarded to the Hearing Officer for ordering.

On February 24, 2026 Adirondack Council moved for an order revising the existing hearing issues for the stated purpose of ensuring that "an orderly and understandable record is developed through the adjudicatory herring for the APA Board's consideration." Adirondack Council proposed to modify the three existing hearing issues into five that can be briefly summarized as follows: (Issue 1): Whether the proposed howitzer testing range is a commercial use; (Issue 2): Whether the howitzer testing range would have any adverse impacts upon the natural, scenic, ecological, wildlife, recreational or open space resources of the Adirondack Park considering the development considerations contained in the APA Act; (Issue 3): Whether the howitzer testing range would be consistent with the Adirondack Park land use and development plan; (Issue 4): Whether the howitzer testing range would be compatible within the Rural Use land area classification; and (Issue 5): Whether the howitzer testing range would have any undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the Adirondack Park or upon the ability of the public to provide supporting facilities and services made necessary by the Proposed Project, taking into account the commercial, industrial, residential, recreational or other benefits that might be derived from

[1] Representatives of Protect the Adirondacks made it clear during the issues conference that they objected to the failure to include proposed issues Nos. 2 and 3 (compliance with existing permits and existence of a contract) in any stipulation that resulted from the issues conference (Feb. 4, 2026 Recording 50:00 – 53:00).

the Proposed Project.

On March 2, 2026, Agency hearing staff submitted an email with attached letter in support of Adirondack Council's proposed revisions to the issues to be considered at the public hearing.

On March 4, 2026, the Applicant submitted a Cross-Motion that included a section arguing that the issues order in the Project Order should not be modified. On March 6, 2026, Protect the Adirondacks submitted a letter in further support of its Offer of Proof that included documents obtained from a Freedom of Information Act (FOIA) request made upon the "U.S. Department of the Army."

In response to the requests to modify the issues to be considered at the public hearing, the parties submitted additional input and position comments as follows: (i) an email dated March 5, 2026 from Adirondack Wild; (ii) an email with attached letter dated March 11, 2026 from Adirondack Council; (iii) an email with attached letter dated March 11, 2026 from APA hearing staff; and (iv) an email with attached letter dated March 12, 2026 from the Project Sponsor (*see* Appendix).

For the reasons discussed below, Adirondack Council's motion to modify the issues for consideration at the public hearing is granted. Protect the Adirondacks' request with Offer of Proof to add an issue to the public hearing regarding the Applicant's contractual or other legal arrangements for testing howitzers on the proposed howitzer testing range is denied.

II. Positions of the Parties

In both its original proposal brought on behalf of itself and the other intervenors as well as its latest motion, Adirondack Council asserts that the purpose of the proposed revisions is to ensure that an orderly and understandable record is developed through the public hearing for the Agency's consideration. The motion is based on the version of the issues modification proposal as "marked up" by APA hearing staff that was under discussion at the issues conference. The motion seeks to re-order the issues presented and break them out into five issues with the intention of addressing the facts and opinion evidence concerning the Proposed Project's potential impacts in the first two issues, before turning to the three legal determinations that the APA Board must address in the final three numbered issues. Importantly, the question of whether the Proposed Project can be considered a "commercial use" would be moved to the top of the list as Issue 1 as Adirondack Council contends that fact and opinion evidence on that issue will provide a basis for the Agency to determine if the proposed howitzer testing range is or is not presumed to be a compatible use. The motion proposes other alterations to the hearing issues to more closely follow the language of the APA Act, including the addition of wording related to considering the benefits the Proposed Project may provide in weighing "undue" adverse impact as set forth in APA Act Section 809(10)(e). Adirondack Council asserts that it is within the Hearing Officer's authority to order the proposed revisions to the hearing issues based upon the Agency's Project Order, which granted the Hearing Officer the discretion to simplify, define, limit or resolve the scope of issues. Adirondack Council issued a further letter in support of its motion on March 11, 2026.

Protect the Adirondacks supports the proposed revisions to the hearing issues brought jointly by the intervenors in the January 20, 2026 letter request, which included re-ordering the issues as set forth above and included two new issues concerning the Applicant's contractual or other legal arrangements to test howitzers on the proposed range and whether the Applicant had violated the APA Act or its existing APA permit. In its February 3, 2026 letter request for ruling and its March 6, 2026 letter supplementing the request, Protect the Adirondacks does not oppose the revision of the issues as presented in Adirondack Council's motion. Rather, Protect the Adirondacks contends that adding a discrete issue to consider whether the Applicant has contractual or other legal arrangements to test howitzers on the proposed range and substantiation of national security concerns, if any, with respect to such proposed testing is "vital to ensuring a complete record by allowing discovery and testimony concerning . . . claims in the application that the proposed project is being undertaken pursuant to a contract with the United States military." Protect the Adirondacks quotes portions of the Project Application wherein the Applicant contends that the benefits of the Proposed Project include providing support to the United States military and protecting national security, and Protect the Adirondacks asserts that the parties should be provided the opportunity to conduct discovery and elicit testimony concerning these purported benefits so that the Agency has a complete record. In its March 6, 2026 letter supplementing the request, Protect the Adirondacks submits an email obtained pursuant to a FOIA request that it contends "contradicts the application's repeated claims that the proposed howitzer firing range is being undertaken pursuant to a contract with the United States military and is essential to the national security of the United States." Protect the Adirondacks argues that the Agency's Project Order grants the authority to add the proposed issue to those identified in the Project Order.

In its March 5, 2016 email, Adirondack Wild expressed support for Adirondack Council's February 24 motion to revise the existing hearing issues and stated that "[w]e also look forward to your ruling on the motion of Protect to add to those issues." Sierra Club and Adirondack Wild were part of the January 20, 2026, letter submitted by Adirondack Council, on behalf of itself and the other intervenors that proposed revisions and suggested additions to the issues to be considered at the public hearing and during the issues conference both of those organizations expressed support for a consensus to revise the hearing issues.

In its March 2, 2026 letter APA hearing staff notes that Adirondack Council's motion requests an order on the restructured issue list as proposed by the intervening parties and revised by APA hearing staff prior to the February 4, 2026 issues conference. APA hearing staff supports the proposed revisions to the hearing issues and the sequencing of adjudication as set forth in the motion because "they will promote the orderly development of the record."

In the attorney affirmation submitted with its March 4, 2026 Notice of Cross-Motion, the Applicant argued that the issues as set forth in the Project Order should not be modified because a Hearing Officer does not have the authority to "add or reorder issues" and only has the power to "limit or simplify" issues as set forth in State regulations at 9 NYCRR 580.9 and 9 NYCRR 580.14(4). Thus, in the Applicant's view, the authority to "add an issue if not expressly excluded" granted to the Hearing Officer in the Project Order was an "extra-judicial determination." The Applicant further contends that a Hearing Officer can only revise the issues upon consent of the parties and the Applicant does not consent to the revisions currently proposed and no stipulation

between the parties was executed after the issues conference. Lastly, the Applicant contends that "the issues should not be reordered or deemed to require the presentation of evidence in the order listed in the Project Order" because the Applicant bears the burden of proving the allegations in the Project Application, and has the right to present their case, introduce their evidence and proceed with their legal strategy.

In its March 11, 2026 letter, APA hearing staff reiterated its support for Adirondack Council's motion seeking to revise and reorder the public hearing issues and addressed the question of the basis of the authority to grant the motion, arguing that the Hearing Officer has the authority to modify the hearing issues without consent of the parties under Agency regulations and that the Agency was authorized to extend that authority through its Project Order. Specifically, APA hearing staff asserts that, pursuant to 9 NYCRR 580.3, the Agency may or may not determine to limit the issues to be considered at the hearing, and, in the absence of doing so, the Hearing Officer would have the authority to determine which issues may be considered at the hearing. In this instance, the Agency chose to exclude issues related to shoreline restrictions and intensity guidelines and preserved the Hearing Officer's authority to "add an issue if not expressly excluded and for which a party makes an offer of proof to ensure that the record covers substantive and significant issues relating to the findings or determinations required of the Agency." APA hearing staff asserts that State regulations at 9 NYCRR 580.9 and 580.14(g) are not intended to limit the Hearing Officer’s authority to broaden the scope of issues or to add an issue that was not included in the Project Order. Rather, those provisions are "intended to prevent the [H]earing [O]fficer from unilaterally resolving an issue identified by the Board for which the parties have not reached consensus on." APA hearing staff asserts that Adirondack Council's motion does not seek to limit or resolve any issues, but proposes modifications to the order of the issues and minor language revisions that do not alter the substantive issues identified by the Agency in the Project Order, changes that Applicant's counsel consented to at the February 4, 2026 prehearing conference.

In its March 12, 2026 letter in opposition to modify and reorder the hearing issues, the Applicant argues against APA hearing staff's interpretation of the regulations concerning the limitation of hearing issues and against the inclusion of an issue relating to whether the Applicant has government contracts as requested by Protect the Adirondacks. First, the Applicant asserts that State regulations at 9 NYCRR 580.3 do not allow a Hearing Officer to add issues, the regulation instead allows the Agency to limit the issues in the notice of hearing. In the Applicant's view, if the Agency does not limit the issues for the hearing then 9 NYCRR 580.9 and 580.14(4) allow a Hearing Officer to "establish the scope and define the issues that are consented to by the parties."

Second, the Applicant asserts that adding a discreetly numbered issue relating to whether the Applicant has government contracts is unnecessary and redundant because "it is already covered by Issue No. 3." Specifically, the Applicant contends that the existing issue already contemplates presentation of evidence relating to the factors listed in APA Act Section 809(10)(e) that includes whether the proposed howitzer testing range would have an undue adverse impact in light of the Proposed Project's potential benefits. The Applicant contends that the email submitted as supplemental proof by Protect the Adirondacks "does not conclusively demonstrate the Applicants do not have a military contract," and that confidentiality "prohibits

further discussion of the matter." The Applicant further asserts that Unconventional Concepts, Inc. is a research and development company and that the existence of one contract or another may change over time or in the event the Project Application is approved.

III. Discussion

The Hearing Procedures in State regulations for the APA at 9 NYCRR 580.3 state:

> Limitation of Issues. The agency may determine to limit the issues to be considered at the hearing, in which case it will advise the project sponsor of its determination and the notice of hearing will specify the issues to be considered.

(8 NYCRR 580.3).

The Agency's delegation of authority in the Project Order to the Hearing Officer with respect to the issues for consideration at the public hearing states:

> [T]he hearing officer shall have all the authority provided in 9 NYCRR 580.9, and the hearing notice shall direct potential parties to address the issues stated above in any petition for party status. The hearing officer may in their sole discretion simplify, define, limit, or resolve the scope of issues, or add an issue if not expressly excluded and for which a party makes an offer of proof to ensure that the record covers substantive and significant issues relating to the findings or determinations required of the Agency under APA Act § 805(4) and § 809(10).

(Project Order).

Two additional sources of authority with respect to hearing issues are in State regulation on APA hearings at 9 NYCRR 580.9 which states:

> The hearing officer may direct the parties to appear for a conference to simplify, define, limit or resolve issues. The hearing officer shall summarize for the record the action taken at the conference and any admissions, stipulations or agreements which were made by the parties.

(9 NYCRR 580.9).

And at 9 NYCRR 580.14 which states in relevant part:

> The hearing officer shall have power to: (i) direct the parties to appear and confer at any time prior to or during the course of the hearing to consider the simplification of issues by consent of the parties.

(9 NYCRR 580.14[4]).

As an initial matter, I do not agree with the Applicant's view with respect to the power of the Hearing Officer to simplify, define, limit, or resolve issues. Rather, as argued by APA hearing staff and the intervenors, the Agency has the power to limit or define the issues for consideration at the public hearing and the Agency's partial, limited delegation of that authority to the Hearing Officer in this instance is consistent with the Agency's hearing regulations. Accordingly, adding a hearing issue that has not been expressly excluded in the Project Order and for which a party makes an offer of proof would be within that authority. Similarly, amending and re-ordering the issues in the Project Order to support a more orderly and understandable record for the Agency's consideration would also fall within the authority to simplify, define, limit, or resolve the scope of the issues.

I find that the proposed hearing issue revisions as moved for by Adirondack Council in the February 24, 2026 motion, and recommended by APA hearing staff and Adirondack Wild, to be appropriate and should provide a more orderly and understandable record for the Agency's consideration. The proposed revisions do not materially alter the scope of issues in the hearing and do not alter the substantive issues identified by the Agency in the Project Order. Furthermore, the proposed modifications do not limit or resolve any of the issues identified by the Agency. Sierra Club supported the amendments during the issues conference and Protect the Adirondacks has not specifically opposed the amendments within the February 24 motion, rather it requested additions to the issues therein. The Applicant verbally joined the consensus to amend the hearing issues during the issues conference but has since noted that, despite cooperation and productive discussion during the issues conference there was no formal agreement stipulated to by the parties. True enough, but the Applicant's opposition now is based solely upon its view that the Hearing Officer cannot amend or expand the hearing issues, which I disagree with, and it has voiced no material opposition to the specific changes to the issues moved for by Adirondack Council. In light of the above, I find that there is sufficient support for the proposed hearing issues amendments in the February 24 motion to grant the motion. Attached to this ruling please find a list of five issues to be considered at the public hearing.[2]

Nonetheless, I agree with the Applicant that adding an issue to address the question of whether the Applicant has contractual or other legal arrangements with persons or other legal entities for testing howitzers on the proposed range and substantiation of national security concerns, if any, with respect to such proposed testing is unnecessary. At the conceptual level, each of the existing hearing issues, as well as the proposed issues in Adirondack Council's motion, explicitly relate to a finding or legal determination that the Agency will make in rendering it's decision on the Project Application, while the proffered contract issue is one step

[2] This ruling and the amended issues list should not be interpreted to rule that the Applicant or any other party must present its case in any particular order. Rather, the ruling herein amends the list of the issues to be considered at the public hearing found in the Project Order.

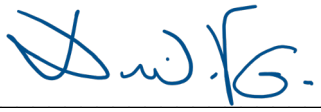
removed and relates instead to a single line of evidence that can be applied to the existing hearing issues. The evidence of a contract, or lack thereof, fits into the purview of proposed Issue 5 which calls for "taking into account the commercial, industrial, residential, recreational or other benefits that might be derived from the project." As Protect the Adirondacks points out, the Applicant makes assertions in the Project Application and the responses to the various notices of incomplete applications (NIPAs) related to a subcontract awarded by the U.S. Army and the national security benefits of the Proposed Project. Because the "burden shall be on the project sponsor to present testimony concerning the matter alleged in the application" those assertions in the Project Application are clearly relevant to the hearing and are fair game for testimony and documentary evidence submitted by the parties (*see* 9 NYCRR 580.11[b]). For those reasons, I find it is unnecessary to add the issue presented by Protect the Adirondacks as a discrete issue for consideration in the public hearing.

IV. Ruling

For the reasons discussed above, the February 24, 2026 motion for an order revising the existing hearing issues in APA Project No. 2021-0276 is GRANTED.

The February 3, 2026, Offer of Proof and request to add an issue to the hearing issues in APA Project No. 2021-0276 is DENIED.

After this ORDER please find the attached Revised Hearing Issues for APA Project 2021-0276.



David N. Greenwood
APA Hearing Officer

Dated: March 24, 2026
Albany, New York

To: Attached Service List
Attached: Revised Hearing Issues for APA Project 2021-0278
Appendix: Issues Ruling Record

Revised Hearing Issues for APA Project 2021-0276

March 24, 2026

Issue #1: Whether the proposed howitzer testing range is a commercial use (APA Act § 810[2][c][16]), another use in APA Act § 810(2)(c), or a use that is not "included on either the list of primary uses or the list of secondary uses for rural use areas" (APA Act § 810[2][c][16]).

Issue #2: Whether the howitzer testing range would have any adverse impacts upon the natural, scenic, ecological, wildlife, recreational, or open space resources of the park considering the development considerations contained in APA Act § 805(4) and 9 NYCRR 574.5, including, but not limited to the following:

i. Whether the howitzer testing range involves any potential discharges, residues, or other pollutants that may adversely affect water resources, land resources, or air resources (APA Act § 805[4][a][1] – [3]).

ii. Whether the howitzer testing range would have any adverse impacts to land resources within the park, such as soils, forest, and open space resources, including the quality and availability of nearby lands for outdoor recreational purposes (APA Act § 805[4][a][1] and [2]).

iii. Whether the Applicant has provided a reliable, comprehensive and accurate modeling of the noise that would be produced by the howitzer testing range and whether such noise will have any adverse impacts upon the Park's resources or nearby uses (APA Act § 805[4][a][1]).

iv. Whether noise mitigation measures exist that are feasible to implement that would minimize or avoid any adverse impacts to the Park's resources from the howitzer testing range (APA Act § 805[4][a][1]).

v. Whether the howitzer testing range would create any ecological impacts or disruption to native or migrating wildlife and their habitats at or near the howitzer testing range, considering species' sensitivities (APA Act § 805[4][a][5] and [6]).

vi. Whether the howitzer testing range could have adverse health and safety impacts relating to the operation, storage, and transport of military equipment (APA Act § 805[4][c][2][a]).

vii. Whether the howitzer testing range would adversely impact nearby Wilderness and Wild Forest areas or their use and enjoyment (APA Act § 805[4][c][2][a]).

viii. Whether the howitzer testing range would have an adverse economic impact on adjoining and nearby land uses, such as property values (APA Act § 805[4][c][2][a]).

Issue #3: Whether the howitzer testing range would be consistent with the Adirondack Park land use and development plan, including, but not limited to, whether the howitzer testing range would be consistent with the purpose of insuring overall conservation, protection, preservation, development and use of the unique scenic, wildlife, recreational, open space, ecological, and natural resources of the Adirondack Park (APA Act § 809[10][a]).

Issue #4: Whether the howitzer testing range would be compatible within the Rural Use land area classification, and whether it would be compatible with the character description and purposes, policies and objectives of the Rural Use land area classification (APA Act § 809[10][b]).

Issue #5: Whether the howitzer testing range would have any undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the park or upon the ability of the public to provide supporting facilities and services made necessary by the project, taking into account the commercial, industrial, residential, recreational, or other benefits that might be derived from the project (APA Act § 809[10][e]).

APPENDIX

APA Project No. 2021-0276 Public Hearing
Issues Ruling Record

1. Email with attached letter from Adirondack Council on behalf of other intervenors to Hearing Officer dated January 20, 2026.

2. Prehearing Conference Recording Dated January 21, 2026.

3. Email from Adirondack Council to Parties dated February 3, 2026 with attachment

4. Email with attached letter Offer of Proof from Protect the Adirondacks to Hearing Officer dated February 3, 2026.

5. Issues Conference Recording dated February 4, 2026.

6. Email with attached letter Motion for Order from Adirondack Council to Hearing Officer dated February 24, 2026.
   Exhibit 1: Proposed Hearing Issues for APA Project 2021-0276.

7. Email with attached letter from APA hearing staff to Hearing Officer dated March 2, 2026.

8. Notice of Cross-Motion Dated March 4, 2026.
   Attorney Affirmation of Matthew D. Norfolk, Esq. dated March 4, 2026.
   Exhibit A: Hon. Allison M. McGahay Scheduling Order dated February 13, 2026.

9. Email from Adirondack Wild to Parties dated March 5, 2026.

10. Email with attached letter from Protect the Adirondacks to Hearing Officer dated March 6, 2026.
    Exhibit A: February 3, 2026 Offer of Proof.
    Exhibit B: Email from (REDACTED) to (REDACTED) dated February 8, 2023 Subject: UCI Firing Range – Path Forward Direction.

11. Email with attached letter from Adirondack Council to Hearing Officer dated March 11, 2026.

12. Email with attached letter from APA hearing staff to Hearing Officer dated March 11, 2026.

13. Email with attached letter from the Applicant to Hearing Officer dated March 12, 2026.

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Executive Director

In the Matter of the Application of

UNCONVENTIONAL CONCEPTS, Inc., and MICHAEL HOPMEIER

RULING on MOTION to DISMISS and APPLICANTS' CROSS-MOTION

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. In November 2021 Unconventional Concepts, Inc. and Michael Hopmeier (the Applicants or Project Sponsors) 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).

Four organizations submitted petitions for intervention and party status in December 2025 and I granted each organization party status in a ruling dated January 12, 2026. The four organizations are: (i) Sierra Club Atlantic Chapter (Sierra Club); (ii) Adirondack Wild: Friends of the Forest Preserve (Adirondack Wild); (iii) Adirondack Council, Inc. (Adirondack Council); and (iv) Protect the Adirondacks (collectively, Intervenors). The Project Sponsors appealed the ruling granting party status to Adirondack Wild to the Agency's Executive Director and a review of the transcript of the February 19, 2026 APA Board meeting reveals that the Agency voted to uphold the ruling granting party status to Adirondack Wild.

Additionally, on January 30, 2026, the Project Sponsors initiated a Civil Practice Law and Rules (CPLR) Article 78 proceeding in New York State Supreme Court seeking to vacate the determination of the Agency to conduct a public hearing on the Project Application and to vacate the determination of the Agency's Executive Director to deny the Project Sponsor's motion to disqualify this hearing officer from presiding over the public hearing on the Project Application (*Matter of Michael Hopmeier v. Bd. of New York State Adirondack Park Agency*, *et al*, Index. No. CV26-0063 [Sup. Ct. Essex Cnty]). At the time of this writing Supreme Court, Essex County has not issued a ruling or decision.

In the Project Order, the Agency directed three issues to be considered at the public hearing. An issues conference was conducted on February 4, 2026. On February 24, 2026, the intervenor Adirondack Council moved for an order revising the existing hearing issues.

Applicants cross-moved arguing, in part, that the issues order in the Project Order should not be modified. Protect the Adirondacks requested the addition of an issue for adjudication concerning whether the Applicant has contractual or other legal arrangements to test howitzers on the proposed range. These motions resulted in a March 24, 2026 Issues Ruling that revised the hearing issues for APA Project 2021-0278.

From the time of the initial Project Order to the March 24, 2026 Issues Ruling, the matter had been adjourned four times, typically by the consent of all the parties, with each adjournment resulting in a new date for the first day of the hearing. Additionally, the Project Sponsors had requested indefinite stays of the proceeding on January 20, 2026 and March 4, 2026. On April 29, 2026, at the request of all the parties, the hearing was adjourned a fifth time for roughly six months to October 28, 2026, to provide the litigants time to prepare for the evidentiary portion of the hearing.

On June 15, 2026, the parties conferred to consider revising dates in the hearing's existing scheduling order. A Third Revised Scheduling Order was issued on June 24, 2026, that contained agreed-upon times and dates for discovery, a site visit, and pre-filed direct testimony (Scheduling Order).

The site visit for APA Hearing Staff, intervening parties, and any retained experts contemplated for July 2026 did not occur. Based on the record before me, APA Hearing Staff and one or more experts attended a site visit at some portion of the Project Application location in July 2026 (*see* Appendix [the motion paper exhibits contain emails among the parties regarding the site visit]).

Pursuant to the Scheduling Order, the Applicants' pre-filed testimony was due on August 12, 2026. On August 11, 2026, counsel for the Applicants submitted a letter to this Hearing Officer requesting a 21-day extension to file and serve pre-filed testimony. In an email to the parties on August 12, 2026, the undersigned denied the request for an extension for the reasons stated therein (*see* Appendix, Affirmation in Support of Intervenors' Joint Motion to Dismiss This Hearing and Refer to APA Board for Final Action on the Application [Aff. in Support of Joint Motion], Ex. H). After denying Applicants' request for an extension, this Hearing Officer scheduled a conference call to discuss how to proceed in the matter to be held on August 19, 2026.

On August 17, 2026, the Intervenors jointly submitted a motion to dismiss this hearing and refer the matter to the APA Board for final action on the Project Application (*see* Appendix, Notice of Joint Motion [Joint Motion to Dismiss]). At the videoconference held on August 19, 2026, the parties agreed to a schedule for responses to the Joint Motion to Dismiss and responses to any cross-motion that may be made (*see* Appendix). Additionally, it was conceded among the parties that further adherence to the dates and times for submission of pre-filed witness testimony contained in the Scheduling Order would be unworkable given the missing pre-filed testimony of the Applicants' witnesses and the pending Joint Motion to Dismiss (*id.*). It was also agreed among the parties to retain the October 28, 2026 date for the first hearing date of this matter (*id.*).

On August 28, 2026, APA Hearing Staff submitted the APA Hearing Staff Response to

Intervenors' Joint Motion to Dismiss (Appendix). Also on August 28, 2026, Applicants submitted a Notice of Cross-Motion dated August 28, 2026 (Cross-Motion), and an Attorney Affirmation in Opposition to the Intervenors' Joint Motion to Dismiss and in Support of Applicants' Cross-Motion to Bar the Intervenors from Participating in Pre-Hearing Proceedings (Aff. in Opposition to Joint Motion and Support of Cross-Motion) dated August 28, 2026 (*id.*). On September 3, 2026, Intervenors jointly submitted a Reply Affirmation in Support of Intervenors' Joint Motion and in Opposition to the Applicants' Cross-Motion dated September 3, 2026 (*id.*). On September 4, 2026, APA Hearing Staff submitted an APA Hearing Staff Reply to Applicant's Response and Cross-Motion (*id.*).

All of the motion papers at issue in this ruling were timely submitted and properly before me for consideration.

For the reasons stated below, the Joint Motion to Dismiss is granted in part. The Cross-Motion is denied.

II. Positions of the Parties

A. Intervenors

In the Joint Motion to Dismiss brought by the Intervenors, the Intervenors request an order dismissing this adjudicatory proceeding on the grounds that the Applicants have failed to comply with the Scheduling Order, including failing without justification or good cause to submit pre-filed testimony in support of the Project Application by the ordered deadline, and have therefore defaulted on their opportunity to submit additional information necessary for the Agency to make the statutorily required finding for permit issuance (*see* Joint Motion). The Intervenors additionally move for an order referring the pending Project Application to the APA Board for final action (*id.*).

With respect to the Applicants' failure to submit pre-filed testimony, the Intervenors assert that the Applicants were well aware of the deadline to submit the evidence and had "approximately nine months to prepare" testimonial evidence for the hearing (Aff. in Support of Joint Motion ¶ 10). Intervenors contend that the Applicants' request for an extension made on the eve of the initial due date was properly denied because the request was not submitted at least ten days prior to the filing deadline, and the Applicants made no effort to confer with the other parties prior to submitting it, in "direct violation" of the Scheduling Order (*id.* at ¶ 3). Additionally, the Applicants' request "provided no justification or good cause for the requested extension, stating only: 'I simply need more time' " (*id.* at ¶¶ 29-31).

Intervenors assert two further bases for dismissing the Project Application and referring the matter to the APA Board for final action. First, the Intervenors point to Applicants' refusal to acknowledge that the portion of the project site located at 87 Hale Hill Lane (hereinafter the missile silo site) is a part of the Project Application "even though that parcel, Lot 29, is specifically identified as part of the project site in the application and in the APA Board's November 14, 2025 hearing order" (Aff. in Support of Joint Motion ¶ 2). The Intervenors argue that Applicants' claim that the missile silo site is not a part of the Project Application, if allowed

to stand would "misrepresent the full scope of the proposed project and result in an incomplete record thar precludes the APA Board's full review of all aspects of the proposed project" (*id.* at ¶ 6).

Second, and relatedly, the Applicants refused to allow the Intervenors to participate in the site visit "despite having agreed to a site visit for all parties, and despite that agreement having been memorialized in the [Scheduling] Order" (Aff. in Support of Joint Motion ¶¶ 24-25). The Intervenors argue that the Applicants' abrupt refusal to allow the Intervenors to participate in the site visit was unjustified and resulted in prejudice to the Intervenors' ability to present evidence to the Agency as a part of the hearing (*id.; see* Aff. in Support of Joint Motion, Ex. F).

In light of the above, the Intervenors oppose the issuance of a fourth revised scheduling order and assert that it would nullify the prior ruling denying the Applicants' request for an extension, grant the relief that had been found unwarranted, reward the Applicants' disregard of the Scheduling Order and result in a failure to maintain "order and the efficient conduct of the hearing" as required by APA regulations at 9 NYCRR 580.14(a)(4)(xi) (Aff. in Support of Joint Motion ¶¶ 32-33).

The Intervenors contend that Applicants have had a "full and fair" opportunity to submit evidence to meet their burden of proof to show that the permit should be issued and, having "failed to avail themselves of the opportunity" to do so, the pending Project Application should be referred to the APA Board for "final action" (Aff. in Support of Joint Motion ¶¶ 40-46).

B. Applicants

In their opposition to the Intervenors' Joint Motion to Dismiss and their Cross-Motion to bar the Intervenors from participating in pre-hearing proceedings, the Applicants bring three primary arguments.

First, Applicants contend that the Intervenors do not have the legal right to participate in pre-hearing proceedings in this matter and, thus, lack the legal right to conduct a project site inspection or file their Joint Motion to Dismiss (Aff. in Opposition to Joint Motion and Support of Cross-Motion ¶¶ 2-23). Applicants contend that in the APA's hearing regulations and under the State Administrative Procedures Act (SAPA), there is a distinction between the "pre-hearing" phase of an adjudicatory proceeding and the "public hearing" itself and that the APA Act only grants intervening parties the right to participate in the later, or "public hearing" portion of the proceeding (*id.* at ¶ 2 *citing* 9 NYCRR 580.7[a]). Thus, intervenors have the right to present evidence and cross-examine witnesses but cannot participate in "pre-hearing proceedings" and lack the right to make a pre-hearing motion to dismiss or participate in a pre-hearing site inspection (*id.*).

Second, Applicants assert that the missile silo site is not a part of the Proposed Project site and, therefore, even if the Intervenors could participate in pre-hearing proceedings, they would have no legal right to inspect that lot (Aff. in Opposition to Joint Motion and Support of Cross-Motion ¶¶ 24-26). As proof that the missile silo site is not a part of the Project Application, Applicants point to numerous instances in the Project Application materials that

identify only 195 Hale Hill Lane as the Proposed Project site and further note that "Applicants did not provide the APA proof of consent by the owner of the lot located at 87 Hale Hill Lane . . . (commonly referred to the "Missile Silo Site") to the filing of the project application" (*id.* at ¶ 25).

Third, Applicants maintain that the proposed ballistic testing operation will be conducted under a federal government contract and, thus, is exempt from State and municipal land use laws, including the APA Act, making the Intervenors' Joint Motion to Dismiss moot (Aff. in Opposition to Joint Motion and Support of Cross-Motion ¶¶ 27-31). Applicants assert that under the Supremacy Clause of the United States Constitution (Clause 2) and the doctrine of intergovernmental immunity, federal government actions are "generally not subject to state or municipal regulations" (*id.* at ¶ 31). Accordingly, any "argument or proof submitted against the application is irrelevant . . . [t]he entire project is subject to federal regulations and only federal regulations . . . [t]he proposed project is immune to state regulation, including the APA Act" (*id.*).

Applicants request that the Joint Motion to Dismiss be denied in full and that the Applicants' Cross-Motion be granted in full.

C. APA Hearing Staff

In a response to the Intervenors' Joint Motion to Dismiss (APA Hearing Staff Response to Joint Motion), APA Hearing Staff requests an order from the Hearing Officer to "take whatever action he deems appropriate to move towards a final resolution of these proceedings" including "dismissal and reversion to the APA Board;" preclusion of pre-filed testimony and continuation of the proceeding; "conditional admission" of the pre-filed testimony should it be sought under a new procedure with failure to comply resulting in automatic default; or any other sanction (APA Hearing Staff Response to Joint Motion at pp. 1, 5).

APA Hearing Staff asserts that a Hearing Officer has the legal authority to manage the proceeding under both SAPA and Agency hearing regulations, including the power to "do all acts and take all measures necessary for the maintenance of order and the efficient conduct of the hearing" (APA Hearing Staff Response to Joint Motion at p. 3 *citing* 9 NYCRR 580.14[a][4][ix]). This authority extends to "admit or exclude evidence under Agency regulation §580.14(a)(4)(ix)" and to "dispose of an adjudicatory proceeding by default" (*id.citing* 9 NYCRR 580.10). Whether dismissal is an appropriate sanction in this instance is a matter to be determined by the hearing officer and in making the determination the hearing officer "might consider" whether the applicant's failure to comply with the scheduling order was "willful, contumacious, or in bad faith" (*id.*at p. 4 *citing Wingdale v. Tamacki*, 184 A.D. 3d 1178 [4th Dept. 2020] among other authority).

Although APA Hearing Staff does not advocate for any specific sanction, Staff relates that the Applicants' prior challenges to the hearing proceedings and failure to comply with the Scheduling Order and submit pre-filed testimony renders it "hard to separate this failure from what appears to be a larger strategy of avoidance" (APA Hearing Staff Response to Joint Motion at pp. 4-5). Staff states that the Agency cannot approve this Project Application without further

evidence demonstrating that the Proposed Project meets the required findings under 9 NYCRR 809(10), yet, the Agency can only provide the "opportunity for due process; it cannot compel participation. If [the Applicants do] not with to move forward with the hearing process, they are not required to do so and may withdraw at any time" (*id.* at pp. 5-6).

D. Intervenor and Agency Hearing Staff Replies to Cross-Motion

In opposition to the Applicants' Cross-Motion, the Intervenors contend as follows (*see* Appendix, Reply Affirmation in Support of Intervenors' Joint Motion and in Opposition to the Applicants' Cross Motion [Reply Aff.]). Initially, Intervenors assert that the bases for the Joint Motion to Dismiss have not been disturbed by Applicants' opposition to it (Reply Aff. ¶¶ 4-11). Specifically, Intervenors contend that the Applicants do not dispute that they have failed to meet their burden of proof in the proceeding and have failed to provide any justification for failing to comply with the timeline for pre-filed testimony and thus, the Scheduling Order (*id.*). Further, they contend that Applicants confirm that they have not submitted the required consent by the owner of the missile silo site to the Agency, which provides a separate ground for dismissal (*id.*). Intervenors assert that the argument that a contract with the federal government would render the Proposed Project exempt from APA review or permitting process does not attach in this matter because there is no evidence here that such a contract presently exists (*id.*).

Intervenors also assert that Applicants' Cross-Motion is barred by the doctrine of laches and is legally unsupported in that APA hearing regulations provide for Intervenors to participate in the hearing with full party status with the power to participate in pre-hearing conferences, the submission of pre-filed testimony, and other matters in the administrative hearing process (Reply Aff. ¶¶ 12-20 *citing* 9 NYCRR 580.5[c], 508.9, 580.14[f]). Intervenors argue that the Applicants' federal preemption argument is improperly raised and premature (*id.* at ¶¶ 21-24).

Lastly, the Intervenors join APA Hearing Staff's arguments and concerns they raised, but do not support the alternative resolutions suggested by APA Hearing Staff and continue to request relief in the form of an order dismissing this proceeding and referring the matter to the "full APA Board for final action" (Reply Aff. ¶¶ 25-30).

In a reply to the Applicants' Cross-Motion, APA Hearing Staff asserts that the Applicants' "latest submission further supports the conclusion that Applicants' failure to comply with the scheduling order is part of a broader disregard for the Agency's hearing process" (*see* Appendix, APA Hearing Staff Reply to Applicants' Response and Cross-Motion [APA Hearing Staff Reply] at p. 1). APA Hearing Staff maintains that Applicants have raised "novel arguments concerning the intervening parties' right to participate . . . and the Agency's review authority" and have not addressed the failure to submit pre-filed testimony in compliance with the Scheduling Order (APA Hearing Staff Reply at p. 1). APA Hearing Staff has sharpened its view of the proper disposition of the Joint Motion to Dismiss, stating "[i]f the Applicant does not intend to present evidence, address the hearing issues identified by the Agency Board, and participate in good faith, the Application should be returned to the Board for a determination" (*id.*).

Additionally, APA Hearing Staff sets out a cogent argument that intervening parties' right to participate in the public hearing under Agency regulations at 9 NYCRR 580.7 extends to the

entire hearing process and includes all normal pre-hearing procedures such as disclosure, pre-hearing conferences, framing of issues and scheduling (APA Hearing Staff Reply at pp. 1-2). APA Hearing Staff concurs with the Intervenors' assessment that the preemption and federal immunity arguments are improperly raised and premature and reserves the right for further argument in the event that the Applicants obtain a federal contract in the future.

III. Discussion

Because the Applicants' Cross-Motion requesting an order barring the Intervenors from participating in pre-hearing proceedings in this proceeding could result in a determination that the Intervenors do not have the power to move to dismiss the adjudicatory proceeding, I will address the merits of the Cross-Motion first.

A. Applicants' Cross-Motion and Opposition to the Joint Motion to Dismiss

In their opposition to the Joint Motion and support of their Cross-Motion, the Applicants assert that the Intervenors cannot participate in the pre-hearing portion of the adjudicatory proceeding, that the missile silo site is not a part of the Project Application and, therefore, no one had a right to a site visit there in any case and that several concepts of federal preclusion obviate the need for an APA permit.

1. Intervenors' Right to Participate in Pre-Hearing Proceedings

The crux of Applicants' argument on this point is that APA's hearing regulations at 9 NYCRR 580.7(a) state that any person may seek to become "a party in order to present evidence, cross-examine witnesses, and otherwise participate in a public hearing by filing a written petition". In Applicants' view, that means that intervening parties can only participate in the *public hearing* portion of an adjuratory proceeding and not the *pre-hearing* portion of the proceeding. Because the public hearing portion of the proceeding will not begin until an actual hearing date occurs, Intervenors lack the power to file a pre-hearing motion to dismiss. Applicants bolster their claim that the APA hearing regulations limit Intervenors' status in the hearing in this way by citing instances in the APA hearing regulations and in SAPA that demonstrate that adjudicatory proceedings are divided into pre-hearing and public hearing phases, such that the use of the term "public hearing" in 9 NYCRR 580.7(a) must be read as a limitation to the right to participate.

I find this argument to be thoroughly unconvincing. The simplest reading of 9 NYCRR 580.7(a) is that the wording "public hearing" is just a reference to the proceeding in general. In defining the "parties to the hearing" at 9 NYCRR 580.5, the APA hearing regulations identify, among other entities, the project sponsor, any public agency, any person receiving individual notice pursuant to 9 NYCRR 580.4(b)(3) and *any persons granted intervention* pursuant to 9 NYCRR 580.7. There are no classes of parties with individualized powers and responsibilities in the definition, a "party" is a "party" to the hearing. Moreover, as APA Hearing Staff points out in their reply to the Cross-Motion, the phrase "and otherwise participate in a public hearing" in 9 NYCRR 580.7 is best understood to be a catch-all that is there to ensure that an intervening party

is a full party to the hearing enjoying the same rights as APA Hearing Staff and an applicant.[1] Likewise, as the Intervenors point out in their reply to the Cross-Motion, 9 NYCRR 580.9 grants a hearing officer the power to direct "the parties" to appear for a "*pre-hearing* conference" (Reply Aff. ¶ 16). Similarly, APA hearing regulations 9 NYCRR 480.14(f) concerning *pre-filed* testimony state that "[w]herever feasible, the hearing officer may request or require that testimony be reduced to writing and distributed to *the parties*" (*id.*).

Applicants themselves admit that the intervening parties in a previous APA hearing concerning the proposed project of Adirondack Club and Resort participated as full parties in pre-hearing proceedings without objection (*see* Aff. in Opposition to Joint Motion and Support of Cross-Motion ¶¶ 17-19). That matter involved extensive pre-hearing proceedings, multiple hearing dates over several months and ultimately led to the Agency granting permits for the project. Another example of such an APA permit hearing is the proposal of Nextel to build a cell tower on the shores of Lake George on Pilot Knob. In the Nextel proceeding, the Residents' Committee to Protect the Adirondacks and Adirondack Council intervened and participated in pre-hearing proceedings, the evidentiary hearing, and post-hearing argument. In that matter as well, the Agency ultimately approved the project (*see Cellphone Tower Wins Approval on Park Shore*, NY Times July 9, 2005 by Lisa W. Foderaro *available at* https://www.nytimes.com/2005/07/09/nyregion/cellphone-tower-wins-approval-on-park-shore.html).

Although there are only a few examples of APA project permit hearings, there are many examples of intervenors with party status engaging in all aspects of an adjudicatory proceeding— including pre-hearing proceedings—in permit hearings before other State agencies (*see e.g.*, *Matter of Greenidge Generation LLC*, 2024 WL 2273410, at *1 [intervening parties appealing a pre-hearing issues ruling]; *Matter of CWM Chemical Services, LLC*, 2023 WL 11679220, at *4 [ruling on intervenor's pre-hearing motion to modify the issues for adjudication]).

Accordingly, I find no reasonable basis to support Applicants' Cross-Motion for an order barring Intervenors from participating in pre-hearing proceedings. In light of the above, Applicants' Cross-Motion is DENIED.

2. The Missile Silo Lot's Status as Part of the Proposed Project

The Applicants argue that the missile silo site is not a part of the Proposed Project and, therefore, even if the Intervenors have a right to participate in pre-hearing proceedings, they have no right to inspect the missile silo site (Aff. in Opposition to Joint Motion and Support of Cross-Motion ¶¶ 24-26). The Applicants assert that to the extent the Intervenors' Joint Motion to Dismiss is based upon the Applicants' refusal to permit them to inspect the missile silo site, it must be denied (*id.*).

[1] Indeed, if the APA regulations were intended to create different classes of hearing participants, it would state so explicitly as is the case with New York State Department of Environmental Conservation permit hearing regulations at 6 NYCRR 624.5 which allow for both full party intervenors and 'amicus' intervenors who do not have the power to participate in an evidentiary hearing other than to file a brief.

Based on the record before me, Applicants, the Agency Hearing Staff, or the other parties to the proceeding do not have a common or mutual understanding of the parcels at issue in the hearing and part of the Project Application.

In a July 13, 2026 communication with the parties prior to the site visit anticipated in the Scheduling Order planned to occur on July 15, 2026, APA Hearing Staff stated that there were issues that had arisen from the site visit discussions that needed to be resolved (Aff. in Support of Joint Motion ¶ 23, Ex. D). APA Hearing Staff related that the Agency had designated both the property at 195 Hale Hill Lane (Lot 31) and the missile silo site at 87 Hale Hill Lane (Lot 29) as necessary and integral parts of the Proposed Project site (*id.*). APA Hearing Staff also related that the record landowner of the missile silo site is Diversified Upstate Enterprises LLC, which did not sign the Project Application. Because Agency Regulations require written consent of the landowner, APA Hearing Staff separately sought written consent signed by an authorized representative of Diversified Upstate Enterprises LLC to include Lot 29, the missile silo site, as part of the Proposed Project site (*id.*). APA Hearing Staff stated that should "Diversified Upstate Enterprises LLC refuse to sign such a consent, the Agency will be unable to continue processing the application as currently proposed and the hearing proceeding will be suspended" (*id.*).

Applicants have confirmed that consent has not and will not be provided from Diversified Upstate Enterprises LLC regarding 87 Hale Hill Lane (Lot 29) and reiterated their position that the missile silo site is not a part of the Proposed Project (Aff. in Opposition to Joint Motion and Support of Cross-Motion ¶ 25). Because Agency Hearing Staff have stated that, without consent of the landowner of the missile silo site at 87 Hale Hill Lane (Lot 29), the Agency will be unable to continue processing the Project Application and the hearing proceeding must be suspended, I find that the lack of agreement concerning the missile silo site's status as part of the Proposed Project is an independent basis to refer the proceeding to the APA Board for further action.

3. Argument on Federal Preclusion

Applicants' third argument in opposition to the Joint Motion to Dismiss and in support of the Cross-Motion is that the proposed howitzer testing site operation will be conducted under a federal contract and, thus is exempt from State and municipal land use laws including the APA Act, making the Intervenors ' Joint Motion to Dismiss moot (Aff. in Opposition to Joint Motion and Support of Cross-Motion ¶¶ 27-31). Applicants contend that the Supremacy Clause of the United States Constitution and "the doctrine of intergovernmental immunity" render "any argument or proof submitted against the application [] irrelevant," and that the "entire project is subject to . . . only federal regulations" and is "immune to state regulation, including the APA Act" (*id.*). Applicants cite to a line of federal cases in support of this argument (*id.*).[2]

The Intervenors counter that the Applicants' claim is improperly raised, because a challenge to APA's jurisdiction should be raised in a motion to dismiss for lack of jurisdiction (Reply Aff. ¶ 21). Intervenors further assert that the claim is premature because it rests on Applicants' possessing a federal contract to conduct the howitzer testing, which Intervenors

[2] Applicants relate that they decided to "continue with the application before the APA in good faith to demonstrate transparency and consider the concerns the APA and Green Groups may have with the project" (*see* Aff. in Opposition to Joint Motion and Support of Cross-Motion ¶ 30).

contend Applicants' counsel has admitted does not presently exist (*id.* at ¶ 22). Intervenors also contend that the caselaw submitted by the Applicants is either distinguishable, inapposite, or does not support the Applicants' claim (*id.* at ¶ 23).

APA Hearing Staff agree with the Intervenors' assessment that the preemption and federal immunity arguments are improperly raised and premature and note that, in the event Applicants obtain a federal contract, they reserve the right to make further arguments on the issue (APA Hearing Staff Reply p. 3).

I find that without an executed federal contract for this project, these arguments are not ripe for review. Additionally, there is no need to make a preemption or federal immunity determination to rule on the Joint Motion and Applicants' Cross-Motion. As APA Hearing Staff points out, if Applicants do not believe they are subject to APA jurisdiction or believe that they do not need an APA land use permit to conduct the activities they desire on the land in question, they are free to withdraw the Project Application. If the Applicants instead wish to remain in the hearing proceeding and seek an APA permit, they are then waiving any jurisdictional or federal immunity claim and submitting to the APA permit process, including this hearing. Accordingly, while this proceeding is ongoing, it is the law of the case that Applicants' Project Application is subject to APA jurisdiction and APA hearing regulations. Therefore, I reject Applicants' claim that preemption or federal immunity provide a defense to the Joint Motion to Dismiss or a basis to find in favor of the Cross-Motion.

B. Joint Motion to Dismiss

The Intervenors Joint Motion to Dismiss this matter and refer the matter to the APA Board for further action is based upon the claim that the purpose of the hearing is to provide information to the Agency for it to grant or deny the Project Application and that the Applicants have failed in their burden to provide information to the Agency for it to make the statutorily required findings for permit issuance. Intervenors point primarily to two instances of this failure to provide the Agency with the information it requires via the hearing: (i) the failure to submit pre-filed testimony in accordance with the Scheduling Order; and (ii) the barring of the Intervenors from inspecting the Proposed Project sites at penalty of trespass (Aff. in Support of Joint Motion ¶¶ 6-7, 10, 22-25, 26-31). Intervenors contend that the failure to submit pre-filed testimony per the Scheduling Order, without any explanation, prejudiced the Intervenors' ability to prepare their witnesses and evidence for the hearing because they relied upon the Scheduling Order to prepare their case and engage their experts. The Intervenors also contend that the Applicants' assertion that the missile silo site is not a part of the Project Application and the refusal to allow the Intervenors to inspect either parcel both frustrate the Intervenors' right to gather information of their own to present to the Agency.

APA Hearing Staff agree, noting that nine months into the hearing process "the record is littered with unsubstantiated procedural challenges and entirely void of additional information that would aid the Agency Board in their review" (APA Hearing Staff Response to Joint Motion at p.1). In their response to the Joint Motion, APA Hearing Staff advocated for a variety of possible actions with respect to ruling on the Joint Motion to Dismiss, including dismissal and

reversion to the APA Board, noting that "some form of admonishment is proper" (*id.* at p. 5).[3] After reviewing the Applicants response to the Joint Motion and reviewing Applicants Cross-Motion, APA Hearing Staff's position became more direct, stating, among other things, that if "the applicant does not intend to present evidence, address the hearing issues . . . and participate in good faith, the Application should be returned to the Board for a determination" (APA Hearing Staff Reply at p. 1).

The Applicants' response to the Joint Motion to Dismiss is more telling in what it does *not* say than in what it does. There were three arguments against the Joint Motion, but none addressed the underlying bases for the Joint Motion to Dismiss.

There was no reason stated by counsel for the Applicants when he requested a 21-day extension of time to file pre-filed testimony the day before the deadline, he only said "I simply need more time" (Aff. in Support of Joint Motion, Ex. G). There is no dispute that the Scheduling Order required extension requests to be made at least 10-days prior to a due date and be made only after consulting with the other parties to attempt to resolve the issue. There is an alternate provision in the APA hearing regulations for "Extension of time by consent" at 9 NYCRR 580.20 that allows for time periods to be extended for good cause by written mutual consent of the project sponsor and Agency staff (*see* Aff. in Support of Joint Motion, Ex. H). None of the three arguments asserted by the Applicants in the Cross-Motion papers address the failure to adhere to the timelines in the Scheduling Order. There is no assertion of good cause—or any reason at all—for the failure, no plan for submitting the pre-filed testimony, and no recommendation for how to cure the prejudice caused to the other parties.

I concur with APA Hearing Staff's description of legal authority for a hearing officer to dismiss a matter as a sanction (*see* APA Hearing Staff Response to Joint Motion at pp. 3-6). APA Hearing Staff notes that "[i]ndependently, failure to comply with the scheduling order would be unlikely to be read as 'willful, contumacious, or in bad faith', however, in the broader context of this application and these proceedings, it is hard to separate this failure from what appears to be a larger strategy of avoidance" (*id.* at p. 5). I agree. Moreover, here the Applicants have not presented arguments otherwise.

I would like to address, as briefly as possible, a few issues relating to the planned site visit in this proceeding. The parties had agreed to a site visit to be conducted on July 15, 2026, but prior to that day the parties did not agree on the start time, the duration of the visit, and the specific project lots to be visited and Applicants rescinded their permission for the Intervenors to enter the property, stating "law enforcement will be called if any unauthorized individuals attempt to enter upon the land where the project site is located" (*see* Aff. in Support of Joint Motion, Ex. E). At the time and since then it was the understanding of the hearing participants that the APA hearing regulations do not have a specific provision for ordering a site visit as part

[3] On September 11, 2026, after the schedule for Joint Motion to Dismiss and Cross-Motion responsive papers had expired, counsel for Applicants submitted a letter addressed to the Hearing Officer for inclusion in the hearing record that responded to APA Hearing Staff's motion papers. The letter stated, among other things, that counsel for Applicants had not pursued a deliberate course of delay or a strategy of avoidance, rather was advocating in Applicants' best interests and using available legal tools and procedures. As requested, I have made the letter a part of the hearing record.

of a hearing (*see* Aff. in Opposition to Joint Motion and Support of Cross-Motion, Exs. A, B).[4] No party has requested I, as the Hearing Officer, order a site visit, and I have not done so. Nonetheless, the purpose of a site visit would be to obtain understanding of the Proposed Project in order to present evidence and information to the APA Board, and I find the refusal to allow the Intervenors to conduct a site visit has negatively impacted their ability to present evidence and information to the APA Board.

In the Project Order, the APA Board ordered the hearing, finding that a "Public hearing would facilitate the receipt of testimony to address these issues. This information would help the Agency make the findings and determinations it is required to make under the APA Act" (Project Order No. 2021-0276; *see* Aff. in Support of Joint Motion, Ex. B). Applicants' conduct demonstrates that they are not interested in obtaining approval of the Project Application by presenting evidence to the APA Board that the Project Application meets the required criteria for approval. I conclude that the Applicants' failure to comply with the Scheduling Order and provide testimony is part of a broader pattern of disregard for the Agency's hearing process.

The Project Order specified that the Agency is not requesting that the hearing officer make findings of fact or conclusion of law and that the Agency reserves to itself the right to make its own finding of fact and conclusions of law as part of its final Agency determination. Accordingly, I decline to dismiss the matter directly, but I will grant the Joint Motion to Dismiss' request for referral to the APA Board for a determination on whether to dismiss this proceeding. In light of the above, Intervenors' Joint Motion is GRANTED IN PART, and I will refer the Project Application to the APA Board as the Joint Motion to Dismiss requests.

IV. Recommendations to the APA Board

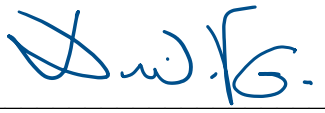
Taken together and in the context of the course of this proceeding, I am persuaded by the Intervenors' Joint Motion to Dismiss and with APA Hearing Staffs' concurrence that the Applicants have violated the Scheduling Order, have not proceeded with the conduct of this hearing in good faith, and have failed to present evidence or address the hearing issues identified by the Agency Board and therefore failed to meet their burden to show that the Project Application meets the criteria for approval. Accordingly, I will refer and return the Project Application to the APA Board for a determination, and I recommend that the APA Board dismiss this proceeding for lack of prosecution and deny the Project Application. Additionally, the lack of agreement concerning the missile silo site's status as part of the Proposed Project is an independent basis to refer the proceeding to the APA Board for further action.

V. Ruling

[4] In their Reply Affirmation in Support of Intervenors' Joint Motion and in Opposition to the Applicants' Cross-Motion, in a footnote, Intervenors point to CPLR Section 3120(1)(ii), which authorizes any party to be permitted "entry upon designated land or other property" owned by another party. The CPLR provision describes a process where a party serves a notice upon another party to permit entry for the purpose of "inspecting, measuring, surveying, sampling, testing, photographing or recording by motion pictures or otherwise the property or any specifically designated object or operation thereon" (CPLR 3120[1][ii]; *c.f.* 6 NYCRR 624.7[c][4] [provision in NYSDEC permit hearing procedures allowing real property inspection by permissive order of an Administrative Law Judge]). To my knowledge no such notice has been served in this matter.

For the reasons discussed above, the August 17, 2026, Joint Motion for an order dismissing this adjudicatory proceeding and referring the Project Application and APA Project No. 2021-0276 to the APA Board for a determination is GRANTED IN PART.

The August 28, 2026, Cross-Motion for an order barring Adirondack Council, Adirondack Wild: Friends of the Forest Preserve, Protect the Adirondacks, and Sierra Club from participating in pre-hearing proceedings is DENIED.



David N. Greenwood
APA Hearing Officer

Dated: September 14, 2026
Albany, New York

To: Attached Service List
Appendix: Joint Motion to Dismiss and Cross-Motion Ruling Record

APPENDIX
APA Project No. 2021-0276 Public Hearing
Motion to dismiss and Cross-Motion Ruling Record

1. Notice of Joint Motion dated August 17, 2026.

2. Affirmation in Support of Intervenors' Joint Motion to Dismiss This Hearing and Refer to APA Board for Final Action on the Application dated August 17, 2026.

Exhibit A: Emails between the hearing participants dated July 8 and July 9, 2026.

Exhibit B: APA Project Order 2021-0276.

Exhibit C: Third Revised Scheduling Order dated June 24, 2026.

Exhibit D: Email from Grace Sullivan, APA hearing staff to hearing participants dated July 13, 2026.

Exhibit E: Emails between the hearing participants dated July 10, 2026.

Exhibit F: Letter from Todd D. Ommen, counsel for Sierra Club to Hearing Officer Hon. David N. Greenwood dated August 10, 2026, with Exhibits A-E.

Exhibit G: Letter from Matthew D. Norfolk, Esq. to Hearing Officer Hon. David N. Greenwood dated August 11, 2026.

Exhibit H: Email from Hearing Officer Hon. David N. Greenwood to hearing participants dated August 12, 2026.

3. Scheduling Conference Recording dated August 19, 2026.

4. APA Hearing Staff Response to Intervenors' Joint Motion to Dismiss received August 28, 2026.

5. Notice of Cross-Motion dated August 28, 2026.

7. Attorney Affirmation in Opposition to the Intervenors' Motion to Dismiss and in Support of Applicants' Cross-Motion to Bar the Intervenors from Participating in Pre-Hearing Proceedings dated August 28, 2026.

Exhibit A: Emails between the hearing participants dated July 9 and July 10, 2026.

Exhibit B: Letter from Matthew D. Norfolk, counsel for Applicants to Hearing Officer Hon. David N. Greenwood dated July 7, 2026.

7. Reply Affirmation in Support of Intervenors' Joint Motion and in Opposition to the Applicants' Cross-Motion dated September 3, 2026.

8. APA Hearing Staff Reply to Applicant's Response and Cross-Motion received September 4, 2026.

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

Project Sponsor / Applicant Representatives

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Norfolk Beier PLLC
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APA Hearing Staff

Grace Sullivan
Jennifer Hubbard
Adirondack Park Agency
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Intervenors

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Sierra Club Atlantic Chapter
Pace Environmental Litigation Clinic
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Managing Partner
Adirondack Wild: Friends of the Forest Preserve
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Philip H. Gitlen
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Christopher Amato
Claudia Baraymer
Conservation Director and Counsel
Protect the Adirondacks
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David N. Greenwood
Administrative Law Judge
NYS DEC
Office of Hearings and Mediation Services
625 Broadway, 1st Floor
Albany, New York 12233-1550

8. Appeal of Party Status Ruling

In the Matter of Application of Unconventional Concepts, Inc. and Michael Hopmeier.	APA Project No. 2021-0276 APA Hearing Officer David N. Greenwood

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

Matthew D. Norfolk, Esq.
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518.302.8080
mnorfolk@norfolkbeier.com
Attorneys for Sponsor,
Michael Hopmeier

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

By: _____
Matthew D. Norfolk, Esq.

DRAFT

To: Hon. ALJ Greenwood

From: Adirondack Wild: Friends of the Forest Preserve, David Gibson, Managing Partner

Date:

Re. Response

In the matter of APA Project No. 2021-0276, Application of Unconventional Concepts, Inc., and Michael Hopmeier, the Applicant writes in opposition to Adirondack Wild's petition to become a party to this hearing. Adirondack Wild appreciates the opportunity afforded under APA hearing regulations to respond to each point of opposition to our petition raised by the Applicant.

A. Applicant asserts we have thus far failed to properly comply with APA Part 580.7(1) whereby petitioners are asked to "state the nature and purpose of the organization…organizational structure, history of formation and legal nature, and include a copy of any charter, certificate of incorporation, bylaws, constitution, or the like."

In fact, in its December 16, 2025 petition Adirondack Wild already identified its nature and purpose as a not-for-profit, NYS incorporated, 501©(3) advocacy organization (EIN 14-1743681) devoted to the conservation policies and management or stewardship of the Adirondack Park's wildlands. We timely submitted our organization's by-laws to you and all parties on December, 19, 2025. Our stated 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." As stated in the by-laws, we operate exclusively for charitable and educational purposes.

To further clarify, Adirondack Wild and Friends of the Forest Preserve are one organization, and indistinguishable. Starting in 2010 we have done business as Adirondack Wild, or as Adirondack Wild: Friends of the Forest Preserve (our DBA). We are incorporated in NYS as Friends of the Forest Preserve and registered as such with the Charities Bureau, NYS Attorney General. Friends of the Forest Preserve was incorporated on November 21, 1950 and received federal tax-exempt status in January, 1996.

B. Applicant claims we submitted no legal papers. In fact, we timely submitted our By-Laws on Dec. 19, 2025.

C. Applicant questions our capacity to participate in APA administrative proceedings and to supply information or expertise relative to the upcoming hearing. We have 2 full-time staff, a board of 8 directors, as well as a similar number of advisors who, combined, demonstrate readiness and capacity to participate in this hearing, and have demonstrated past participation in a variety of APA administrative proceedings dating from 2010 to the present, such as our:
    - written and oral testimony at a variety of past hearings concerning applications for APA variances;
    - written and oral testimony on applications for amendments to the APA private land use and development map and its classifications;
    - testimony at a variety of past hearings concerning State Land classifications, amendments to the State Land Master Plan, adoption of management plans, and on the application of Preserve Associates in Tupper Lake;
    - Comments on dozens of other applications for private land use and development before the APA.

D&E. Applicant asserts Adirondack Wild fails to state an environmental interest concerning the project, and to express the nature of the evidence or argument we intend to present. To the contrary, Adirondack Wild's petition clearly expresses our environmental interest in the potential undue adverse impacts of the project on adjacent public Forest Preserve, on adjacent or nearby private lands, on wildlife, and on the purposes, policies, and objectives of the Rural Use classification, among others. In accordance with our mission, our petition explains how the project presents several potential adverse impacts on the intermingled public and private wildlands of the Adirondack Park.

Our petition amply explains the nature of the arguments we intend to to present. As to the precise method of presentation, APA hearing regulations to not require specificity. We may present arguments on these issues ourselves, we may retain expert witnesses to be determined, and/or we may query or endorse expert testimony presented by others.

Thank you for the opportunity to respond.

Sincerely,

Adirondack Wild

9. Discovery Demands and Responses

9.1 APA Hearing Staff (subfolder)

NEW YORK STATE | Adirondack Park Agency

KATHY HOCHUL
Governor

BARBARA RICE
Executive Director

April 8, 2026

(By E-mail: mnorfolk@norfolkbeier.com)

Matthew D. Norfolk, Esq.
Norfolk Beier PLLC
The Outpost
55 Barn Road, Suite 201
Lake Placid, New York 12946

Re: In the matter of the application of Unconventional Concepts, Inc. and Michael Hopmeier – P2021-0276

Dear Mr. Norfolk,

The APA hearing staff hereby request disclosure and production of the following documents from Unconventional Concepts, Inc. and Michael Hopmeier as soon as practicable, but no later than April 29, 2026.

(1) A copy of the articles of incorporation for Unconventional Concepts, Inc., including any amendments.

(2) A copy of any service contracts, past or present, entered into in connection with the proposed howitzer testing range.

(3) All communications between the Applicant and the U.S. Army Combat Capabilities Development Command Armaments Center (DEVCOM) in connection with the feasibility of the proposed howitzer testing location.

(4) All documents and communications relating to safety protocols, risk assessment, safety design plan(s), site security plan(s) and/or safety operations plan(s).

(5) All documents relating to transportation of equipment, materials, or components associated with the proposed project, including any road use agreements, permits or communications with the NYSDOT, counties, towns or other entities.

(6) Copies of any letters from the Highway Department, Fire Department, and Emergency Services Providers on the current manpower and equipment capacity of the fire department and the ambulance and emergency squad to respond to any calls generated from the proposed howitzer testing range

(7) A copy of any fiscal and economic analysis that specifically gives a realistic estimate for the projected operational employment and payroll for each year the testing range will be in operation.

(8) A copy of any fiscal and economic analysis outlining any specific benefits to local businesses and the regional economy.

(9) All documents describing operation of the 155mm Howitzer Barrel, including any documentation related to the potential propellant charge range.

(10) All documents describing the storage, handling, use and disposal of any materials, hazardous or otherwise, associated with the proposed project, including but not limited to fuels, lubricants, propellants, projectiles and any by products or residues generated during testing.

(11) All documents supporting any representations that materials used in testing (including any lubricants) are “environmentally friendly” including product specifications, safety data sheets and environmental impact evaluations.

Sincerely,

Grace Sullivan

Grace Sullivan
APA Hearing Staff – Attorney

CC: Service List – via e-mail

STATE OF NEW YORK
ADIRONDACK PARK AGENCY

In the Matter of the Application of

UNCONVENTIONAL CONCEPTS, INC. and MICHAEL HOPMEIER,

APA Project No. 2021-0276

APA Hearing Officer
David N. Greenwood

Response to APA Hearing Staff's Discovery Demands

Unconventional Concepts, Inc. and Michael Hopmeier (hereinafter collectively referred to as "Applicants"), by and through their attorneys, Norfolk Beier PLLC, as and for their response to the APA hearing staff's request for disclosure and production of documents, 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 APA hearing staff 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. A copy of the articles of incorporation for Unconventional Concepts, Inc., including any amendments.

RESPONSE: See Attachment A folder.

2. A copy of any service contracts, past or present, entered into in connection with the proposed howitzer testing range.

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. All communications between the Applicant and the U.S. Army Combat Capabilities Development Command Armaments Center (DEVCOM) in connection with the feasibility of the proposed howitzer testing location.

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. All documents and communications relating to safety protocols, risk assessment, safety design plan(s), site security plan(s) and/or safety operations plan(s).

RESPONSE: Applicants object to Demand No. 4 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") found in Attachment B folder.

5. All documents relating to transportation of equipment, materials, or components associated with the proposed project, including any road use agreements, permits or communications with the NYSDOT, counties, towns or other entities.

RESPONSE: Applicants object to Demand No. 5 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.

6. Copies of any letters from the Highway Department, Fire Department, and Emergency Services Providers on the current manpower and equipment capacity of the fire department and the ambulance and emergency squad to respond to any calls generated from the proposed howitzer testing range

RESPONSE: Applicants object to Demand No. 6 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.

7. A copy of any fiscal and economic analysis that specifically gives a realistic estimate for the projected operational employment and payroll for each year the testing range will be in operation.

RESPONSE: Applicants object to Demand No. 7 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.

8. A copy of any fiscal and economic analysis outlining any specific benefits to local businesses and the regional economy.

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. All documents describing operation of the 155mm Howitzer Barrel, including any documentation related to the potential propellant charge range.

RESPONSE: Applicants object to Demand No. 9 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.

10. All documents describing the storage, handling, use and disposal of any materials, hazardous or otherwise, associated with the proposed project, including but not limited to fuels, lubricants, propellants, projectiles and any by products or residues generated during testing.

RESPONSE: Applicants object to Demand No. 10 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.

11. All documents supporting any representations that materials used in testing (including any lubricants) are "environmentally friendly" including product specifications, safety data sheets and environmental impact evaluations.

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, after a diligent search Applicants have not located any documents responsive to this demand, see Attachment C folder.

Dated: Lake Placid, New York
April 29, 2026

Norfolk Beier PLLC



By: _____

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NEW YORK STATE | Adirondack Park Agency

KATHY HOCHUL
Governor

BARBARA RICE
Executive Director

In the matter of the application of Unconventional Concepts, Inc. and Michael Hopmeier
APA Project No. 2021-0276

Certification Of Records

Enclosed are the responsive documents that APA hearing staff agreed to provide in its April 29, 2026 written response to the Applicant's Discovery Demands and to the Intervenors' Combined Discovery Demands in connection with the above captioned proceeding. This PDF consists of true and correct copies of the responsive documents and e-mails with corresponding attachments, except for such attachments which are covered by privilege. The PDF totals 268 pages, including this cover sheet and the privilege log (pages 264-268).

In my capacity as a member of the APA hearing staff, I affirm that the aforementioned records have been made in the regular course of the business of the Agency. Further, these records, consisting of 263 pages, have not been altered in any electronic transmission of the same except to redact information protected by privilege or for cyber security purposes.

This response to the discovery demands, including without limitation the production of the requested documents, was prepared and assembled under my personal supervision and is complete to the best of my knowledge and belief. The documents produced in response to this subpoena are authentic, genuine, and what they purport to be.

Notwithstanding the records being provided in response to the discovery demands, the Agency hereby objects to the production of any records other than the records produced herein, to the extent that such demands are overbroad and/or that such records are not material or necessary to the subject of the hearing. Further, any additional e-mail communications which may be responsive to this request, other than the ones being provided in response, are confidential and privileged.

After a diligent search and reasonable inquiry, the Agency does not possess any other records requested in the discovery demand.

I affirm, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.

Dated: June 26, 2026

By: Grace Sullivan
Name: Grace Sullivan
Address: 1133 NY-86, Ray Brook, NY 12977
Phone: 518-891-4050
E-mail: grace.sullivan@apa.ny.gov

All Documents supporting any contention that the Project will result in adverse environmental impacts.

From: Schuyler, Elizabeth (APA)
To: Burth, John M (APA); AldingerIII, Frederick W (APA)
Cc: O"Dell, Mary A (APA); Hubbard, Jennifer M (APA)
Subject: RE: P2021-0276
Date: Wednesday, October 22, 2025 10:44:00 AM
Attachments: P2021-0276-20250826-NoiseImpact-EMS_Revised.docx

---

Hi Fritz,

Please see revised memo.

Best,

Lizz

From: Schuyler, Elizabeth (APA)
Sent: Tuesday, October 21, 2025 9:41 AM
To: Burth, John M (APA) <John.Burth@apa.ny.gov>; AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>
Cc: O'Dell, Mary A (APA) <Mary.ODell@apa.ny.gov>; Hubbard, Jennifer M (APA) <Jennifer.Hubbard@apa.ny.gov>
Subject: RE: P2021-0276

Hi John,

Below is a table that compares acute vs chronic noise impacts to wildlife. The examples span a wide array of taxa, understandably, some that do not occur here. Empirical data are limited locally; however, the underlying mechanisms are conserved across taxa. These studies provide a scientifically sound and precautionary basis for evaluating potential noise impacts consistent with USFWS reliance on guidance using surrogate species.

Acute Noise Example Findings Citation(s)
Startle & flight response Free-ranging birds exposed to playback of recreation noise (motorized vehicles and human voices) showed increased vigilance and avoidance behavior, leaving foraging areas for extended periods after noise stopped. Zeller et al. 2024. Experimental recreationist noise alters behavior and space use of wildlife.
Nest abandonment & breeding disruption Greater Sage-Grouse males abandoned display leks when exposed to intermittent drilling noise, even more than with constant

background noise. Blickley et al. 2012. Conservation Biology 26(3):461.
Stress and disease susceptibility Guppies exposed to acute noise experienced higher parasite loads than control or chronically exposed fish demonstrating an immediate physiological stress effect. Nichols et al. 2020. Parasitology.
Predator-prey dynamics Acute noise events (roadside blasts, motor vehicles) caused birds to flee earlier from approaching predators, suggesting noise interferes with risk assessment. Bartholomew et al. 2023. Current Zoology.
Hearing injury risk NOAA Fisheries guidance identifies impulsive sources (pile driving, explosives, seismic surveys) as capable of inducing hearing damage from a single exposure when sound pressure exceeds ~160 dB re 1 (underwater). NOAA Fisheries 2018, Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing.
Community-level effects Sudden acoustic events can lead to mass flight or abandonment of roosts (e.g., seabirds disturbed by fireworks), producing immediate local population declines. National Park Service – Effects of Noise on Wildlife

Chronic Noise Example Findings Citation(s)
Stress hormone elevation Birds nesting near continuous gas compressor stations showed chronically elevated corticosterone levels, delayed fledging, and lower reproductive success. Kleist et al. 2018. PNAS 115(9):E2145.
Reduced reproductive success Chronic traffic noise near nesting sites of multiple bird species reduced hatching success and fledgling survival rates. Kunc & Schmidt 2019. Biology Letters 15(11):20190649.
Altered species composition In sagebrush ecosystems, chronic drilling noise reduced lek attendance and shifted local avian community composition toward noise-tolerant species. Blickley et al. 2012. Conservation Biology.
Developmental effects Tadpoles chronically exposed to traffic noise had slower growth and elevated stress hormones, suggesting physiological costs during early life stages. Wagner et al. 2023. Integrative and Comparative Biology 64(1):15.
Communication masking Continuous low-frequency noise masks acoustic signals essential for mate attraction and territory defense in birds and amphibians. Systematic Review 2024. Current Pollution Reports.
Habitat fragmentation Chronic noise effectively reduces suitable habitat area, even when physical habitat remains intact, by excluding noise-sensitive species. National Park Service - Natural Sounds Impact Assessment.

1. Kunc, H. P., & Schmidt, R. (2019). The effects of anthropogenic noise on animals: a meta-analysis. Biology Letters 15(11):20190649. https://doi.org/10.1098/rsbl.2019.0649. — A broad meta-analysis showing noise affects amphibians, arthropods, birds, fish, mammals, molluscs and reptiles.

2. [Systematic Review] (2024). A Systematic Review of Anthropogenic Noise Impact on Avian Species.

Current Pollution Reports. — Reviews how both acute and chronic anthropogenic noise affect birds via behaviour, communication/perception and physiology.

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4. Zeller, K. A., Ditmer, M. A., et al. (2024). Experimental recreationist noise alters behavior and space use of wildlife. — Field experiment showing recreation-noise (episodic) caused increased fleeing, vigilance, and reduced local wildlife abundance.

5. Blickley, J. L., Blackwood, D., & Patricelli, G. L. (2012). Experimental Evidence for the Effects of Chronic Anthropogenic Noise on Abundance of Greater Sage-Grouse at Leks. Conservation Biology 26(3):461-471. https://doi.org/10.1111/j.1523-1739.2012.01840.x. — Shows chronic noise reduced male attendance at lek sites, and that intermittent (less-continuous) noise had greater effect than constant noise.

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14. World Health Organization. Compendium of WHO and other UN guidance on environmental noise. (2024 update) — While human-focused, includes general noise exposure/health frameworks that can map to wildlife.

From: Burth, John M (APA) <John.Burth@apa.ny.gov>
Sent: Monday, October 20, 2025 11:24 AM
To: Schuyler, Elizabeth (APA) <Elizabeth.Schuyler@apa.ny.gov>; AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>
Cc: O'Dell, Mary A (APA) <Mary.ODell@apa.ny.gov>; Hubbard, Jennifer M (APA) <Jennifer.Hubbard@apa.ny.gov>
Subject: RE: P2021-0276

Hi Lizz – Yes, can you please provide specific examples from the literature? Thanks!

John M. Burth

Deputy Director, Regulatory Programs

Adirondack Park Agency

P.O. Box 99

1133 State Route 86

Ray Brook, NY 12977

(518) 891-4050 | john.burth@apa.ny.gov

www.apa.ny.gov

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From: Schuyler, Elizabeth (APA) <Elizabeth.Schuyler@apa.ny.gov>
Sent: Thursday, October 16, 2025 12:14 PM
To: Burth, John M (APA) <John.Burth@apa.ny.gov>; AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>
Cc: O'Dell, Mary A (APA) <Mary.ODell@apa.ny.gov>
Subject: RE: P2021-0276

Hi John,

Acute, episodic noise (sudden, unexpected loud sound events) can have disproportionately severe impacts on wildlife compared to chronic, continuous point noise. It's unpredictability and intensity can cause immediate behavioral disturbance, physiological stress, and habitat abandonment during sensitive life stages. While some species may habituate to steady predictable noise sources, sudden acoustic events elicit strong flight responses and can result in reproductive failure or displacement far beyond the noise footprint. Therefore, episodic noise should be evaluated for its potential to cause short-term but high-magnitude ecological disturbance, particularly in areas supporting breading, nesting , or migratory activity. Studies in terrestrial taxa show that acute noise can dramatically increase disease susceptibility, provoke nest abandonment, or cause sudden displacement of individuals. By contrast, some wildlife species can become habituated to chronic, continuous noise (highway traffic, mining) but the disturbance produces measurable increase in baseline stress hormones, reduces hatchling success, and tends to degrade individual fitness over longer times scales.

Please let me know if you would like me to discuss further with specific examples from the literature.

Best,

Lizz

From: Burth, John M (APA) <John.Burth@apa.ny.gov>
Sent: Tuesday, September 30, 2025 8:42 AM
To: Schuyler, Elizabeth (APA) <Elizabeth.Schuyler@apa.ny.gov>; AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>
Cc: O'Dell, Mary A (APA) <Mary.ODell@apa.ny.gov>
Subject: RE: P2021-0276

Hi Lizz – The proposal is for up to 2 shots per day for not more than 3 consecutive days and not more than 30 total shots per year. Please provide any additional feedback on impacts to wildlife in relation to this proposed schedule and frequency. Thanks!

John M. Burth

Deputy Director, Regulatory Programs

Adirondack Park Agency

P.O. Box 99

1133 State Route 86

Ray Brook, NY 12977

(518) 891-4050 | john.burth@apa.ny.gov

www.apa.ny.gov

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From: Schuyler, Elizabeth (APA) <Elizabeth.Schuyler@apa.ny.gov>
Sent: Tuesday, August 26, 2025 2:57 PM
To: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>
Cc: O'Dell, Mary A (APA) <Mary.ODell@apa.ny.gov>; Burth, John M (APA) <John.Burth@apa.ny.gov>
Subject: RE: P2021-0276

Hi Fritz,

Please see attached memo. Let me know if you any additional questions.

Best,

Lizz

<< File: P2021-0276-20250826-NoiseImpact-EMS.docx >>

-----Original Task-----
Subject: P2021-0276
Priority: Normal

Start date: Fri 8/1/2025
Due date: Fri 8/29/2025

Status: Not Started
% Complete: 0%
Actual work: 0 hours

Requested by: AldingerIII, Frederick W (APA)

Mary,

A while back you did some research regarding noise and wildlife (email attached) and the proposed howitzer project. As we are nearing completion, could you provide a memo for the file with any further thoughts? The latest sound study is here << File: 2024-11-19 Sound Study Stamped.pdf >>

<< File: RE_ MAO P2021-0276.pdf >>

Thanks

fritz

From: AldingerIII, Frederick W (APA)
To: Schuyler, Elizabeth (APA)
Subject: RE: P2021-0276
Date: Tuesday, August 26, 2025 3:20:00 PM

Thanks

From: Schuyler, Elizabeth (APA) <Elizabeth.Schuyler@apa.ny.gov>
Sent: Tuesday, August 26, 2025 2:57 PM
To: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>
Cc: O'Dell, Mary A (APA) <Mary.ODell@apa.ny.gov>; Burth, John M (APA) <John.Burth@apa.ny.gov>
Subject: RE: P2021-0276

Hi Fritz,

Please see attached memo. Let me know if you any additional questions.

Best,

Lizz

<< File: P2021-0276-20250826-NoiseImpact-EMS.docx >>

-----Original Task-----
Subject: P2021-0276
Priority: Normal

Start date: Fri 8/1/2025
Due date: Fri 8/29/2025

Status: Not Started
% Complete: 0%
Actual work: 0 hours

Requested by: AldingerIII, Frederick W (APA)

Intra-Agency Staff Consultation
Confidential

MEMORANDUM

TO: Frederick Aldingerill

FROM: Lizz Schuyler, Supervisor Natural Resource Analysis

DATE: October 22, 2025

RE: P2021-0276, Hopemeier, Lewis, Essex Co.

The proposal involves the construction of a new commercial use military grade weapons testing range of a M109 155 mm howitzer within a Rural Land Use Area.

I have reviewed the H2H Sound Study materials digitally stamped by the Agency on July 10, 2025.

Based on my review, I offer the following on the current literature based on the impacts of noise levels as high as 127 decibels (Table 4a; pg 12):

Overview:

> Military ballistics facilities generate recurrent, high-intensity impulsive sounds, often exceeding 127 decibels (dB) at the source. These sound levels, when propagated into surrounding habitats, are of particular concern for resident and migratory wildlife. While the operational necessity of weapons testing is clear, scientific evidence shows that exposure to such acoustic intensities has measurable, harmful effects on wildlife populations, individual health, and ecosystem function.
>
> Acute, episodic noise (sudden, unexpected loud sound events) can have disproportionately severe impacts on wildlife compared to chronic, continuous point noise. It's unpredictability and intensity can cause immediate behavioral disturbance, physiological stress, and habitat abandonment during sensitive life stages. While some species may habituate to steady predictable noise sources, sudden acoustic events elicit strong flight responses and can result in reproductive failure or displacement far beyond the noise footprint. Therefore, episodic noise should be evaluated for its potential to cause short-term but high-magnitude

ecological disturbance, particularly in areas supporting breading, nesting , or migratory activity. Studies in terrestrial taxa show that acute noise can dramatically increase disease susceptibility, provoke nest abandonment, or cause sudden displacement of individuals. By contrast, some wildlife species can become habituated to chronic, continuous noise (highway traffic, mining) but the disturbance produces measurable increase in baseline stress hormones, reduces hatchling success, and tends to degrade individual fitness over longer times scales Table 1).

Key Findings from Scientific Literature

1. Auditory Damage and Acoustic Trauma

- Studies demonstrate that birds experience permanent threshold shifts (PTS) in hearing when repeatedly exposed to impulses around 125 dB, leading to lasting impairment of communication and predator detection (Dooling & Popper, 2007; *International Journal of Comparative Psychology*).
- Small mammal studies, including chinchilla models, identify 125 dB impulse noise as a "critical level" beyond which cochlear damage accelerates rapidly (Hamernik et al., 1987; *Journal of the Acoustical Society of America*).
- Even short-term exposures to these intensities can cause temporary threshold shifts (TTS), which may temporarily deafen wildlife and compromise survival.
    - At quieter levels, around 95 dBA, temporary hearing loss can be observed; at 120 dBA, outright damage is expected. Although this isn't exactly 125 dB, it establishes that 125 dB exceeds known harmful thresholds for terrestrial species (Penn State University, noisequest.psu.edu).

2. Behavioral and Physiological Stress

- Military-style impulse noise elicits panic-flight responses in ungulates and other mammals, leading to increased caloric expenditure and heightened risk of injury (Weisenberger et al., 1996; *Journal of Wildlife Management*).
    - Wildlife such as ungulates (e.g. white-tailed deer) exhibit panicked flight behavior when exposed to lower-altitude aircraft noise, which can translate into energetic cost—e.g., a 90-kg animal running instead of walking burns ~64 calories per minute vs. 20 calories per minute (Penn State University, noisequest.psu.edu).

- Chronic exposure elevates stress hormones in birds and mammals, which correlates with suppressed immunity, reduced reproductive success, and altered parental care behaviors (Kight & Swaddle, 2011; *Biological Reviews*).

3. Impacts on Reproduction and Development

- Repeated exposure to high-level impulses has been linked to reduced clutch sizes and nest abandonment in songbirds (Halfwerk et al., 2011; *Proceedings of the Royal Society B*).
- Aquatic species, particularly amphibians that inhabit wetlands near training ranges, are sensitive to low-frequency components of blasts. Laboratory experiments show reduced larval survival and delayed development when exposed to noise pulses >120 dB (Caorsi et al., 2017; *Conservation Physiology*).

4. Ecosystem-Level Consequences

- Persistent noise at military facilities can displace key seed-dispersing birds (Francis et al., 2009; *Proceedings of the Royal Society B*). This leads to long-term declines in tree recruitment, altering habitat structure beyond the immediate testing period.
- The National Park Service has documented that predator detection ranges for carnivores shrink by up to 70% under noise levels approaching 120–125 dB, illustrating how military impulses could compromise entire food webs (Barber et al., 2010; *NPS Report*).

Implications for Military Ballistics Facilities

- Wildlife Health: Repeated exposure to 127 dB impulses risks creating zones of chronic hearing loss, reduced reproductive success, and population declines in surrounding wildlife communities.
- Ecosystem Stability: Long-term displacement and behavioral disruption can alter species interactions, seed dispersal, and predator-prey dynamics, ultimately degrading habitat resilience.
- Regulatory Compliance: Noise pollution at or above 127 dB may conflict with other environmental stewardship mandates under the National Environmental Policy Act (NEPA) and Endangered Species Act (ESA) if sensitive species are present.

Table 1. Comparison of impacts of acute and chronic noise impacts to wildlife.

Acute Noise	Example Findings	Citation(s)
Startle & flight response	Free-ranging birds exposed to playback of recreation noise (motorized vehicles and human voices) showed increased vigilance and avoidance behavior, leaving foraging areas for extended periods after noise stopped.	Zeller et al. 2024. Experimental recreationist noise alters behavior and space use of wildlife.
Nest abandonment & breeding disruption	Greater Sage-Grouse males abandoned display leks when exposed to intermittent drilling noise, even more than with constant background noise.	Blickley et al. 2012. Conservation Biology 26(3):461.
Stress and disease susceptibility	Guppies exposed to acute noise experienced higher parasite loads than control or chronically exposed fish demonstrating an immediate physiological stress effect.	Nichols et al. 2020. Parasitology.
Predator-prey dynamics	Acute noise events (roadside blasts, motor vehicles) caused birds to flee earlier from approaching predators, suggesting noise interferes with risk assessment.	Bartholomew et al. 2023. Current Zoology.
Hearing injury risk	NOAA Fisheries guidance identifies impulsive sources (pile driving, explosives, seismic surveys) as capable of inducing hearing damage from a single exposure when sound pressure exceeds ~160 dB re 1 (underwater).	NOAA Fisheries 2018, Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing.
Community-level effects	Sudden acoustic events can lead to mass flight or abandonment of roosts (e.g., seabirds disturbed by fireworks), producing immediate local population declines.	National Park Service – Effects of Noise on Wildlife
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Stress hormone elevation	Birds nesting near continuous gas compressor stations showed chronically elevated corticosterone levels, delayed fledging, and lower reproductive success.	Kleist et al. 2018. PNAS 115(9):E2145.
Reduced reproductive success	Chronic traffic noise near nesting sites of multiple bird species reduced hatching success and fledgling survival rates.	Kunc & Schmidt 2019. Biology Letters 15(11):20190649.
Altered species composition	In sagebrush ecosystems, chronic drilling noise reduced lek attendance and shifted local avian community composition toward noise-tolerant species.	Blickley et al. 2012. Conservation Biology.

Developmental effects	Tadpoles chronically exposed to traffic noise had slower growth and elevated stress hormones, suggesting physiological costs during early life stages.	Wagner et al. 2023. Integrative and Comparative Biology 64(1):15.
Communication masking	Continuous low-frequency noise masks acoustic signals essential for mate attraction and territory defense in birds and amphibians.	Systematic Review 2024. Current Pollution Reports.
Habitat fragmentation	Chronic noise effectively reduces suitable habitat area, even when physical habitat remains intact, by excluding noise-sensitive species.	National Park Service - Natural Sounds Impact Assessment.

*The examples span a wide array of taxa, understandably, some that do not occur here. Empirical data are limited locally; however, the underlying mechanisms are conserved across taxa. These studies provide a scientifically sound and precautionary basis for evaluating potential noise impacts consistent with USFWS reliance on guidance using surrogate species.

References

1. Kunc, H. P., & Schmidt, R. (2019). The effects of anthropogenic noise on animals: a meta-analysis. Biology Letters 15(11):20190649. https://doi.org/10.1098/rsbl.2019.0649. — A broad meta-analysis showing noise affects amphibians, arthropods, birds, fish, mammals, molluscs and reptiles.

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Mary,

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<< File: RE_ MAO P2021-0276.pdf >>

Thanks

fritz

From: O"Dell, Mary A (APA)
To: AldingerIII, Frederick W (APA)
Subject: RE: MAO P2021-0276
Date: Friday, December 22, 2023 3:43:19 PM

Fritz,

I'm afraid I didn't make much progress in the given timeline beyond the research I did for Bart's helipad project. I could spend weeks on this.

Based on my prior research, I would expect alert and flushing behaviors in birds and mammals. In humans and lab animals, the startle reflex occurs above 80dB. 100 dB is exponentially louder than 80 dB and loud enough to cause hearing damage to humans. I found at least one source indicating that guidelines that protect human hearing would apply to many terrestrial mammals, based on lab studies.

Noisy motorboats and helicopters can induce waterfowl flight at 1-2 km from the source, so it is likely that the noise proposed in this project would induce waterfowl in any nearby ponds or waterways to flush. Flight response in tern colonies has been measured at around 90 dB.

On the flipside, direct attempts to disrupt nesting albatross with noise is successful at 120 db, but they dispersed only 30 m for a short period of time. Migratory waterfowl appear to be most sensitive to noise, particularly snow, emperor and brant geese. Krausman 1998 found altered time budgets for waterfowl as a result of noise exposure. Ellis and Ellis 1991 found no response to aircraft > 500 m of raptors. A few studies measure time off nest after a noise-induced flight at less than 5 minutes or less. Wildlife species can habituate to noise, which has been documented in black ducks and Mexican spotted owls. The time needed to habituate is species specific.

It would be difficult to say that noise from this proposed project would result in any change to population size or population growth against the background of normal variation, but it will most definitely have effects on the individuals in the surrounding area, which may extend to a distance of at least 2 kilometers.

I hope that is at least a starting point.

Thanks,

Mary

-----Original Task-----
Subject: MAO P2021-0276
Priority: Normal

Start date: Fri 12/15/2023

Due date: Wed 12/27/2023

Status: Not Started
% Complete: 0%
Actual work: 0 hours

Requested by: AldingerIII, Frederick W (APA)

Fritz,

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It would be difficult to say that noise from this proposed project would result in any change to population size or population growth against the background of normal variation, but it will most definitely have effects on the individuals in the surrounding area, to a distance of at least 2 kilometers.

TMP 38.1-1-31, town of Lewis. Rural Use lands

New proposed commercial use, munitions testing range.

All Documents relating to any studies, modeling, or data used to evaluate environmental impacts of the Project.

*Note: Please also see responses to the above request

From: AldingerIII, Frederick W (APA)
To: Purzycki, Alicia J (APA)
Subject: noise
Date: Monday, March 13, 2023 2:26:00 PM
Attachments: Norwegian Howitzer Study.pdf

From:	AldingerIII, Frederick W (APA)
To:	Purzycki, Alicia J (APA)
Subject:	RE: P2021-0276
Date:	Wednesday, November 23, 2022 9:51:00 AM

Thanks Alicia. I can write something up to get back to them with.

From: Purzycki, Alicia J (APA) <Alicia.Purzycki@apa.ny.gov>
Sent: Monday, November 21, 2022 3:43 PM
To: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>
Cc: Boese, David (APA) <David.Boese@apa.ny.gov>; Burth, John M (APA) <John.Burth@apa.ny.gov>; Reynolds, Sarah H (APA) <Sarah.Reynolds@apa.ny.gov>
Subject: RE: P2021-0276

Fritz,

We drove past these sites today, and while I don't have time to write a memo, my only comment/suggestion is that in an effort to provide a more conservative noise assessment, consideration should be given towards locating both M-4 and M-3 further north closer to the noise source so as to represent the nearest receptor at the closest location, i.e. M-4 should be located at the closest point of Wild Forest from the noise source and M-3 should be located at the next nearest receptor on NYS Rt 9, which appears to be near Mitchell Residence labelled as R-21.

Alicia

-----Original Task-----
Subject: P2021-0276
Priority: Normal

Start date: Thu 11/10/2022
Due date: Fri 11/18/2022

Status: Not Started
% Complete: 0%
Actual work: 0 hours

Requested by: AldingerIII, Frederick W (APA)

Town of Lewis, Ballistic testing range.

<< File: 2022-11-9 UCI SOW_.pdf >>

Please review revised proposed scope of work provided by H2H and provide any comment/questions for feedback.

Thanks

fritz

From: Purzycki, Alicia J (APA)
To: AldingerIII, Frederick W (APA)
Subject: RE: https://noisetools.net/dbmap/
Date: Friday, August 9, 2024 3:18:10 PM

Sorry, it's the noise model they're using for Hopmeier, NYCO and Barton…

From: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>
Sent: Friday, August 9, 2024 3:17 PM
To: Purzycki, Alicia J (APA) <Alicia.Purzycki@apa.ny.gov>
Subject: RE: https://noisetools.net/dbmap/

The name looks familiar to something I remember from an earlier submission

---

From: Purzycki, Alicia J (APA) <Alicia.Purzycki@apa.ny.gov>
Sent: Friday, August 9, 2024 2:56 PM
To: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>
Subject: https://noisetools.net/dbmap/

What H2H or now Bowman is using for noise modelling…I think…

Identify all Communications with government agencies concerning the Project.

From: New York State Parks CRIS Application
To: AldingerIII, Frederick W (APA)
Subject: NY SHPO: Initial Consultation Submission J1OHT65HAF3T Accepted for Project 25PR07275
Date: Friday, August 8, 2025 12:14:20 PM

Initial Submission Accepted

The New York State Historic Preservation Office (SHPO) has accepted the following initial submission and created a new project record.

> **Initial Submission Token:** J1OHT65HAF3T
>
> **New Project Number:** 25PR07275
>
> **Project Type:** Consultation
>
> **Project Name:** Hopmeier Testing Range
>
> **Other Reference Number:** P2021-0276
>
> **New Submission Number:** 25PR07275.001

If you contact SHPO about this project, please reference the Project Number.

New York State Historic Preservation Office
Peebles Island State Park, P.O. Box 189, Waterford, NY 12188-0189
518-237-8643 | https://parks.ny.gov/shpo
CRIS: https://cris.parks.ny.gov

Are you registered to vote? Register to vote online today. Moved recently? Update your information with the NYS Board of Elections. Not sure if you're registered to vote? Search your voter registration status.

Who sent this email?

This email is a notification from the New York State Cultural Resource Information System (CRIS). CRIS is an online service administered by the New York State Division for Historic Preservation, also known as the New York State Historic Preservation Office (SHPO), which is a division of New York State Parks, Recreation & Historic Preservation.

This message pertains to a submission for a consultation project. Please see SHPO's Environmental Review web page for more information about the consultation process.

Why did I receive this email?

The submission's contact list included your email address.

What do I need to do?

You do not need to take any action at this time. The initial submission is now under SHPO review as project submission 25PR07275.001.

What will happen next?

SHPO will review the submission. If SHPO sends comments or questions in response to this submission, the project contacts will receive an email notification with a link to SHPO's correspondence.

What else can I do?

Please see the following help topics for more information about managing projects in CRIS:

- How do I check the review status of my project?
- How long does SHPO take to review projects?
- Submit New Information for an Existing Project

Where can I get help?

Please visit the CRIS Online Help System: https://cris.parks.ny.gov/CRISHelp

If you still have questions about CRIS, please contact CRIS Help at CRISHelp@parks.ny.gov.

For any other questions, please call SHPO at 518-237-8643.

From: New York State Parks CRIS Application
To: AldingerIII, Frederick W (APA)
Subject: NY SHPO: Initial Consultation Submission J1OHT65HAF3T Received
Date: Friday, August 1, 2025 9:31:28 AM

Initial Submission Received

The New York State Historic Preservation Office (SHPO) has received the following initial submission.

> **Initial Submission Token:** J1OHT65HAF3T
>
> **Project Type:** Consultation
>
> **Project Name:** Hopmeier Testing Range
>
> **Other Reference Number:** P2021-0276

New York State Historic Preservation Office
Peebles Island State Park, P.O. Box 189, Waterford, NY 12188-0189
518-237-8643 | https://parks.ny.gov/shpo
CRIS: https://cris.parks.ny.gov

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This message pertains to a submission for a consultation project. Please see SHPO's Environmental Review web page for more information about the consultation process.

Why did I receive this email?

The submission's contact list includes your email address.

What do I need to do?

You do not need to take any action at this time. The submission is now in SHPO's processing queue.

What will happen next?

If SHPO accepts your submission, you will receive an "Initial Submission Accepted" email notification and SHPO will begin reviewing the project. That email will include the new Project Number.

If SHPO needs more information to process your submission, you will receive an “Initial Submission Found Insufficient” email with the reviewer’s comments. You may then revise the submission and resend it to SHPO.

What else can I do?

Please see the following help topics for more information about managing initial submissions in CRIS:

- How do I check the status of my initial submission?
- View an Initial Submission
- Continue or Edit an Existing Initial Submission

Where can I get help?

Please visit the CRIS Online Help System: https://cris.parks.ny.gov/CRISHelp

If you still have questions about CRIS, please contact CRIS Help at CRISHelp@parks.ny.gov.

For any other questions, please call SHPO at 518-237-8643.

From: New York State Parks CRIS Application
To: AldingerIII, Frederick W (APA)
Subject: NY SHPO: Submission Consolidated Response B2RKHL7GD5CP Issued for Consultation Project 25PR07275
Date: Thursday, August 28, 2025 11:51:09 AM

Submission Consolidated Response Issued

The New York State Historic Preservation Office (SHPO) has issued a submission consolidated response for the following project. The consolidated response may include letters with comments from the reviewers or requests for more information.

> **Consolidated Response Link:** https://cris.parks.ny.gov/?type=CR&id=B2RKHL7GD5CP
>
> **Project Number:** 25PR07275
>
> **Project Type:** Consultation
>
> **Project Name:** Hopmeier Testing Range
>
> **Other Reference Number:** P2021-0276
>
> **Consolidated Response Token:** B2RKHL7GD5CP
>
> **Submission Number:** 25PR07275.001
>
> **Submission Description:** Initial Consultation Submission
>
> ***The submission description above is for reference only. Please go to the consolidated response page to view new correspondence or information requests from SHPO.***

New York State Historic Preservation Office
Peebles Island State Park, P.O. Box 189, Waterford, NY 12188-0189
518-237-8643 | https://parks.ny.gov/shpo
CRIS: https://cris.parks.ny.gov

Are you registered to vote? Register to vote online today. Moved recently? Update your information with the NYS Board of Elections. Not sure if you're registered to vote? Search your voter registration status.

Who sent this email?

This email is a notification from the New York State Cultural Resource Information System (CRIS). CRIS is an online service administered by the New York State Division for Historic Preservation, also known as the New York State Historic Preservation Office (SHPO), which is a division of New York State Parks, Recreation & Historic Preservation.

This message pertains to a submission for a consultation project. Please see SHPO's Environmental

Review web page for more information about the consultation process.

Why did I receive this email?

The contact list for the project includes your email address.

What do I need to do?

1. Go to the consolidated response page: https://cris.parks.ny.gov/?type=CR&id=B2RKHL7GD5CP
2. Sign into CRIS or proceed as a guest.
3. View the consolidated response (including attachments) and respond to any information requests.

What will happen next?

If you submit additional information for this project, you will receive a “Requested Submission Received” or “Unrequested Submission Received” email notification.

What else can I do?

Please see the following help topics for more information about managing responses and projects in CRIS:

- View and Address a SHPO Consolidated Response
- Process an Information Request
- Submit New Information for an Existing Project
- How do I check the review status of my project?
- How long does SHPO take to review projects?

Where can I get help?

Please visit the CRIS Online Help System: https://cris.parks.ny.gov/CRISHelp

If you still have questions about CRIS, please contact CRIS Help at CRISHelp@parks.ny.gov.

For any other questions, please call SHPO at 518-237-8643.

From: New York State Parks CRIS Application
To: AldingerIII, Frederick W (APA)
Subject: NY SHPO: Unrequested Submission FNV8FHB1PGTL Received for Consultation Project 25PR07275
Date: Thursday, August 28, 2025 12:47:23 PM

Unrequested Submission Received

The New York State Historic Preservation Office (SHPO) has received the following unrequested submission.

> **Unrequested Submission Token:** FNV8FHB1PGTL
>
> **Project Number:** 25PR07275
>
> **Project Type:** Consultation
>
> **Project Name:** Hopmeier Testing Range
>
> **Other Reference Number:** P2021-0276
>
> **Submission Description:** Documents showing range and modeled changes in noise from firing.

New York State Historic Preservation Office
Peebles Island State Park, P.O. Box 189, Waterford, NY 12188-0189
518-237-8643 | https://parks.ny.gov/shpo
CRIS: https://cris.parks.ny.gov

Are you registered to vote? Register to vote online today. Moved recently? Update your information with the NYS Board of Elections. Not sure if you're registered to vote? Search your voter registration status.

Who sent this email?

This email is a notification from the New York State Cultural Resource Information System (CRIS). CRIS is an online service administered by the New York State Division for Historic Preservation, also known as the New York State Historic Preservation Office (SHPO), which is a division of New York State Parks, Recreation & Historic Preservation.

This message pertains to a submission for a consultation project. Please see SHPO's Environmental Review web page for more information about the consultation process.

Why did I receive this email?

You are the project's primary contact, or you are the submitter of the unrequested submission.

What do I need to do?

You do not need to take any action at this time. The submission is now in SHPO's processing queue.

What will happen next?

If SHPO accepts your submission, you will receive an “Unrequested Submission Accepted” email notification, the submission will receive a new submission number, and the submission’s contents will be added to the project. SHPO will then review the submission.

What else can I do?

Please see the following help topics for more information about unrequested submissions and projects in CRIS:

- How do I check the review status of my project?
- How long does SHPO take to review projects?
- Submit New Information for an Existing Project

Where can I get help?

Please visit the CRIS Online Help System: https://cris.parks.ny.gov/CRISHelp

If you still have questions about CRIS, please contact CRIS Help at CRISHelp@parks.ny.gov.

For any other questions, please call SHPO at 518-237-8643.

From: New York State Parks CRIS Application
To: AldingerIII, Frederick W (APA)
Subject: NY SHPO: Unrequested Submission FNV8FHB1PGTL Accepted for Consultation Project 25PR07275
Date: Tuesday, September 2, 2025 7:09:55 AM

Unrequested Submission Accepted

The New York State Historic Preservation Office (SHPO) has accepted the following unrequested submission.

> **Unrequested Submission Token:** FNV8FHB1PGTL
>
> **New Submission Number:** 25PR07275.002
>
> **Project Number:** 25PR07275
>
> **Project Type:** Consultation
>
> **Project Name:** Hopmeier Testing Range
>
> **Other Reference Number:** P2021-0276
>
> **Submission Description:** Documents showing range and modeled changes in noise from firing.

New York State Historic Preservation Office
Peebles Island State Park, P.O. Box 189, Waterford, NY 12188-0189
518-237-8643 | https://parks.ny.gov/shpo
CRIS: https://cris.parks.ny.gov

Are you registered to vote? Register to vote online today. Moved recently? Update your information with the NYS Board of Elections. Not sure if you're registered to vote? Search your voter registration status.

Who sent this email?

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This message pertains to a submission for a consultation project. Please see SHPO's Environmental Review web page for more information about the consultation process.

Why did I receive this email?

The contact list for the project includes your email address, or you were the submitter of the unrequested submission.

What do I need to do?

You do not need to take any action at this time. The unrequested submission is now under SHPO review as project submission 25PR07275.002.

What will happen next?

SHPO will review the submission. If SHPO sends comments or questions in response to this submission, the project contacts will receive an email notification with a link to SHPO's correspondence.

What else can I do?

Please see the following help topics for more information about unrequested submissions and projects in CRIS:

- How do I check the review status of my project?
- How long does SHPO take to review projects?
- Submit New Information for an Existing Project

Where can I get help?

Please visit the CRIS Online Help System: https://cris.parks.ny.gov/CRISHelp

If you still have questions about CRIS, please contact CRIS Help at CRISHelp@parks.ny.gov.

For any other questions, please call SHPO at 518-237-8643.

From: New York State Parks CRIS Application
To: AldingerIII, Frederick W (APA)
Subject: NY SHPO: Effect Finding Rendered for Consultation Project 25PR07275
Date: Thursday, September 18, 2025 12:10:02 PM

Effect Finding Rendered

The New York State Historic Preservation Office (SHPO) has rendered an effect finding for the following consultation project.

> **Effect Finding Link:** https://cris.parks.ny.gov/?type=PR&id=J15JI63X815Y
>
> **Project Number:** 25PR07275
>
> **Project Name:** Hopmeier Testing Range
>
> **Other Reference Number:** P2021-0276
>
> **Effect Finding Token:** J15JI63X815Y

New York State Historic Preservation Office
Peebles Island State Park, P.O. Box 189, Waterford, NY 12188-0189
518-237-8643 | https://parks.ny.gov/shpo
CRIS: https://cris.parks.ny.gov

Are you registered to vote? Register to vote online today. Moved recently? Update your information with the NYS Board of Elections. Not sure if you're registered to vote? Search your voter registration status.

Who sent this email?

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This message pertains to a submission for a consultation project. Please see SHPO's Environmental Review web page for more information about the consultation process.

Why did I receive this email?

The contact list for the project includes your email address.

What do I need to do?

1. Go to the effect finding page: https://cris.parks.ny.gov/?type=PR&id=J15JI63X815Y
2. Sign into CRIS or proceed as a guest.

3. View or download the effect finding letter.

What will happen next?

If you submit additional information for this project, you will receive an “Unrequested Submission Received” email notification. SHPO will process the new information.

What else can I do?

Please see the following help topics for more information about managing submissions and projects in CRIS:

- View and Download Effect Finding Letters
- Submit New Information for an Existing Project
- Authenticated User Home Page

Where can I get help?

Please visit the CRIS Online Help System: https://cris.parks.ny.gov/CRISHelp

If you still have questions about CRIS, please contact CRIS Help at CRISHelp@parks.ny.gov.

For any other questions, please call SHPO at 518-237-8643.

New York State
Parks, Recreation and
Historic Preservation

KATHY HOCHUL
Governor

RANDY SIMONS
Commissioner Pro Tempore

August 28, 2025

Frederick Aldinger
NYS Adirondack Park Agency
P.O. Box 99
1133 NYS Route 86
Ray Brook, NY 12977

Re: APA
Hopmeier Testing Range
195 Hale Hill Ln, Lewis, Essex County, NY 12950
25PR07275
P2021-0276

Dear Frederick Aldinger:

Thank you for requesting the comments of the Division for Historic Preservation of the Office of Parks, Recreation and Historic Preservation (OPRHP). We have reviewed the submitted materials in accordance with the New York State Historic Preservation Act (NYSHPA) of 1980 (Section 14.09 of the New York State Parks, Recreation and Historic Preservation Law). These comments are those of the Division for Historic Preservation and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project.

We note that the project area is directly adjacent to the Adirondack Park National Historic Landmark. We have reviewed the site map and the project description submitted to our office on August 1, 2025. We have no visual or programmatic concerns with the proposed munitions testing within the Adirondack Park, however, live firing does pose potential concerns for auditory impacts that could disrupt historic resources. As such, we have the following requests:

1. Provide information regarding how the testing may audibly impact nearby state land.
2. Provide a site plan which shows the proposed site improvements at a greater level of detail than previously submitted, if available (civil or landscape drawings, for example).
3. Is there any mitigation proposed currently, such as berms or soft landscaping, which would help to mitigate the auditory effects of the firings?

Documentation requested in this letter should be provided via the Process link found in this CRIS communication. You may also go to https://cris.parks.ny.gov/, log in and choose "submit" at the very top menu. Then go to “Consultation” and choose "submit new information for an existing project".

If you have any questions, you can call or e-mail me at the contact information below.

Sincerely,

Theresa Moriarty
Historic Site Restoration Coordinator
518.925.6507 | theresa.moriarty@parks.ny.gov

via email only

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
NEW YORK STATE DEPARTMENT OF HEALTH
ADIRONDACK PARK AGENCY

INTERAGENCY PROJECT NOTICE

PRINT IN INK OR TYPE

PROJECT IDENTIFICATION

DEC Project No.

APA Project No. **2021-0276**

HD Project No.

Applicant's Name: **Michael Hopmeier**

Deadline for Review comments: **12/4/21**

1. NOTIFICATION ISSUED BY
DEC ☐ 5 ☐ 6 ☐ APA ☐ HD_____ Office

2. DATE ISSUED: **11/24/21**

3. PURPOSE FOR NOTIFICATION (Specify type) Information Transmitted	Date	REMARKS
☐ 1. Jurisdictional Inquiry		
☐ 2. Jurisdictional Determination		
■ 3. Application submitted	**11/19/21**	Jurisdictional by APA
☐ 4. Notification of Incompletion		
☐ 5. Additional Information Request		
☐ 6. Notification of Completion		
☐ 7. Notification of Public Hearing		
☐ 8. Project Determination		

4. PROJECT TYPE: **Commercial use involving construction and operation of a 330 yard shooting range for research and development purposes.**

5. The Lead Agency which will coordinate the review of this project and provide the consolidated response is:
■ Adirondack Park Agency ☐ Department of Environmental Conservation ☐ Department of Health

6. ATTACHMENTS (List) Adirondack Park Agency application and Location Map

7. TRANSMITTED BY: **Fritz Aldinger, EPS1**

8. STATEMENT OF JURISDICTION
Please indicate your interest below. If more space is required, a standard memorandum should be prepared.
PROJECT JURISDICTIONAL: ☐ Yes ☐ No If "Yes," provide appropriate applications to the Lead Agency, with explanation as necessary.
☐ No specific concerns are apparent or foreseeable at this time, but we wish to be advised of any changes in the project.

COMMENTS OR SPECIAL CONCERNS

SIGNATURE	TITLE	DATE
X		

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
NEW YORK STATE DEPARTMENT OF HEALTH
ADIRONDACK PARK AGENCY

INTERAGENCY PROJECT NOTICE

PRINT IN INK OR TYPE

PROJECT IDENTIFICATION

DEC Project No.

APA Project No. **2021-0276**

HD Project No.

Applicant's Name: **Michael Hopmeier**

Deadline for Review comments: **12/4/21**

1. NOTIFICATION ISSUED BY
DEC ☐ 5 ☐ 6 ☐ APA ☐ HD_____ Office

2. DATE ISSUED: **11/24/21**

3. PURPOSE FOR NOTIFICATION (Specify type) Information Transmitted	Date	REMARKS
☐ 1. Jurisdictional Inquiry		
☐ 2. Jurisdictional Determination		
■ 3. Application submitted	**11/19/21**	Jurisdictional by APA
☐ 4. Notification of Incompletion		
☐ 5. Additional Information Request		
■ 6. Notification of Completion	**10/1/25**	
☐ 7. Notification of Public Hearing		
☐ 8. Project Determination		

4. PROJECT TYPE: **A proposed weapons range for testing the internal ballistics of cannon barrels. A portable 155mm howitzer barrel assembly is proposed to be placed on a 100-foot by 100-foot crushed gravel pad and test-fired on a 197-acre property. Each test would fire a steel projectile into a target area. No explosive warheads are proposed to be used. The howitzer assembly is proposed to be fired up to 30 times per year on weekdays, between the hours of 10am and 4pm.**

5. The Lead Agency which will coordinate the review of this project and provide the consolidated response is:
■ Adirondack Park Agency ☐ Department of Environmental Conservation ☐ Department of Health

6. ATTACHMENTS (List) Adirondack Park Agency application and Location Map

7. TRANSMITTED BY: **Fritz Aldinger, EPS1**

8. STATEMENT OF JURISDICTION
Please indicate your interest below. If more space is required, a standard memorandum should be prepared.
PROJECT JURISDICTIONAL: ☐ Yes ☐ No If "Yes," provide appropriate applications to the Lead Agency, with explanation as necessary.
☐ No specific concerns are apparent or foreseeable at this time, but we wish to be advised of any changes in the project.

COMMENTS OR SPECIAL CONCERNS

SIGNATURE	TITLE	DATE
X		

Identify and produce all documents or communications with respect to any information requested by APA Staff through Notices of Incomplete Application (NIPAs) to the Applicants that the Applicants have not provided, including any NIPAs, APA Staff emails, memoranda or other documents pertaining to the same.

From: AldingerIII, Frederick W (APA)
To: Schuyler, Elizabeth (APA)
Subject: RE: P2021-0276
Date: Tuesday, August 12, 2025 1:26:00 PM

Thanks for looking into this Lizz.
I am unaware of any meeting so I can't speak for what was said, but the 11/19/2024 Sound Study marked received on July 10, 2025 is the most recent submission from the applicants. Page 12, Table 4a compares the sound levels at the monitoring locations with and without the berm.
You can see all the responses here [redacted] where I have them grouped by date and which NIPA was being responded to.

I hope this helps!

Thanks
fritz

From: Schuyler, Elizabeth (APA) <Elizabeth.Schuyler@apa.ny.gov>
Sent: Tuesday, August 12, 2025 1:03 PM
To: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>
Subject: FW: P2021-0276

Hi Fritz,

Mary has passed this on to me. In the email you sent to her, you attached the H2H report, dated 2024-11-19, as the most recent sound study. Are these the values I should be basing my memo on? In a separate meeting, I was told the sound decibels had decreased due to the addition of berms/sound barriers but I am not as familiar as you are with the project. I just want to make sure I am using the most current data before moving forward.

Thank you,
Lizz

From: O'Dell, Mary A (APA) <Mary.ODell@apa.ny.gov>
Sent: Friday, August 1, 2025 10:28 AM
To: Schuyler, Elizabeth (APA) <Elizabeth.Schuyler@apa.ny.gov>
Subject: RE: P2021-0276

Thank you!!

Mary O'Dell

Biologist 2 (Ecology)

Adirondack Park Agency
PO Box 99
1133 NYS Route 86
Ray Brook, NY 12977

(518) 891-4050 | Mary.ODell@apa.ny.gov
www.apa.ny.gov

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From: Schuyler, Elizabeth (APA) <Elizabeth.Schuyler@apa.ny.gov>
Sent: Friday, August 1, 2025 9:43 AM
To: O'Dell, Mary A (APA) <Mary.ODell@apa.ny.gov>
Subject: RE: P2021-0276

Hi Mary,

Sure thing!

Lizz

From: O'Dell, Mary A (APA) <Mary.ODell@apa.ny.gov>
Sent: Friday, August 1, 2025 9:33 AM
To: Schuyler, Elizabeth (APA) <Elizabeth.Schuyler@apa.ny.gov>
Subject: FW: P2021-0276

Morning Lizz,
Is this something you would want to take over? I'm thinking you may have more time to devote to a research project than me.
Thanks,
Mary

From:	Matthew D. Norfolk
To:	Burth, John M (APA); AldingerIII, Frederick W (APA); AldingerIII, Frederick W (APA)
Cc:	Kierah LaGrave; Shane Kelly
Subject:	APA Project No. 2021-0276 (UCI)
Date:	Thursday, September 11, 2025 11:40:55 AM
Attachments:	image.png 6th NIPA Response.pdf

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Dear John and Fritz:

Please find attached the Applicant's response to the Agency's 6th NIPA.

Sincerely,

Matthew D. Norfolk, Esq.

NORFOLK BEIER PLLC

O: 518.302.8080
F: 518.302.7100
A: The Outpost Plaza
1936 Saranac Avenue, Ste.106
Lake Placid, NY 12946
E: mnorfolk@norfolkbeier.com

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From: Schuyler, Elizabeth (APA)
To: AldingerIII, Frederick W (APA)
Subject: RE: P2021-0276
Date: Tuesday, August 12, 2025 1:29:02 PM

Ok great, this helps with the confusion - I overlooked the received date. Abd thank you for pointing me in the right direction of the berm data!

From: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>
Sent: Tuesday, August 12, 2025 1:27 PM
To: Schuyler, Elizabeth (APA) <Elizabeth.Schuyler@apa.ny.gov>
Subject: RE: P2021-0276

Thanks for looking into this Lizz.
I am unaware of any meeting so I can't speak for what was said, but the 11/19/2024 Sound Study marked received on July 10, 2025 is the most recent submission from the applicants. Page 12, Table 4a compares the sound levels at the monitoring locations with and without the berm.
You can see all the responses here [redacted] where I have them grouped by date and which NIPA was being responded to.

I hope this helps!

Thanks
fritz

From: Schuyler, Elizabeth (APA) <Elizabeth.Schuyler@apa.ny.gov>
Sent: Tuesday, August 12, 2025 1:03 PM
To: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>
Subject: FW: P2021-0276

Hi Fritz,

Mary has passed this on to me. In the email you sent to her, you attached the H2H report, dated 2024-11-19, as the most recent sound study. Are these the values I should be basing my memo on? In a separate meeting, I was told the sound decibels had decreased due to the addition of berms/sound barriers but I am not as familiar as you are with the project. I just want to make sure I am using the most current data before moving forward.

Thank you,
Lizz

to devote to a research project than me.
Thanks,
Mary

From: O'Dell, Mary A (APA) <Mary.ODell@apa.ny.gov>
Sent: Friday, August 1, 2025 10:28 AM
To: Schuyler, Elizabeth (APA) <Elizabeth.Schuyler@apa.ny.gov>
Subject: RE: P2021-0276

Thank you!!

Mary O'Dell
Biologist 2 (Ecology)

Adirondack Park Agency
PO Box 99
1133 NYS Route 86
Ray Brook, NY 12977

(518) 891-4050 | Mary.ODell@apa.ny.gov
www.apa.ny.gov

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From: Schuyler, Elizabeth (APA) <Elizabeth.Schuyler@apa.ny.gov>
Sent: Friday, August 1, 2025 9:43 AM
To: O'Dell, Mary A (APA) <Mary.ODell@apa.ny.gov>
Subject: RE: P2021-0276

Hi Mary,

Sure thing!

Lizz

From: O'Dell, Mary A (APA) <Mary.ODell@apa.ny.gov>
Sent: Friday, August 1, 2025 9:33 AM
To: Schuyler, Elizabeth (APA) <Elizabeth.Schuyler@apa.ny.gov>
Subject: FW: P2021-0276

Morning Lizz,
Is this something you would want to take over? I'm thinking you may have more time

From:	Purzycki, Alicia J (APA)
To:	AldingerIII, Frederick W (APA)
Cc:	Boese, David (APA); Cain, Lucas (APA); Korn, Devan F (APA); Lynch, Ariel D (APA); Petith, Stephanie L (APA); Burth, John M (APA)
Subject:	RE: P2021-0276
Date:	Friday, July 18, 2025 11:12:27 AM
Attachments:	P2021-0276-20250718-AJP-M8-F-Hopmeier-Lewis-Noise.docx FW Barton .msg

All,

Please see attached, thanks

Alicia

-----Original Task-----
Subject: P2021-0276
Priority: Normal

Start date: Fri 7/11/2025
Due date: Mon 7/21/2025

Status: Not Started
% Complete: 0%
Actual work: 0 hours

Requested by: AldingerIII, Frederick W (APA)

TMP 38.1-1-31 & 29, Town of Lewis, Essex County. Rural Use lands. Michael Hopmeier, applicant.

Project- commercial use, munitions testing facility.

Please review response to Agency's 5th NIPA. Please see copy of Matt's email below. Apparently we didn't receive a complete response previously. 5th NIPA response materials attached w/ Stamped Sound Study below.

Thanks

Fritz

<< File: 2024-11-19 Sound Study Stamped.pdf >> << File: 5thNIPA_Response_Signed.pdf >>

Matt's email response

You didn't receive an email from my assistant Debbie Jones with the attached 11/19/2024 stamped sound study as part of our response to the 5th NIPA? You only received the email that I sent you with our direct written response-letter to the questions? You should have received two emails from us. The attached stamped sound study provides the data and Tables and Figures cited in our written response-letter and should be included in our response to the 5th NIPA.

Intra-Agency Staff Consultation
Confidential

MEMORANDUM

TO: Fritz Aldinger

FROM: Alicia Purzycki, P.E. AJP

DATE: July 18, 2025

RE: P2021-0276, Hopmeier, Lewis, Essex Co.

The proposal involves the construction of a new commercial use military grade weapons testing range of a M109 155 mm howitzer within a Rural Land Use Area.

As requested, I have reviewed the materials digitally stamped as received by the Agency on July 10, 2025 including a 16-page narrative response in blue font prepared by Mathew Norfolk, Esq of Norfolk Beier PLLC dated April 16, 2025 and a 177-page report titled "Sound Study, Unconventional Concepts Inc." dated November 2024, stamped and sealed by Trevor R. Thomas, P.E. on January 8, 2025 in response to the Agency's January 2024 Fifth NIPA and associated Appeal to the Agency Board which was summarized in a May 8, 2024 memo to the Regulatory Programs Committee and affirmed by the Board members at the May 16, 2024 Agency Board meeting.

Based on my review, I offer the following:

- It's noted that the response materials confirm that the howitzer assembly and associated noise source will remain fixed at the center of the firing pad and at a height of 6.6 ft above the firing pad grade. It's also noted that this revised noise impact evaluation includes revised distances from the noise source with respect to the firing pad, target area and monitoring locations:
    - The noise source height was revised from 6.5 ft above the firing pad to 6.6 ft above the firing pad grade;
    - Target area is now 625 ft from the firing pad instead of 590 ft, which is 35 ft further from the pad than the previous evaluation report findings;
    - Monitoring location M-1 is now located at 5955 ft from the firing pad, which is 155 ft further from the pad than the 5800 ft as in the previous evaluation report findings;
    - M-2 is now located 9925 ft from the firing pad which is 425 ft further than 9500 ft as in the previous evaluation report findings;
    - M-3 is now located 7726 ft from the firing pad which is 26 ft further than 7700 ft as in the previous evaluation report findings;

- M-4 is now located 4908 ft from the firing pad which is 292 ft closer than 5200 ft as in the previous evaluation report findings; and
- M-5 is now located 554 ft from the firing pad which is 44 ft further than 510 ft as in the previous evaluation report findings.

- While the provided updated noise impact evaluation includes mostly tabular, calculated, and conclusory information utilizing sound pressure levels expressed as dBA, the provided Table 4a indicates that the modeled impulse noise levels expressed as dB at the monitoring locations M-1 through M-5 including the requested corner of state land R-46 to be 127 dB or less with the proposed 13-ft tall noise mitigation berm in place as indicated in the revised site plans. These modeled results, including the 3.5 dB modeling discrepancy from the Norwegian study results, indicates that the projected noise impacts at the worst case scenario nearest corner of State Land R-46 classified as Wild Forest to be less than NYSDEC's and the US Bureau of Mining's standard of 133 dB for over air blasts associated with mining activities, which to my knowledge is the only similar commercial noise standards that are applicable to a proposal such as this. As provided in inter-Agency 8/14/24 email communications with NYSDEC Mined Land Reclamation Specialist 2 Kate Smith regarding the Barton mine expansion (P2021-0245) (see attached), the same noise modeling software was used by the same consultant and is readily accepted by NYSDEC staff as being more accurate than straight line projection calculations for noise analyses. Therefore, permit conditions similar to NYSDEC's mining permit blasting conditions are recommended, copied from NYSDEC's recently issued Barton Mines Facility DEC ID 5-9905-00089 permit:

27. Air Blast Limits Air blast shall not exceed 133 dB at the location of any dwelling, public building, school, church, or community or institutional building outside the permit area.

28. Seismograph Monitoring All blasts shall be monitored with a properly calibrated seismograph. Seismographs shall be installed at the nearest residential receptor and any locations identified within the approved Mined Land Use Plan or locations determined by the Department. Seismograph records shall be provided to the Department upon request.

29. Ground Vibration Limits Ground vibration shall not exceed the limits as per the attached ground vibration limits graph from the U. S. Bureau of Mines Report of Investigation 8507 (Figure B-1, Safe levels of blasting vibration for houses using a combination of velocity and displacement). Maximum peak particle velocity shall not exceed these limits at the location of any dwelling, public building, school, church, or community or institutional building outside the permit area.

- Other similar recently issued Agency permit conditions for quarries with blasting may be appropriate for this proposal including P2023-0256 conditions 12 and possibly 13.

Please contact me if you have any questions.

AJP:ajp

ec: Sam Boese
Lucas Cain

From: AldingerIII, Frederick W (APA)
To: Petith, Stephanie L (APA)
Subject: P2021-0276
Date: Friday, July 11, 2025 11:32:00 AM

Please update atrads to show we received new info yesterday
Thanks
fritz

From: AldingerIII, Frederick W (APA)
To: Purzycki, Alicia J (APA)
Subject: FW: APA Project No. 2021-0276 (UCI)
Date: Friday, July 11, 2025 11:07:00 AM
Attachments: image001.png

FYI, allegedly Item 6 is addressed.

From: Matthew D. Norfolk <mnorfolk@norfolkbeier.com>
Sent: Friday, July 11, 2025 10:40 AM
To: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>
Cc: Michael Hopmeier <hopmeier@unconventional-inc.com>; lsettle@unconventional-inc.com; Mike Polacco <mpolacco@bowman.com>
Subject: RE: APA Project No. 2021-0276 (UCI)

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Fritz:

FYI - Item 6 of the 1/2/24 5th NIPA is addressed by figure 1 of the 11/2024 sound study. Figure 1 is PDF page 21-25 of the sound study.

Sincerely,
Matthew D. Norfolk, Esq.
NORFOLK BEIER PLLC
O: 518.302.8080
F: 518.302.7100
A: The Outpost Plaza
1936 Saranac Avenue, Ste.106
Lake Placid, NY 12946
E: mnorfolk@norfolkbeier.com

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From: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>
Sent: Friday, July 11, 2025 8:32 AM
To: Matthew D. Norfolk <mnorfolk@norfolkbeier.com>
Cc: Michael Hopmeier <hopmeier@unconventional-inc.com>; lsettle@unconventional-inc.com
Subject: RE: APA Project No. 2021-0276 (UCI)

John Burth
Ariel Lynch
Devan Korn

Matt,
We had not received that. Please disregard the July 7 letter while we review this latest information.

Fritz Aldinger
Environmental Program Specialist 1

NYS Adirondack Park Agency
PO Box 99
1133 NYS Route 86
Ray Brook, NY 12977

(518) 304-6149 | Cell: (518) 527-2694 | frederick.aldingerIII@apa.ny.gov
www.apa.ny.gov

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From: Matthew D. Norfolk <mnorfolk@norfolkbeier.com>
Sent: Thursday, July 10, 2025 12:18 PM
To: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>
Cc: Michael Hopmeier <hopmeier@unconventional-inc.com>; lsettle@unconventional-inc.com
Subject: APA Project No. 2021-0276 (UCI)

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Fritz:

You didn't receive an email from my assistant Debbie Jones with the attached 11/19/2024 stamped sound study as part of our response to the 5th NIPA? You only received the email that I sent you with our direct written response-letter to the questions? You should have received two emails from us. The attached stamped sound study provides the data and Tables and Figures cited in our written response-letter and should be included in our response to the 5th NIPA.

Sincerely,
Matthew D. Norfolk, Esq.

NORFOLK BEIER PLLC
O: 518.302.8080
F: 518.302.7100
A: The Outpost Plaza
1936 Saranac Avenue, Ste.106
Lake Placid, NY 12946
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From: Matthew D. Norfolk
To: AldingerIII, Frederick W (APA)
Cc: Michael Hopmeier; lsettle@unconventional-inc.com
Subject: RE: APA Project No. 2021-0276 (UCI)
Date: Friday, July 11, 2025 10:32:38 AM
Attachments: image001.png

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Fritz:

We will take no action on the July 7 letter.

Thank you,
Matt

Sincerely,
Matthew D. Norfolk, Esq.
NORFOLK BEIER PLLC
O: 518.302.8080
F: 518.302.7100
A: The Outpost Plaza
1936 Saranac Avenue, Ste.106
Lake Placid, NY 12946
E: mnorfolk@norfolkbeier.com

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From: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>
Sent: Friday, July 11, 2025 8:32 AM
To: Matthew D. Norfolk <mnorfolk@norfolkbeier.com>
Cc: Michael Hopmeier <hopmeier@unconventional-inc.com>; lsettle@unconventional-inc.com
Subject: RE: APA Project No. 2021-0276 (UCI)

Matt,
We had not received that. Please disregard the July 7 letter while we review this latest information.

Fritz Aldinger
Environmental Program Specialist 1

NYS Adirondack Park Agency

PO Box 99
1133 NYS Route 86
Ray Brook, NY 12977

(518) 304-6149 | Cell: (518) 527-2694 | frederick.aldingerIII@apa.ny.gov
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From: Matthew D. Norfolk <mnorfolk@norfolkbeier.com>
Sent: Thursday, July 10, 2025 12:18 PM
To: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>
Cc: Michael Hopmeier <hopmeier@unconventional-inc.com>; lsettle@unconventional-inc.com
Subject: APA Project No. 2021-0276 (UCI)

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Sincerely,
Matthew D. Norfolk, Esq.

NORFOLK BEIER PLLC
O: 518.302.8080
F: 518.302.7100
A: The Outpost Plaza
1936 Saranac Avenue, Ste.106
Lake Placid, NY 12946
E: mnorfolk@norfolkbeier.com

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From: AldingerIII, Frederick W (APA)
To: Purzycki, Alicia J (APA); Boese, David (APA); Cain, Lucas (APA)
Subject: Task Request: P2021-0276
Date: Monday, June 23, 2025 8:51:05 AM
Attachments: P2021-0276.msg

Subject: P2021-0276
Start Date: Monday, June 23, 2025
Due Date: Wednesday, July 2, 2025
Status: Not Started
Percent Complete: 0%
Total Work: 0 hours
Actual Work: 0 hours
Owner: Purzycki, Alicia J (APA); Boese, David (APA); Cain, Lucas (APA)
TMP 38.1-1-31 & 29, Town of Lewis, Essex County. Rural Use lands. Michael Hopmeier, applicant.
Project- commercial use, munitions testing facility.
Please review response to Agency's 5th NIPA.
Thanks
fritz

From: AldingerIII, Frederick W (APA)
To: Petith, Stephanie L (APA)
Cc: Burth, John M (APA)
Subject: P2021-0276
Date: Monday, June 23, 2025 8:47:00 AM

Please update ATRADS to show we received a response to the Agency's 5th NIPA on June 20.
Thanks
fritz

From: Matthew D. Norfolk
To: AldingerIII, Frederick W (APA)
Subject: APA Project No. 2021-0276 (UCI)
Date: Wednesday, June 18, 2025 4:54:35 PM
Attachments: image001.png
5thNIPA_Response_Signed.pdf
Importance: High

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Hi Fritz:

Attached is UCI's response to the 5th NIPA. Please confirm receipt.

Thank you,
Matt

Sincerely,
Matthew D. Norfolk, Esq.
NORFOLK BEIER PLLC
O: 518.302.8080
F: 518.302.7100
A: The Outpost Plaza
1936 Saranac Avenue, Ste.106
Lake Placid, NY 12946
E: mnorfolk@norfolkbeier.com

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From: Reynolds, Sarah H (APA)
To: Purzycki, Alicia J (APA); AldingerIII, Frederick W (APA)
Subject: FW: UCI Appeal of 5th NIPA
Date: Wednesday, May 15, 2024 1:44:56 PM
Attachments: image001.png
Appeal_Reply.pdf

Sarah Reynolds
Associate Counsel

NYS Adirondack Park Agency
PO Box 99
1133 NYS Route 86
Ray Brook, NY 12977

(518) 891-4050

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From: Matthew D. Norfolk <mnorfolk@norfolkbeier.com>
Sent: Wednesday, May 15, 2024 12:01 PM
To: apa.sm.apasubmissions <APASubmissions@apa.ny.gov>; david.plante@apap.ny.gov; Reynolds, Sarah H (APA) <Sarah.Reynolds@apa.ny.gov>; Burth, John M (APA) <John.Burth@apa.ny.gov>
Cc: Kate Mazdzer <kmazdzer@norfolkbeier.com>; Michael Hopmeier <hopmeier@unconventional-inc.com>; Mike Polacco <mpolacco@bowman.com>; Madison Bonney <mbonney@norfolkbeier.com>; Lori Settle <lsettle@unconventional-inc.com>
Subject: UCI Appeal of 5th NIPA

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Greetings:

Please find attached the reply memorandum in support of UCI's appeal of the 5th NIPA being submitted on behalf of Project Sponsor Michael Hopmeier.

If you require anything else from us, please advise.

Sincerely,
Matthew D. Norfolk, Esq.

NORFOLK BEIER PLLC
O: 518.302.8080
F: 518.302.7100
A: The Outpost Plaza
1936 Saranac Avenue, Ste.106
Lake Placid, NY 12946
E: mnorfolk@norfolkbeier.com

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From: Burth, John M (APA)
To: Matthew D. Norfolk
Subject: RE: UCI Appeal of 5th NIPA
Date: Wednesday, May 15, 2024 1:13:00 PM
Attachments: image001.png

Received. Thank you.

John M. Burth
Environmental Program Specialist 3

NYS Adirondack Park Agency
PO Box 99
1133 NYS Route 86
Ray Brook, NY 12977

(518) 891-4050 | John.Burth@apa.ny.gov
www.apa.ny.gov

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From: Matthew D. Norfolk <mnorfolk@norfolkbeier.com>
Sent: Wednesday, May 15, 2024 12:01 PM
To: apa.sm.apasubmissions <APASubmissions@apa.ny.gov>; david.plante@apap.ny.gov; Reynolds, Sarah H (APA) <Sarah.Reynolds@apa.ny.gov>; Burth, John M (APA) <John.Burth@apa.ny.gov>
Cc: Kate Mazdzer <kmazdzer@norfolkbeier.com>; Michael Hopmeier <hopmeier@unconventional-inc.com>; Mike Polacco <mpolacco@bowman.com>; Madison Bonney <mbonney@norfolkbeier.com>; Lori Settle <lsettle@unconventional-inc.com>
Subject: UCI Appeal of 5th NIPA

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Greetings:

Please find attached the reply memorandum in support of UCI's appeal of the 5th NIPA being submitted on behalf of Project Sponsor Michael Hopmeier.

If you require anything else from us, please advise.

Sincerely,
Matthew D. Norfolk, Esq.

NORFOLK BEIER PLLC
O: 518.302.8080
F: 518.302.7100
A: The Outpost Plaza
1936 Saranac Avenue, Ste.106
Lake Placid, NY 12946
E: mnorfolk@norfolkbeier.com

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From: Madison Bonney
To: Burth, John M (APA); Plante, David (APA); Wilt, Daniel J (APA); Reynolds, Sarah H (APA)
Cc: Matthew D. Norfolk; Kate Mazdzer
Subject: APA Project No. 2021-0276
Date: Friday, March 1, 2024 2:53:44 PM
Attachments: image001.png
Coverletter.pdf
NIPA Appeal Final.pdf
NIPA Appeal Attachments.pdf

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Good Afternoon:

Please see the attached sent on behalf of Attorney Matthew Norfolk.

Kindest regards,

Madison Bonney
Paralegal
O: 518.302.8080
F: 518.302.7100
A: The Outpost Plaza
1936 Saranac Avenue, Ste. 106
Lake Placid, NY 12946
E: mbonney@norfolkbeier.com



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From: Matthew D. Norfolk
To: Petith, Stephanie L (APA)
Cc: AldingerIII, Frederick W (APA); Kate Mazdzer; Madison Bonney
Subject: RE: P2021-0276 letter
Date: Thursday, January 18, 2024 2:36:33 PM
Attachments: image001.png

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Thank you, Ms. Petith and Mr. Aldinger, for the extension.

Sincerely,
Matthew D. Norfolk, Esq.

NORFOLK BEIER

O: 518.302.8080
F: 518.302.7100
A: The Outpost Plaza
1936 Saranac Avenue, Ste.106
Lake Placid, NY 12946
E: mnorfolk@norfolkbeier.com

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From: Petith, Stephanie L (APA) <Stephanie.Petith@apa.ny.gov>
Sent: Thursday, January 18, 2024 2:22 PM
To: Matthew D. Norfolk <mnorfolk@norfolkbeier.com>
Cc: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>
Subject: P2021-0276 letter

Please see attached…..

Stephanie L. Petith
Administrative Assistant 1

NYS Adirondack Park Agency
PO Box 99
1133 NYS Route 86
Ray Brook, NY 12977

(518) 891-4050 | Stephanie.Petith@apa.ny.gov
www.apa.ny.gov

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From: Burth, John M (APA)
To: AldingerIII, Frederick W (APA)
Subject: RE: P2021-0276
Date: Thursday, January 18, 2024 12:59:49 PM

Hi Fritz – All set. Thanks

John M. Burth
Environmental Program Specialist 3

NYS Adirondack Park Agency
PO Box 99
1133 NYS Route 86
Ray Brook, NY 12977

(518) 891-4050 | John.Burth@apa.ny.gov
www.apa.ny.gov

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From: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>
Sent: Thursday, January 18, 2024 11:50 AM
To: Burth, John M (APA) <John.Burth@apa.ny.gov>
Subject: P2021-0276

Deadline letter in your shared enforcement for review.
Thanks
fritz

From: Matthew D. Norfolk
To: AldingerIII, Frederick W (APA); Burth, John M (APA)
Cc: Kate Mazdzer; Michael Hopmeier; Lori Settle; Mike Polacco
Subject: APA Project No. 2021-0276 - Ballistic Range
Date: Thursday, January 18, 2024 10:53:27 AM
Attachments: image001.png
Ltr APA req extension of Appeal deadline 2024-01-11.pdf
Importance: High

You don't often get email from mnorfolk@norfolkbeier.com. Learn why this is important

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Dear Fritz and John:

On behalf of the Project Sponsor, Michael Hopmeier, and Unconventional Concepts, Inc., I am writing to give you informal notice that we will be appealing the Agency's 5th NIPA pursuant to 9 NYCRR 572.22 and to request a 30-day extension to file the appeal. Please see my formal letter-request attached. Kindly advise of your decision as soon as practicable. Thank you for your anticipated cooperation.

Sincerely,

Matthew D. Norfolk, Esq.
NORFOLK BEIER PLLC
O: 518.302.8080
F: 518.302.7100
A: The Outpost Plaza
1936 Saranac Avenue, Ste.106
Lake Placid, NY 12946
E: mnorfolk@norfolkbeier.com

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From: AldingerIII, Frederick W (APA)
To: Petith, Stephanie L (APA)
Subject: P2021-0276 5th NIPA to go out today
Date: Tuesday, January 2, 2024 12:09:00 PM
Attachments: P2021-0276-20231221-5thNIPA-no-track-changes.docx
Importance: High

Please finalize and prepare for Dave's signature.
Needs to go out today.
Thanks
fritz

NEW YORK STATE OF OPPORTUNITY. | Adirondack Park Agency

KATHY HOCHUL
Governor

BARBARA RICE
Executive Director

File: P2021-0276

Date of Call: **1/22/2024**

Name Matt Norfolk, Esq.

Phone: 518-302-8080

Comments
Matt Norfolk-will be filing appeal of NIPA, are we able to meet in the meantime? – trying to problem solve.

Discussed additional process questions – JMB will review with staff and get back to Matt.

JMB discussed noise concerns and lack of supporting information b/c does not exist. JMB referred to Agency Board concerns re: noise for Carver application – there are standards/specifications for mining operations and staff had no concerns.

Matt is looking into test fire at the site, will do independent review of legality, would want neighbor participation in noise monitoring.

NEW YORK STATE OF OPPORTUNITY. | Adirondack Park Agency

KATHY HOCHUL
Governor

BARBARA RICE
Executive Director

File: P2021-0276

Date of Call: **2/12/2024**

Name Matt Norfolk, Esq

Phone: 518-302-8080

Comments
JMB and SHR had call with Matt Norfolk in follow up to 1/22/24 discussion.

Matt re-stated that applicant will appeal NIPA. Meet to discuss or not while appeal is pending?

Discussed what will happen if board is not comfortable w/ authorizing the proposal – SHR explained adjudicatory hearing process.

JMB & SHR reiterated how this project is different from mines or any other project – lack of available information re: noise. Urged to provide any info that would be provided in a hearing as part of application.

Matt stated that they have answered most of the NIPA questions and would include as part of the appeal – client feels that staff will not recommend approval no matter what, so they are appealing.

Discussed Matt going back to client to either limit appeal questions or possibly providing those questions to be appealed to staff for a meeting.

Not able to do a test fire because would cost tens of thousands of dollars.

From: AldingerIII, Frederick W (APA)
To: Purzycki, Alicia J (APA)
Subject: response
Date: Tuesday, December 19, 2023 11:37:00 AM
Attachments: Reponse to P2021-0276-3rdNIPA Final.pdf

Response to 3rd NIPA received February 28, 2023
3rd blue paragraph in answer to question 1

From: AldingerIII, Frederick W (APA)
To: Purzycki, Alicia J (APA); Boese, David (APA)
Subject: Task Request: P2021-0276
Date: Friday, December 15, 2023 8:26:49 AM
Attachments: P2021-0276.msg

Subject: P2021-0276
Start Date: Friday, December 15, 2023
Due Date: Wednesday, December 27, 2023
Status: Not Started
Percent Complete: 0%
Total Work: 0 hours
Actual Work: 0 hours
Owner: Purzycki, Alicia J (APA); Boese, David (APA)

Please review the response to the Agency's 4th NIPA
Thanks
fritz

From: AldingerIII, Frederick W (APA)
To: Petith, Stephanie L (APA)
Cc: Burth, John M (APA); Plante, David (APA)
Subject: P2021-0276 Hopmeier
Date: Friday, December 15, 2023 8:22:00 AM

Please update ATRADS to show we received a response to the Agency's 4th NIPA on 12/15/2023
Thanks

From: AldingerIII, Frederick W (APA)
To: Matthew D. Norfolk
Cc: Lori Settle; Michael Hopmeier; Kate Mazdzer; Madison Bonney; Lisette Cimaglia
Subject: RE: Ballistic Range Project APA Project P2021-0276
Date: Friday, December 15, 2023 8:16:00 AM
Attachments: image001.png

Received

Fritz Aldinger
Environmental Program Specialist 1

NYS Adirondack Park Agency
PO Box 99
1133 NYS Route 86
Ray Brook, NY 12977

(518) 304-6149 | Cell: (518) 527-2694 | frederick.aldingerIII@apa.ny.gov
www.apa.ny.gov

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From: Matthew D. Norfolk <mnorfolk@norfolkbeier.com>
Sent: Thursday, December 14, 2023 4:50 PM
To: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>
Cc: Lori Settle <lsettle@unconventional-inc.com>; Michael Hopmeier <hopmeier@unconventional-inc.com>; Kate Mazdzer <kmazdzer@norfolkbeier.com>; Madison Bonney <mbonney@norfolkbeier.com>; Lisette Cimaglia <lcimaglia@norfolkbeier.com>
Subject: Ballistic Range Project APA Project P2021-0276
Importance: High

mnorfolk@norfolkbeier.com appears similar to someone who previously sent you email, but may not be that person. Learn why this could be a risk

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Dear Fritz:

In connection with the above-referenced proposed project, please find attached hereto as two pdf files Unconventional Concepts, Inc.'s response to APA's 4th NIPA. We are confident that

this submission addresses all questions and concerns raised by APA Staff. Mr. Hopmeier and the others at Unconventional Concepts, Inc., as well as the project team, look forward to moving forward in the application process with an eye towards project approval.

Kindly acknowledged receipt of this email and the attachments. Thank you.

Sincerely,

Matthew D. Norfolk, Esq.

NORFOLK BEIER PLLC

O: 518.302.8080
F: 518.302.7100
A: The Outpost Plaza
1936 Saranac Avenue, Ste.106
Lake Placid, NY 12946
E: mnorfolk@norfolkbeier.com

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From:	Matthew D. Norfolk
To:	AldingerIII, Frederick W (APA)
Cc:	Lori Settle; Michael Hopmeier; Kate Mazdzer; Madison Bonney; Lisette Cimaglia
Subject:	Ballistic Range Project APA Project P2021-0276
Date:	Thursday, December 14, 2023 5:05:00 PM
Attachments:	image001.png 2023-12-14 Response to P2021-0276-4thNIPA-Final.pdf 2023-9-27 Sound Study_r (1).pdf
Importance:	High

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Dear Fritz:

In connection with the above-referenced proposed project, please find attached hereto as two pdf files Unconventional Concepts, Inc.'s response to APA's 4th NIPA. We are confident that this submission addresses all questions and concerns raised by APA Staff. Mr. Hopmeier and the others at Unconventional Concepts, Inc., as well as the project team, look forward to moving forward in the application process with an eye towards project approval.

Kindly acknowledged receipt of this email and the attachments. Thank you.

Sincerely,

Matthew D. Norfolk, Esq.

NORFOLK BEIER PLLC

O: 518.302.8080
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Lake Placid, NY 12946
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From: AldingerIII, Frederick W (APA)
To: Burth, John M (APA)
Cc: Plante, David (APA); Purzycki, Alicia J (APA)
Subject: FW: UCI -Ballistic Range
Date: Thursday, August 17, 2023 12:38:00 PM
Attachments: image001.png

The latest…

From: Matthew D. Norfolk <mnorfolk@norfolkbeier.com>
Sent: Thursday, August 17, 2023 12:36 PM
To: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>
Subject: UCI -Ballistic Range

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Fritz:

I spoke with Mr. Hopmeier. We will be putting together a response to Staff's latest round of questions. It may take some time, but we will be responding.

Have a good day.

Sincerely,
Matthew D. Norfolk, Esq.

NORFOLK BEIER PLLC
O: 518.302.8080
F: 518.302.7100
A: The Outpost Plaza
1936 Saranac Avenue, Ste.106
Lake Placid, NY 12946
E: mnorfolk@norfolkbeier.com

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From: AldingerIII, Frederick W (APA)
To: Matthew D. Norfolk
Subject: RE: UCI -Ballistic Range
Date: Thursday, August 17, 2023 12:37:00 PM
Attachments: image001.png

Understood.

Fritz Aldinger
Environmental Program Specialist 1

NYS Adirondack Park Agency
PO Box 99
1133 NYS Route 86
Ray Brook, NY 12977

(518) 304-6149 | Cell: (518) 527-2694 | frederick.aldingerIII@apa.ny.gov
www.apa.ny.gov

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From: Matthew D. Norfolk <mnorfolk@norfolkbeier.com>
Sent: Thursday, August 17, 2023 12:36 PM
To: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>
Subject: UCI -Ballistic Range

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Fritz:

I spoke with Mr. Hopmeier. We will be putting together a response to Staff's latest round of questions. It may take some time, but we will be responding.

Have a good day.

Sincerely,
Matthew D. Norfolk, Esq.

NORFOLK BEIER PLLC
O: 518.302.8080

F: 518.302.7100
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1936 Saranac Avenue, Ste.106
Lake Placid, NY 12946
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From: AldingerIII, Frederick W (APA)
To: Burth, John M (APA)
Cc: Plante, David (APA); Purzycki, Alicia J (APA); Cooper, Christopher (APA); Hubbard, Jennifer M (APA); Reynolds, Sarah H (APA)
Subject: FW: P2021-0276
Date: Thursday, August 17, 2023 9:30:00 AM
Attachments: image001.png

FYI

From: Matthew D. Norfolk <mnorfolk@norfolkbeier.com>
Sent: Thursday, August 17, 2023 9:29 AM
To: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>
Subject: RE: P2021-0276

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

We received your recent letter. I am meeting with my client today. Unfortunately, it will likely result in a decision to appeal.

Sincerely,
Matthew D. Norfolk, Esq.
NORFOLK BEIER PLLC
O: 518.302.8080
F: 518.302.7100
A: The Outpost Plaza
1936 Saranac Avenue, Ste.106
Lake Placid, NY 12946
E: mnorfolk@norfolkbeier.com

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From: Petith, Stephanie L (APA) <Stephanie.Petith@apa.ny.gov>
Sent: Wednesday, August 16, 2023 3:08 PM
To: Matthew D. Norfolk <mnorfolk@norfolkbeier.com>
Cc: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>; bill@billkissel.com; hopmeier@unconventional-inc.com; mpolacco@h2hg-e.com; lewiscodeoffice@gmail.com; Burns, Erin (DEC) <erin.burns@dec.ny.gov>
Subject: P2021-0276

Please see attached…..

cc'ing to Mr. Pulsifer via USPS.

Stephanie L. Petith

Administrative Assistant 1

NYS Adirondack Park Agency
PO Box 99
1133 NYS Route 86
Ray Brook, NY 12977

(518) 891-4050 | Stephanie.Petith@apa.ny.gov
www.apa.ny.gov

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From: AldingerIII, Frederick W (APA)
To: Petith, Stephanie L (APA)
Subject: P2021-0276
Date: Wednesday, August 16, 2023 2:29:00 PM
Attachments: P2021-0276-20230814-EPS Notice Letter-Final.docx

---

Please finalize and send. Everyone and their brother has looked at it….
Thanks

NEW YORK STATE OF OPPORTUNITY. | Adirondack Park Agency

ANDREW M. CUOMO
Governor

TERRY MARTINO
Executive Director

Intra-Agency Staff Consultation
Confidential

MEMORANDUM

TO: File

FROM: Fritz Aldinger

DATE: August 18, 2023

RE: P2021-0276

On June 26, 2023, from 11:00 am until approximately 12:30 pm the following staff members and outside parties attended a meeting at Agency headquarters and via Webex regarding P2021-0276:

NAME AND ORGANIZATION:
Mike Polacco, Rich Hiesert, H2H
Bill Kissel, Esq.
Matt Norfolk, Esq.
John Burth, APA
Chris Cooper, APA
Fritz Aldinger, APA
Dave Plante (via Webex), APA

At the applicant's request, Agency staff met with representatives to discuss applicant's response to the Agency's 4th NIPA prior to it's submission. Representatives from H2H explained some of the terminology used in the Sound Study and that some discrepancies in the prior submission were due to misinterpretation and transcription errors. It was explained the figure of 180.8 dB at the muzzle was calculated based on the reading taken at 820 feet using the data from the Norwegian Sound Study.

The proposed testing schedule was clarified as well as other issues.

All agreed that was for the applicant to submit a response to the 4th NIPA.

From: Purzycki, Alicia J (APA)
To: AldingerIII, Frederick W (APA)
Subject: Task Completed: P2021-0276
Date: Sunday, August 13, 2023 7:54:14 PM
Attachments: P2021-0276-4thNIPA-Final.pdf
UCI Response to APA 4th NIPA Final2-mbm.pdf

-----Original Task-----
Subject: P2021-0276
Priority: Normal

Start date: Tue 8/1/2023
Due date: Fri 8/11/2023

Status: Completed
% Complete: 100%
Date completed: Sun 8/13/2023
Actual work: 0 hours

Requested by: AldingerIII, Frederick W (APA)

Town of Lewis, Ballistic testing range.

TMP 38.1-1-31 & 38.1-1-29, Rural Use

Please review revised sound study and response to 4th NIPA

Sound study file is too large to attach to task so is located in project file under “FROM APPLICANT”, file name 2023-7-19_UCI_Sound_Study (2)

I assume we will probably need to meet to discuss our response after you review.

Thanks

fritz

New York State
Adirondack
Park Agency

KATHY HOCHUL
Governor

BARBARA RICE
Executive Director

Intra-Agency Staff Consultation
Confidential

MEMORANDUM

TO: Fritz Aldinger

FROM: Alicia Purzycki, P.E.

DATE: August 13, 2023

RE: P2021-0276, Hopmeier, Lewis, Essex Co.

The proposal involves the construction of a new commercial use military grade weapons testing range of a M109 155 mm howitzer within a Rural Land Use Area.

As requested, I have reviewed the materials digitally stamped as received by the Agency on August 1, 2023 in response to the Agency's March 16, 2023 Fourth NIPA, including a July 31, 2023 cover letter from Matthew Norfolk, Esq., 6-page response in red font titled "UCI's Response to fourth NIPA", unsigned undated along with a 72-page report titled "Sound Study, Unconventional Concepts, Inc APA Project #2021-0276" prepared by H2H Geoscience Engineering, dated July, 2023.

Based on my review, I offer the following:

- The provided response does not address my March 13, 2023 memo comments. For instance, despite numerous requests, mitigation measures are not proposed stating that "(T)here are no other practicable means to mitigate noise from a noise source such as the one being tested." This statement is difficult to support given that berms, enclosures, and/or silencers (schalldampfer) were not discussed or evaluated.

- The provided response states that the noise model accounted appropriate weather conditions per ISO specifications but again does not evaluate varying weather conditions, changes in wind direction and speed, temperature and humidity and atmospheric inversions.

- Only the noise model outputs were provided for receptor locations M-1 through M-5, and not the previously requested empirical sound pressure level calculations for each of the receptor locations. Absent these calculations, the model results are unsupported. In addition, the modeled noise results as depicted in Figure 5 of the response appears to be depicted at an inaccurate scale.

- Despite a previous request, the Norwegian study, a 45-page report titled “Noise emission data for M109, 155 mm field howitzer”, prepared by the Norwegian Defence Research Establishment (FFI), dated 5 December 2007, is the sole source of data inputs for the provided noise assessment which is based upon a simulated and modeled study utilizing a detonation of 1 kg of TNT 35 m (114 ft) from the source location of a howitzer. The provided revised noise assessment is based upon further modeling of the Norwegian study findings, stating that “(t)he Test Point has a modeled sound level of 127 dB; the recorded sound level from Table E.2 of Appendix E is 130.5 dB showing correlation within ISO standards.” In effect, the provided revised noise assessment asserts that a 3.5 dB modeled discrepancy is tolerable for estimating noise impacts from firing military grade weapons within proximity to State Land and residential receptors. The provided noise assessment also utilizes a revised calculated noise source of 180.8 dB at the howitzer barrel, however as previously requested, the calculations (linear and non-linear) were not provided to support this critical component. Again, as previously stated, the proposal of firing a M109A3GN 155mm field howitzer up to 2 times per day up to 3 days in a row, for an average of 30 times per year, for 5 years, as close as approximately 300 ft as measured from the corner of the proposed 100 ft by 100 ft gravel firing pad to the corner of State Land Classified as Wild Forest is unsupported. The closest receptor location of M-5, which represents a receptor on State Land classified as Wild Forest has a modeled estimated noise level of 130 dB. However, as previously acknowledged, the model has an at least 3.5 dB discrepancy from the Norwegian study results, therefore it can be reasonably assumed based on the limited information provided that the M-5 receptor location can exhibit up to 133.5 dB, which exceeds NYSDEC’s and the US Bureau of Mining’s standard of 133 dB for over air blasts associated with mining activities, which to my knowledge is the only similar commercial noise standards that are applicable to a proposal such as this. Also, please note that this location is approximately 510 ft from the 100 ft by 100 ft firing pad, and not at the worst-case scenario location of the southwest corner of the same state land parcel approximately 300 ft from the northeast corner of the firing pad. Therefore, based on the information provided, the weapons firing activity proposal as presented has the potential to create an undue adverse impact for howitzer impulse noise levels greater than 133 dB on State Land classified as Wild Forest. The consultant’s assertion that this parcel is landlocked State land with no public means of access is irrelevant to the Agency’s evaluation of potential for adverse impact upon the park’s natural resources, specifically Section 805.4.a(4).

Please contact me if you have any questions.

AJP:ajp

ec: Sam Boese
John Burth
Sarah Reynolds

From:	Purzycki, Alicia J (APA)
To:	AldingerIII, Frederick W (APA)
Subject:	FW: noise
Date:	Sunday, August 13, 2023 11:43:16 AM
Attachments:	Norwegian Howitzer Study.pdf

Fritz,
Can you upload this into the file please? Thanks
Alicia

From: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>
Sent: Monday, March 13, 2023 2:26 PM
To: Purzycki, Alicia J (APA) <Alicia.Purzycki@apa.ny.gov>
Subject: noise

From:	AldingerIII, Frederick W (APA)
To:	Mary McAllister
Cc:	Matthew D. Norfolk; hopmeier@unconventional-inc.com; lsettle@unconventional-inc.com
Subject:	RE: APA Project No. 2021-0286 (Ballistic Range)
Date:	Tuesday, August 1, 2023 9:21:00 AM
Attachments:	image001.png

2 of 2 received.
Thank you.

Fritz Aldinger
Environmental Program Specialist 1

NYS Adirondack Park Agency
PO Box 99
1133 NYS Route 86
Ray Brook, NY 12977

(518) 304-6149 | Cell: (518) 527-2694 | frederick.aldingerIII@apa.ny.gov
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From: Mary McAllister <Mmcallister@norfolkbeier.com>
Sent: Monday, July 31, 2023 5:18 PM
To: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>
Cc: Mary McAllister <Mmcallister@norfolkbeier.com>; Matthew D. Norfolk <mnorfolk@norfolkbeier.com>; hopmeier@unconventional-inc.com; lsettle@unconventional-inc.com
Subject: APA Project No. 2021-0286 (Ballistic Range)

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Email 1 of 2:

Good afternoon Mr. Aldinger:

Attached please find our client's response to the 4th NIPA for the above-referenced matter. Also included in the attached response is a sound study of July 2023. Due to its size, same will be forward separately as Email 2 of 2.

Sincerely,
Mary B. McAllister, Legal Assistant



O: 518.302.8080
F: 518.302.7100
A: The Outpost Plaza
1936 Saranac Avenue, Suite 106
Lake Placid, New York 12946
E: mmcallister@norfolkbeier.com

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From: Mary McAllister
To: Matthew D. Norfolk; AldingerIII, Frederick W (APA); hopmeier@unconventional-inc.com; lsettle@unconventional-inc.com
Subject: Mary McAllister shared "2023-7-19_UCI_Sound_Study (2)" with you.
Date: Monday, July 31, 2023 5:19:48 PM
Attachments: AttachedImage
AttachedImage
AttachedImage
AttachedImage

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Mary McAllister shared a file with you

Email 2 of 2:

Attached is the sound study as part of the response to the 4th NIPA re Project No. 2021-0286 (Ballistic Range).

Sincerely,
Mary B. McAllister, Legal Assistant

O: 518.302.8080
F: 518.302.7100
A: The Outpost Plaza
1936 Saranac Avenue, Suite 106
Lake Placid, New York 12946
E: mmcallister@norfolkbeier.com

2023-7-19_UCI_Sound_Study (2)

This link will work for anyone.

Open

From: Matthew D. Norfolk
To: AldingerIII, Frederick W (APA)
Subject: RE: Hopmeier Project
Date: Thursday, June 22, 2023 11:41:09 AM
Attachments: image001.png
image002.png

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We would like to go over some information in the sound study and answer questions you have before submitting a written response to the 4th NIPA.

Sincerely,
Matthew D. Norfolk, Esq.
NORFOLK BEIER PLLC
O: 518.302.8080
F: 518.302.7100
A: The Outpost Plaza
1936 Saranac Avenue, Ste.106
Lake Placid, NY 12946
E: mnorfolk@norfolkbeier.com

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From: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>
Sent: Thursday, June 22, 2023 10:49 AM
To: Matthew D. Norfolk <mnorfolk@norfolkbeier.com>
Subject: RE: Hopmeier Project

Good morning Matt,

Currently John Burth, Dave Plante, Chris Cooper and I plan to be at the meeting. Did you have a list of specific issues you wish to discuss at the meeting?

On another note, I was assigned the application for Mr. Hopmeier's proposed tent storage and will be getting a NIPA to you shortly.

Thanks

Fritz Aldinger
Environmental Program Specialist 1

NYS Adirondack Park Agency
PO Box 99
1133 NYS Route 86
Ray Brook, NY 12977

(518) 304-6149 | Cell: (518) 527-2694 | frederick.aldingerIII@apa.ny.gov
www.apa.ny.gov

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From: Matthew D. Norfolk <mnorfolk@norfolkbeier.com>
Sent: Thursday, June 22, 2023 10:09 AM
To: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>
Subject: RE: Hopmeier Project

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Hi Fritz:

Would you please confirm who will be in attendance from the APA for our June 26 meeting?

Sincerely,
Matthew D. Norfolk, Esq.

NORFOLK BEIER PLLC
O: 518.302.8080
F: 518.302.7100
A: The Outpost Plaza
1936 Saranac Avenue, Ste.106
Lake Placid, NY 12946
E: mnorfolk@norfolkbeier.com

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From: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>

Sent: Thursday, June 1, 2023 11:33 AM
To: Mary McAllister <Mmcallister@norfolkbeier.com>; mpolacco@bowman.com; rhisert@bowman.com; hopmeier@unconventional-inc.com; Bill Kissel <bill@billkissel.com>
Cc: Matthew D. Norfolk <mnorfolk@norfolkbeier.com>; lsettle@unconventional-inc.com
Subject: RE: Hopmeier Project

6/13/23 would still work on this end, as long as the meeting was in the morning or early afternoon.

Fritz Aldinger
Environmental Program Specialist 1

NYS Adirondack Park Agency
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From: Mary McAllister <Mmcallister@norfolkbeier.com>
Sent: Thursday, June 1, 2023 11:23 AM
To: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>; mpolacco@bowman.com; rhisert@bowman.com; hopmeier@unconventional-inc.com; Bill Kissel <bill@billkissel.com>
Cc: Matthew D. Norfolk <mnorfolk@norfolkbeier.com>; lsettle@unconventional-inc.com
Subject: Hopmeier Project

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The June 23rd date is no longer available for a meeting Fritz Aldinger of the APA. Kindly advise which of the following alternate dates each of you would be available for this meeting: 6/13/23, 6/15/23, 6/15/23 afternoon hours, 6/16/23, 6/20/23, 6/21/23 or 6/22/23. Once I hear from everyone, I'll let you know what date and time for the meeting will be. Thank you for your prompt reply.

Sincerely,
Mary B. McAllister, Legal Assistant

NORFOLK BEIER

O: 518.302.8080
F: 518.302.7100
A: The Outpost Plaza
1936 Saranac Avenue, Suite 106
Lake Placid, New York 12946
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From: AldingerIII, Frederick W (APA)
To: Mary McAllister
Subject: RE: June 26
Date: Tuesday, June 20, 2023 11:23:00 AM
Attachments: image001.png

Thank you!
Fritz

From: Mary McAllister <Mmcallister@norfolkbeier.com>
Sent: Tuesday, June 20, 2023 11:22 AM
To: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>
Subject: RE: June 26

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Good morning Mr. Aldinger. Yes, the meeting on 6/26/23 at 11 am at your offices in Ray Brook is hereby confirmed. Thank you.

Sincerely,
Mary B. McAllister, Legal Assistant

NORFOLK BEIER PLLC

O: 518.302.8080
F: 518.302.7100
A: The Outpost Plaza
1936 Saranac Avenue, Suite 106
Lake Placid, New York 12946
E: mmcallister@norfolkbeier.com

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From: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>
Sent: Tuesday, June 20, 2023 11:19 AM
To: Mary McAllister <Mmcallister@norfolkbeier.com>
Subject: June 26

Mary,
I just wanted to confirm if June 26th at 11 AM was going to work for a meeting regarding P2021-0276?
Thanks

Fritz Aldinger

Environmental Program Specialist 1

NYS Adirondack Park Agency
PO Box 99
1133 NYS Route 86
Ray Brook, NY 12977

(518) 304-6149 | Cell: (518) 527-2694 | frederick.aldingerIII@apa.ny.gov
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From:	AldingerIII, Frederick W (APA)
To:	Ford, Brian M (APA)
Cc:	Cooper, Christopher (APA); Reynolds, Sarah H (APA)
Subject:	RE: FOIL question- Tarde Secrets/Proprietary Information
Date:	Thursday, December 16, 2021 1:17:00 PM

Thank you. At this point, I think this will reassure him as to how information will be handled.
I don't think we've asked for anything proprietary and will certainly avoid it if possible.
Fritz

From: Ford, Brian M (APA) <Brian.Ford@apa.ny.gov>
Sent: Thursday, December 16, 2021 1:04 PM
To: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>
Cc: Cooper, Christopher (APA) <Christopher.Cooper@apa.ny.gov>; Reynolds, Sarah H (APA) <Sarah.Reynolds@apa.ny.gov>
Subject: RE: FOIL question- Tarde Secrets/Proprietary Information

If we can process the application without him submitting any proprietary information that would be the best option. If that is possible then reach out to him and tell him not to submit anything he fells is proprietary.

If the Agency requires this proprietary information either upon initial submittal or in response to a request for additional information, then he will need to request in writing identifying which specific items or information he is claiming as proprietary and state the reason why the information should be excepted from disclosure. The Agency would then segregate this information in a separate secure location.

The Agency would then inform the applicant of the Agency's intention to determine whether such exemption should be granted or continued. If the Agency intends not to grant the exception, the applicant could, with in ten business days, submit a written statement of the necessity for the granting of the exception.

Of course this gets increasingly complicated with an appeal of this determination and/or FOIL requests and the potential appeal of those determinations.

The best option is for the Agency, if at all possible, is to avoid receiving any proprietary information.

Brian Ford
Project Administrator

NYS Adirondack Park Agency
PO Box 99
1133 NYS Route 86
Ray Brook, NY 12977

Office (518) 891-4050 | Mobile 518-410-6019
brian.ford@apa.ny.gov | www.apa.ny.gov

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From: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>
Sent: Thursday, December 16, 2021 12:22 PM
To: Ford, Brian M (APA) <Brian.Ford@apa.ny.gov>
Subject: RE: FOIL question

No, not yet.
We had asked for basic details (# of employees, etc.) and he balked at providing salary, etc. which I explained hadn't and wouldn't be asked for but this led to the discussion about company info.

From: Ford, Brian M (APA) <Brian.Ford@apa.ny.gov>
Sent: Thursday, December 16, 2021 12:20 PM
To: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>
Subject: RE: FOIL question

Has he already provided information he believes to be proprietary?

Brian Ford
Project Administrator

NYS Adirondack Park Agency
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brian.ford@apa.ny.gov | www.apa.ny.gov

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From: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>

Sent: Thursday, December 16, 2021 11:37 AM
To: Ford, Brian M (APA) <Brian.Ford@apa.ny.gov>
Subject: FOIL question

Brian, I had a site visit yesterday with an applicant for a new commercial use (P2021-0276) and he was concerned about any proprietary company info he might provide being released in a FOIL request. I didn't know if that was something you filter out when reviewing FOIL requests or if it was something he could mark as not releasable?
Any advice?
Thanks
fritz

From: Purzycki, Alicia J (APA)
To: Reynolds, Sarah H (APA); Burth, John M (APA)
Subject: RE: P2021-0276-20210111-fwa-2ndNIPA-SHR
Date: Wednesday, January 12, 2022 4:30:44 PM
Attachments: [redacted]

Looks good, I made one or 2 edits to other stuff, and added my paragraph, let me know what you think. We can talk tomorrow!

From: Reynolds, Sarah H (APA) <Sarah.Reynolds@apa.ny.gov>
Sent: Wednesday, January 12, 2022 3:48 PM
To: Burth, John M (APA) <John.Burth@apa.ny.gov>; Purzycki, Alicia J (APA) <Alicia.Purzycki@apa.ny.gov>
Subject: P2021-0276-20210111-fwa-2ndNIPA-SHR

Here are my edits to the NIPA. I added a new second question, as well as the last two questions. Please check and make sure I got everything right – especially with the last two. Alicia, I can probably take care of merging in your updated noise assessment question tomorrow, so you don't have to worry about it then.

Thanks!

From: AldingerIII, Frederick W (APA)
To: Boese, David (APA); Purzycki, Alicia J (APA)
Subject: Task Request: P2021-0276
Date: Tuesday, December 21, 2021 4:03:32 PM
Attachments: P2021-0276.msg

Subject: P2021-0276
Start Date: Tuesday, December 21, 2021
Due Date: Monday, January 10, 2022
Status: Not Started
Percent Complete: 0%
Total Work: 0 hours
Actual Work: 0 hours
Owner: Boese, David (APA); Purzycki, Alicia J (APA)
Please review attached response to our NIPA. Mr. Hopmeier has agreed to extend the timeclock for review by a week so we have a few extra days on this.
I haven't looked at the response yet, I wanted to get it to you asap. I will be on leave the rest of the week, but I'll be back Monday if you want to discuss. I'll have time to look at this then.
Thanks
fritz

From: Aldinger III, Frederick W (APA)
To: Purzycki, Alicia J (APA); Boese, David (APA)
Subject: 2 questions
Date: Thursday, February 17, 2022 10:25:00 AM

---

1. P2021-0276 (Shooting range, Town of Lewis) After looking at the response, it seems the noise question hasn't been addressed any further than in the previous submission. I had a call from the applicant's secretary early this week saying he wanted to discuss the response. I wanted to give you a chance to review before I talked to him. Alicia, I know you mentioned you would be willing to speak with him as well, do you have an idea when might be a good time to set something up next week?

2. P2021-0195 [redacted]

Thanks
fritz

From:	AldingerIII, Frederick W (APA)
To:	Petith, Stephanie L (APA) (Stephanie.Petith@apa.ny.gov)
Subject:	FW: P2021-0276
Date:	Thursday, January 13, 2022 9:34:00 AM
Attachments:	P2021-0276-20210111-fwa-2ndNIPA-SHR-AJP-JMB.docx

Please finalize and send. Due today.
thanks
fritz

From: Burth, John M (APA) <John.Burth@apa.ny.gov>
Sent: Thursday, January 13, 2022 9:11 AM
To: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>
Subject: P2021-0276

NIPA in my shared reviewed by AJP, SHR, and JMB is ready to go. Thanks

John M. Burth
Environmental Program Specialist 3

NYS Adirondack Park Agency
PO Box 99
1133 NYS Route 86
Ray Brook, NY 12977

(518) 891-4050 | John.Burth@apa.ny.gov
www.apa.ny.gov

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From: AldingerIII, Frederick W (APA)
To: Burth, John M (APA)
Subject: RE: P2021-0276 NIPA responses Part 2
Date: Friday, February 18, 2022 8:44:00 AM

Thank you for remembering him, I don't know how I forgot.
I will forward meetings and check with him.
Thanks

Fritz Aldinger
Environmental Program Specialist 1

NYS Adirondack Park Agency
PO Box 99
1133 NYS Route 86
Ray Brook, NY 12977

(518) 304-6149 | Cell: (518) 527-2694 | frederick.aldingerIII@apa.ny.gov
www.apa.ny.gov

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From: Burth, John M (APA) <John.Burth@apa.ny.gov>
Sent: Friday, February 18, 2022 8:00 AM
To: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>
Subject: RE: P2021-0276 NIPA responses Part 2

Hi Fritz – Does Kelleher still want to be involved in these discussions?

John M. Burth
Environmental Program Specialist 3

NYS Adirondack Park Agency
PO Box 99
1133 NYS Route 86
Ray Brook, NY 12977

(518) 891-4050 | John.Burth@apa.ny.gov
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From: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>
Sent: Thursday, February 17, 2022 3:36 PM
To: Burth, John M (APA) <John.Burth@apa.ny.gov>; Reynolds, Sarah H (APA) <Sarah.Reynolds@apa.ny.gov>
Cc: Purzycki, Alicia J (APA) <Alicia.Purzycki@apa.ny.gov>; Boese, David (APA) <David.Boese@apa.ny.gov>
Subject: P2021-0276 NIPA responses Part 2

I apologize for the multiple emails regarding this, but I just got off the phone with the applicant and had a few more potential issues to discuss.

- Regarding Q 5&6 and sensitive info- Would a 3rd party review of safety and security satisfy our needs? The applicant has said they would be sharing the site security and safety plans with local law enforcement. Would something (a letter, etc) from NYSP stating that the plan was adequate satisfy as an answer to those questions? What about a letter from DoD?
- Second – I'm setting up a WebEx meeting for Friday 2/25 at 11 AM with Alicia and Sam and the applicant to discuss the response regarding noise. John/Sarah, do either of you wish to be included?

Thank you
fritz

From: Reynolds, Sarah H (APA)
To: Hubbard, Jennifer M (APA)
Subject: fun reading
Date: Thursday, April 4, 2024 11:28:00 AM
Attachments: Appeal.pdf
P2021-0276-5thNIPA-Final.pdf

If you have extra time and want to start some fun reading, here's our 5th NIPA and the appeal that followed. Enjoy at your leisure…

Sarah Reynolds
Associate Counsel

NYS Adirondack Park Agency
PO Box 99
1133 NYS Route 86
Ray Brook, NY 12977

(518) 891-4050

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From: Burth, John M (APA)
To: AldingerIII, Frederick W (APA)
Subject: RE: P2021-0276 5th NIPA
Date: Wednesday, December 27, 2023 9:10:03 AM

Hi Fritz – I went through the NIPA and I think it is good. I just made some formatting/wording changes. Thanks

John M. Burth
Environmental Program Specialist 3

NYS Adirondack Park Agency
PO Box 99
1133 NYS Route 86
Ray Brook, NY 12977

(518) 891-4050 | John.Burth@apa.ny.gov
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From: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>
Sent: Tuesday, December 26, 2023 3:10 PM
To: Burth, John M (APA) <John.Burth@apa.ny.gov>; Purzycki, Alicia J (APA) <Alicia.Purzycki@apa.ny.gov>; Reynolds, Sarah H (APA) <Sarah.Reynolds@apa.ny.gov>
Cc: Plante, David (APA) <David.Plante@apa.ny.gov>
Subject: P2021-0276 5th NIPA

Draft NIPA for the above in John's shared enforcement for comment/review.
Dave looked at it last Friday.
Alicia, I did have a question for you regarding the first question of the NIPA. I got stuck trying to phrase what we are asking for?
This needs to go out by Tuesday Jan 2.

Thanks everyone.

Fritz Aldinger
Environmental Program Specialist 1

NYS Adirondack Park Agency
PO Box 99
1133 NYS Route 86

Ray Brook, NY 12977

(518) 304-6149 | Cell: (518) 527-2694 | frederick.aldingerIII@apa.ny.gov
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From: AldingerIII, Frederick W (APA)
To: Plante, David (APA)
Subject: RE: P2021-0276 5th NIPA
Date: Friday, December 22, 2023 11:29:00 AM

Thanks Dave!
Happy Holidays to you!
Fritz

From: Plante, David (APA) <David.Plante@apa.ny.gov>
Sent: Friday, December 22, 2023 11:18 AM
To: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>
Subject: RE: P2021-0276 5th NIPA

Fritz,

This looks good. Only 1 minor comment and 1 minor spelling item, both in track changes in the attached. All in all looks good! Send it out at the last minute before you leave next Friday so that an immediate response doesn't ruin your new year's!

Happy holidays!

Dave

David J. Plante, AICP CEP
Deputy Director - Regulatory Programs

NYS Adirondack Park Agency
PO Box 99
1133 NYS Route 86
Ray Brook, NY 12977

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From: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>
Sent: Friday, December 22, 2023 8:59 AM
To: Plante, David (APA) <David.Plante@apa.ny.gov>
Subject: P2021-0276 5th NIPA

Dave
I attached a VERY rough draft of the fifth NIPA for this project.
There's still a few details to iron out and I'm waiting to hear from Mary re: potential wildlife impacts, but I wanted to give you a chance to see the general outline of it if you have time to look today.
I will be sending to John, Alicia and Sarah next week for final review.
Thanks
fritz

From:	Purzycki, Alicia J (APA)
To:	AldingerIII, Frederick W (APA)
Cc:	Boese, David (APA); Burth, John M (APA); Petith, Stephanie L (APA); Plante, David (APA); Reynolds, Sarah H (APA); Kelleher, Daniel F (APA)
Subject:	RE: P2021-0276
Date:	Wednesday, December 20, 2023 1:50:10 PM
Attachments:	P2021-0276-20231220-AJP-M6-F-Hopmeier-Lewis-Noise.docx

All,

Please see attached, thanks

Alicia

-----Original Task-----
Subject: P2021-0276
Priority: Normal

Start date: Fri 12/15/2023
Due date: Wed 12/27/2023

Status: Not Started
% Complete: 0%
Actual work: 0 hours

Requested by: AldingerIII, Frederick W (APA)

<< File: 2023-12-14 Response to P2021-0276-4thNIPA-Final.pdf >> << File: 2023-9-27 Sound Study_r (1).pdf >> << File: Ballistic Range Project APA Project P2021-0276.pdf >>

Please review the response to the Agency's 4th NIPA

Thanks

fritz

New York State
Adirondack
Park Agency

KATHY HOCHUL
Governor

BARBARA RICE
Executive Director

Intra-Agency Staff Consultation
Confidential

MEMORANDUM

TO: Fritz Aldinger

FROM: Alicia Purzycki, P.E.

DATE: December 20, 2023

RE: P2021-0276, Hopmeier, Lewis, Essex Co.

The proposal involves the construction of a new commercial use military grade weapons testing range of a M109 155 mm howitzer within a Rural Land Use Area.

As requested, I have reviewed the materials digitally stamped as received by the Agency on December 15, 2023 in response to the Agency's August 16, 2023 letter, including a 7-page response in red font titled "UCI's Response", unsigned undated along with a 165-page report titled "Sound Study, Unconventional Concepts, Inc APA Project #2021-0276" prepared by H2H Geoscience Engineering, dated September, 2023.

Based on my review, I offer the following:

- The provided response materials include a written response from UCI and a revised sound study prepared by H2H Geoscience Engineering PLLC. Again, as previously stated in my August 13, 2023 memo, the Norwegian study, a 45-page report titled "Noise emission data for M109, 155 mm field howitzer", prepared by the Norwegian Defence Research Establishment (FFI), dated 5 December 2007, is the sole source of data inputs for the provided noise assessment from the source location of a howitzer. The provided revised noise assessment is based upon further modeling of the Norwegian study findings, continuing to state that "(t)he Test Point has a modeled sound level of 127 dB; the recorded sound level from Table E.2 of Appendix E is 130.5 dB showing correlation within ISO standards." In effect, the provided revised noise assessment continues to assert that a 3.5 dB modeled discrepancy is tolerable for estimating noise impacts from firing military grade weapons within proximity to State Land and residential receptors.

- The model data inputs in the referenced Norwegian study utilizes measurements made 245 m to 250 m from the muzzle of the M109A3GN 155 mm field howitzer. However, the provided noise modeling performed by H2H utilizes receptor distance

measurements from the gravel pad, and does not clarify if these measurements were from which portion of this 100ft by 100 ft gravel pad, i.e. at the nearest edge or corner of the gravel pad, the center, or the furthest edge. As stated in UCI's February 28, 2023 response to the Agency's Third NIPA, "…the specific placement of instrumentation and test articles will vary within a general range based on test requirements. All instrumentation and test articles are portable and will be emplaced before and after each test. As no permanent structures will be deployed, exact position of placement may vary each time." Depending on which location of the gravel pad the howitzer assembly is set up and the receptor distance is measured from could result in up to a 141 ft (hypotenuse of pad) of distance discrepancy resulting in potentially skewing or reducing the estimated sound pressure level in inverse proportion to the square of the distance or 6 dB at 100 ft. Please reconcile and provide an updated noise assessment clarifying the proposed noise source location, and associated distances with respect to each of the M1 through M5 receptor locations utilizing the most conservative approach. In addition, please revise the sound study to evaluate the worst-case receptor scenario location of the southwest corner of the nearest state land parcel approximately 300 ft from the northeast corner of the firing pad.

- The written response states that a 13 ft berm will be constructed along the northern boundary of the firing pad, which is to be an approximately 100 ft by 100 ft gravel pad. Please provide a scaled cross section sheet(s) depicting a typical M109 155 mm howitzer and assembly set up, including all potential instrumentation and test articles, depicting barrel dimensions and muzzle location, labelling the location of the noise source and its associated sound pressure level source height, as measured from finished grade of the pad, and the proposed berm, including its associated proposed width, height, and distance from the gravel pad, and corresponding distance and elevation to include but not limited to M4, M5 and the worst-case receptor scenario location of the southwest corner of the nearest state land parcel approximately 300 ft from the northeast corner of the firing pad. Please note that as indicated in the Appendix D, Model Data, the model input of sound source height above ground is 2 meters, but this does not clarify which portion of the howitzer assembly this is from. The provided written UCI response states that the noise source is the barrel assembly and does not specify the muzzle. Please clarify and revise the model data inputs as necessary to appropriately correlate with the requested cross section sheets.

- The UCI written response and sound study now proposes a 13 ft berm but does not specify what materials it will be constructed from or an evaluation of all potential noise mitigation measures and why the 13 ft berm is being proposed and is considered sufficient for mitigation purposes. Please provide.

- To appropriately correlate with the requested cross section sheets and revised noise source location, please provide the barrier attenuation calculations for the proposed 13 ft berm with respect to each of the receptor locations M1 through M5 and the

worst-case receptor scenario utilizing the most conservative distance measurement approach of the southwest corner location of the nearest state land parcel approximately 300 ft from the northeast corner of the firing pad.

- Why are there separate tables, calculations and conclusions made in the UCI written response that are not included in the provided noise assessment? For example, as indicated in the Appendix D, Model Data, of the provided sound study model input of atmospheric absorption utilizes 20ºC (68ºF), and 70% humidity, and does not include an evaluation of varying weather conditions. However UCI's written response does and provides separate tables including Table 1 that references the modeled sound levels stating that "testing is not anticipated to take place under these conditions" referencing temperature 41ºF/humidity 0%. However, this is not included in the provided noise assessment. Another example of this discrepancy is that the UCI response states that "(T)he modeled sound pressure level is 130 dB/107 dB(A) at M-5, and 132 dB and 111 dB(A)at State Land classified as Wild Forest property corner," however this is not discussed or presented in the provided noise assessment. In addition, the same provided UCI response section references the July 2023 Sound Study and not the most recently provided September 2023 sound study. Please revise the noise assessment/ sound study prepared by H2H Geoscience Engineering PLLC to include all provided tabular information and noise evaluations appropriately, and to also appropriately include a cover sheet with a NYS licensed professional engineer's seal.

- Also, if testing is to not be performed in late fall, winter or spring conditions where the temperature of 41ºF/humidity 0% scenario is a seasonal possibility, please explain why the noise assessment included noise monitoring conducted on December 21 and 22, 2022 but model inputs included summer conditions of 0ºC (68ºF), and 70% humidity. Please clarify the proposed months of operation and any other proposed atmospheric operating restrictions.

- Please revise Image 1 to indicate the location of the 100 ft by 100 ft pad, and the noise source being the edge of the pad, the worst-case receptor scenario location of the southwest corner of the nearest state land parcel approximately 300 ft from the northeast corner of the firing pad, the nearest dwellings including Pulsifer residence, and the rest of the receptor locations M1 – M4 and associated state land boundaries.

- The provided response asserts that there are no buildings on State Land R-45 nor any public trails or access to it. Please note that NYSDEC mine permit air blast conditions state that "(A)ir blast shall not exceed 133 dB at the location of any dwelling, public building, school, church, or community or institutional building outside the permit area." Please note that this is based upon US Bureau of Mining's study findings that poorly installed or old windows may crack at sound pressure levels above 134 dB. As there are no buildings on adjacent State Land classified as Wild Forest which is consistent with the August 2019 Adirondack Park State Land

Master Plan, in my opinion the NYSDEC mine permit air blast limit of 133 dB is still relevant for Agency review purposes of potential adverse impact upon the park's natural resources, specifically Section 805.4.a(4), absent to my knowledge of any other known NYS off-site noise restrictions.

- NYSDEC's Program Policy "Assessing and Mitigating Noise Impacts" dated October 6, 2000 last revised February 2, 2001 states that "In determining the potential for an adverse noise impact, consider not only ambient noise levels, but also the existing land use, and whether or not an increased noise level or the introduction of a discernable sound, that is out of character with existing sounds, will be considered annoying or obtrusive." The proposed military grade weapons testing range of a M109 155 mm howitzer within approximately 300 ft of State Land classified as Wild Forest with noise levels as high as approximately 133.5 dB is not in character with recorded ambient noise level of approximately 37.2 dBA, which per NYSDEC's noise policy, is most similar to wilderness noise levels at approximately 35 dBA.

- The provided sound study and UCI written response present the calculated A-weighted sound pressure levels, which per NYSDEC's noise policy, is weighted towards those portions of frequency spectrum between 20 and 20,000 Hz to which the human ear is most sensitive. To provide a more comprehensive noise assessment for all potential receptors, including those on adjacent State Land classified as Wild Forest, please revise the sound study and all evaluations, figures and tabulated summaries to include sound pressure levels expressed as both dB and dBA.

- The last bulletized item of the Agency's August 16, 2023 letter was not answered again where the Agency has repeatedly requested a comparison between previously referenced charges used in testing or what the maximum charge to be used in the proposed testing will be.

Please contact me if you have any questions.

AJP:ajp

ec: Sam Boese
John Burth
Sarah Reynolds
Dan Kelleher
Dave Plante

From: Cooper, Christopher (APA)
To: Purzycki, Alicia J (APA)
Subject: RE: P2021-0276
Date: Tuesday, March 14, 2023 11:29:00 AM

Hey Alicia,

This really looks good. I know this has been a tough project to review and I appreciate the hard work to make sure we are getting good data from the applicant.

Thanks,

Chris

Christopher E. Cooper, Esq.

Counsel

he/him/his

NYS Adirondack Park Agency

PO Box 99, 1133 NYS Route 86

Ray Brook, NY 12977

(518) 891-4050 | Fax: (518) 891-3938 | Christopher.Cooper@apa.ny.gov

www.apa.ny.gov

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From: Purzycki, Alicia J (APA) <Alicia.Purzycki@apa.ny.gov>
Sent: Tuesday, March 14, 2023 8:49 AM
To: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>
Cc: Boese, David (APA) <David.Boese@apa.ny.gov>; Burth, John M (APA) <John.Burth@apa.ny.gov>; Kelleher, Daniel F (APA) <Daniel.Kelleher@apa.ny.gov>; Petith, Stephanie L (APA) <Stephanie.Petith@apa.ny.gov>; Plante, David (APA) <David.Plante@apa.ny.gov>; Cooper, Christopher (APA) <Christopher.Cooper@apa.ny.gov>; Reynolds, Sarah H (APA) <Sarah.Reynolds@apa.ny.gov>

Subject: RE: P2021-0276

All,

Please see attached, thanks. << File: P2021-0276-20230314-AJP-M4-F-Hopmeier-Lewis-Noise.docx >>

Alicia

-----Original Task-----
Subject: P2021-0276
Priority: Normal

Start date: Wed 3/1/2023
Due date: Mon 3/13/2023

Status: Not Started
% Complete: 0%
Actual work: 0 hours

Requested by: AldingerIII, Frederick W (APA)

The proposal involves the construction of a new commercial use weapons testing range within a Rural Land Use Area.

TMP 38.1-1-29 & 31, Town of Lewis, Rural Use lands. Unconventional Concepts, Inc.

Please review attached response and link to H2H sound study preformed in response to June 6, 2022 3rd NIPA and July 25 meeting w/ applicant and Matt Norfolk.

Our response will be due by 3/16, I imagine we may want to discuss things before a response is sent.

[redacted]

<< File: Reponse to P2021-0276-3rdNIPA Final.pdf >>

Thanks

Fritz

New York State
Adirondack
Park Agency

KATHY HOCHUL
Governor

BARBARA RICE
Executive Director

Intra-Agency Staff Consultation
Confidential

MEMORANDUM

TO: Fritz Aldinger

FROM: Alicia Purzycki, P.E.

DATE: March 13, 2023

RE: P2021-0276, Hopmeier, Lewis, Essex Co.

The proposal involves the construction of a new commercial use weapons testing range within a Rural Land Use Area.

As requested, I have reviewed the materials digitally stamped as received by the Agency on February 28, 2023 including an 8-page response in blue type, unsigned undated along with a 70-page report titled "Sound Study, Unconventional Concepts, Inc APA Project #2021-0276" prepared by H2H Geoscience Engineering, dated February 2023.

Based on my review, I offer the following:

- The proposed maximum noise source is a howitzer M109A3GN (155 mm), with a corresponding maximum sound level of 176 dB measured at 820 ft. The provided noise source information is from a 45-page report titled "Noise emission data for M109, 155 mm field howitzer", prepared by the Norwegian Defence Research Establishment (FFI), dated 5 December 2007. The introduction of the report states that "M109 is one of the noisiest weapons in the Norwegian defence, and as such represents a limiting factor for activity at firing ranges and training fields." The study is based upon utilizing a detonation of 1 kg of TNT 35 m (114 ft) from the source location of a howitzer with calculations for ground correction, meteorological variances and other factors. The author of the report repeatedly admits that to their knowledge, there is no consensus or commonly accepted method to produce free field emission data for firing large weapons close to the ground. The provided noise source for this proposal is therefore questionable, as it is a summary of one test event utilizing one set of assumptions ad calculations for ground correction, meteorology, etc. and the sound pressure level utilized in the provided model input is 176 dB, which is a simulated/corrected measurement from 250 m or 820 ft away. Therefore the actual noise level at the source, i.e. at the howitzer muzzle is unknown, but presumably significantly louder. Therefore, the entire noise

assessment is based upon a model input of 176 dBA which is 820 ft away from the noise source, skewing or significantly reducing the output results. The provided noise assessment and model needs to account for this major discrepancy. For instance, the noise monitoring location M-5, which is state land classified as Wild Forest is located 510 ft from the 100 ft by 100 ft gravel firing pad noise source, which is less than 820 ft away, but the modeled output sound level is 107 dBA. Utilizing the same 176 dBA at 820 ft, the estimated noise level at M-5 located at 510 ft, which is 310 ft closer, would be greater than 176 dBA, not less. As such, the provided noise assessment is unacceptable, and the proposal as presented without significant revisions including mitigation measures as repeatedly requested for in previous memos and subsequent Agency NIPAs and letters is unacceptable.

- The provided response regarding the use of tanks or armored machinery for transport or testing is inadequate. The provided noise assessment report states that all test equipment and instrumentation will be portable and be removed from the site at the end of test, with no more than 3 tests per month, and each test will consist of 4 – 5 shots. The provided Norwegian noise source study states that M109 is a 155 mm howitzer that is placed on an armored tracked vehicle. Per NYSDEC's Program Policy of Assessing and Mitigating Noise Impacts, please provide a more complete noise assessment report including all sources of noise generation, including fixed and mobile equipment (armored and unarmored) and transport movements of materials including testing and instrumentation.

- The provided noise assessment does not include or factor in varying weather conditions, changes in wind direction and speed, temperature and humidity and atmospheric inversions.

- In order to support the provided sound propagation model outputs, please revise the noise source level for a sound pressure level at the howitzer muzzle noise source (not 820 ft away) and also provide empirical sound pressure level calculations for each of the receptor locations, M-1 through M-5 and provide an impact assessment utilizing these calculations in comparison to each monitoring locations provided measured ambient sound level.

Please contact me if you have any questions.

AJP:ajp

ec: Sam Boese
John Burth
Sarah Reynolds
Chris Cooper
Dan Kelleher
Dave Plante

From:	AldingerIII, Frederick W (APA)
To:	Reynolds, Sarah H (APA); Purzycki, Alicia J (APA); Burth, John M (APA)
Subject:	RE: P2021-0276
Date:	Monday, November 28, 2022 10:46:00 AM

Thanks everybody!
I'll get this to Stephanie.

From: Reynolds, Sarah H (APA) <Sarah.Reynolds@apa.ny.gov>
Sent: Monday, November 28, 2022 10:27 AM
To: Purzycki, Alicia J (APA) <Alicia.Purzycki@apa.ny.gov>; AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>; Burth, John M (APA) <John.Burth@apa.ny.gov>
Subject: RE: P2021-0276

Hey all, went through this with John just now. Made some edits in an effort to just be more direct. Hopefully this captures everything. Thanks!

From: Purzycki, Alicia J (APA) <Alicia.Purzycki@apa.ny.gov>
Sent: Monday, November 28, 2022 9:42 AM
To: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>; Burth, John M (APA) <John.Burth@apa.ny.gov>
Cc: Reynolds, Sarah H (APA) <Sarah.Reynolds@apa.ny.gov>
Subject: RE: P2021-0276

All,
I revised for clarification, Sarah and John please review when you get a chance, thanks
Alicia

From: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>
Sent: Wednesday, November 23, 2022 3:11 PM
To: Burth, John M (APA) <John.Burth@apa.ny.gov>
Cc: Purzycki, Alicia J (APA) <Alicia.Purzycki@apa.ny.gov>; Reynolds, Sarah H (APA) <Sarah.Reynolds@apa.ny.gov>
Subject: P2021-0276

John
EPS letter in your shared for the above.
H2H had submitted a revised scope of work based on comments provided in the last EPS letter of late September.
I know Sarah and Alicia had reviewed the last EPS letter so I wanted to let all know.
Thanks
fritz

From: AldingerIII, Frederick W (APA)
To: Purzycki, Alicia J (APA)
Subject: RE: P2021-0276
Date: Monday, November 28, 2022 8:35:00 AM
Attachments: [redacted]

Its still in john's [redacted], but I attached a copy here. It hasn't gone out yet. I don't think anybody has been at work to look at it since I sent to him last week.

From: Purzycki, Alicia J (APA) <Alicia.Purzycki@apa.ny.gov>
Sent: Monday, November 28, 2022 8:33 AM
To: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>
Subject: RE: P2021-0276

Fritz,
Did this go out? I can't seem to find it, can you send link if it didn't? Thanks!
Alicia

From: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>
Sent: Wednesday, November 23, 2022 3:11 PM
To: Burth, John M (APA) <John.Burth@apa.ny.gov>
Cc: Purzycki, Alicia J (APA) <Alicia.Purzycki@apa.ny.gov>; Reynolds, Sarah H (APA) <Sarah.Reynolds@apa.ny.gov>
Subject: P2021-0276

John
EPS letter in your shared for the above.
H2H had submitted a revised scope of work based on comments provided in the last EPS letter of late September.
I know Sarah and Alicia had reviewed the last EPS letter so I wanted to let all know.
Thanks
fritz

From: AldingerIII, Frederick W (APA)
To: Purzycki, Alicia J (APA)
Subject: RE: P2021-0276
Date: Wednesday, November 23, 2022 9:51:00 AM

Thanks Alicia. I can write something up to get back to them with.

From: Purzycki, Alicia J (APA) <Alicia.Purzycki@apa.ny.gov>
Sent: Monday, November 21, 2022 3:43 PM
To: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>
Cc: Boese, David (APA) <David.Boese@apa.ny.gov>; Burth, John M (APA) <John.Burth@apa.ny.gov>; Reynolds, Sarah H (APA) <Sarah.Reynolds@apa.ny.gov>
Subject: RE: P2021-0276

Fritz,

We drove past these sites today, and while I don't have time to write a memo, my only comment/suggestion is that in an effort to provide a more conservative noise assessment, consideration should be given towards locating both M-4 and M-3 further north closer to the noise source so as to represent the nearest receptor at the closest location, i.e. M-4 should be located at the closest point of Wild Forest from the noise source and M-3 should be located at the next nearest receptor on NYS Rt 9, which appears to be near Mitchell Residence labelled as R-21.

Alicia

-----Original Task-----
Subject: P2021-0276
Priority: Normal

Start date: Thu 11/10/2022
Due date: Fri 11/18/2022

Status: Not Started
% Complete: 0%
Actual work: 0 hours

Requested by: AldingerIII, Frederick W (APA)

Town of Lewis, Ballistic testing range.

<< File: 2022-11-9 UCI SOW_.pdf >>

Please review revised proposed scope of work provided by H2H and provide any comment/questions for feedback.

Thanks

fritz

From:	AldingerIII, Frederick W (APA)
To:	Purzycki, Alicia J (APA); Burth, John M (APA); Reynolds, Sarah H (APA)
Subject:	RE: P2021-0276 Noise response.
Date:	Wednesday, September 28, 2022 8:48:00 AM

Thanks all!

From: Purzycki, Alicia J (APA) <Alicia.Purzycki@apa.ny.gov>
Sent: Wednesday, September 28, 2022 8:11 AM
To: Burth, John M (APA) <John.Burth@apa.ny.gov>; AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>; Reynolds, Sarah H (APA) <Sarah.Reynolds@apa.ny.gov>
Subject: RE: P2021-0276 Noise response.

Looks good to me too!

From: Burth, John M (APA) <John.Burth@apa.ny.gov>
Sent: Wednesday, September 28, 2022 8:08 AM
To: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>; Reynolds, Sarah H (APA) <Sarah.Reynolds@apa.ny.gov>
Cc: Purzycki, Alicia J (APA) <Alicia.Purzycki@apa.ny.gov>
Subject: RE: P2021-0276 Noise response.

Letter looks good to me. Thanks.

John M. Burth
Environmental Program Specialist 3

NYS Adirondack Park Agency
PO Box 99
1133 NYS Route 86
Ray Brook, NY 12977

(518) 891-4050 | John.Burth@apa.ny.gov
www.apa.ny.gov

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From: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>
Sent: Tuesday, September 27, 2022 10:51 AM
To: Reynolds, Sarah H (APA) <Sarah.Reynolds@apa.ny.gov>; Burth, John M (APA) <John.Burth@apa.ny.gov>

Cc: Purzycki, Alicia J (APA) <Alicia.Purzycki@apa.ny.gov>
Subject: RE: P2021-0276 Noise response.

I'm still waiting to hear from John and Alicia before it goes anywhere.

From: Reynolds, Sarah H (APA) <Sarah.Reynolds@apa.ny.gov>
Sent: Tuesday, September 27, 2022 10:50 AM
To: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>; Burth, John M (APA) <John.Burth@apa.ny.gov>
Cc: Purzycki, Alicia J (APA) <Alicia.Purzycki@apa.ny.gov>
Subject: RE: P2021-0276 Noise response.

Fritz, I defer to you bc you probably understand all this, but I would normally want Alicia to look back at the letter before it goes out, to make sure I didn't screw it up. But I'm totally fine if you think it's ok.

From: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>
Sent: Tuesday, September 27, 2022 10:18 AM
To: Reynolds, Sarah H (APA) <Sarah.Reynolds@apa.ny.gov>; Burth, John M (APA) <John.Burth@apa.ny.gov>
Cc: Purzycki, Alicia J (APA) <Alicia.Purzycki@apa.ny.gov>
Subject: RE: P2021-0276 Noise response.

Thanks Sarah, looked good to me.
fritz

From: Reynolds, Sarah H (APA) <Sarah.Reynolds@apa.ny.gov>
Sent: Monday, September 26, 2022 4:02 PM
To: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>; Burth, John M (APA) <John.Burth@apa.ny.gov>
Cc: Purzycki, Alicia J (APA) <Alicia.Purzycki@apa.ny.gov>
Subject: RE: P2021-0276 Noise response.

Looks good. I made just a few suggested edits – see what you think. Thanks!

From: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>
Sent: Monday, September 26, 2022 3:41 PM
To: Burth, John M (APA) <John.Burth@apa.ny.gov>
Cc: Purzycki, Alicia J (APA) <Alicia.Purzycki@apa.ny.gov>; Reynolds, Sarah H (APA) <Sarah.Reynolds@apa.ny.gov>
Subject: P2021-0276 Noise response.

EPS letter in John's shared enforcement for review.
Alicia and I had discussed not being overly specific in commentary so I tried to keep it brief.

Thanks
fritz

Thanks
Fritz

From: Matthew D. Norfolk <mnorfolk@norfolkbeier.com>
Sent: Monday, May 22, 2023 8:47 AM
To: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>
Subject: UCI Project

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Dear Fritz:

I would like to set up a meeting with you, John Burth, and anyone you think appropriate from the Agency. For the applicant, it would be Mike Polacco, Bill Kissel and me. I would like this meeting before we submit a response to the 4th NIPA to discuss the studies and some of the questions posed by Agency Staff. Please let me know if this is possible and your dates of availability.

Thank you.

Sincerely,
Matthew D. Norfolk, Esq.

NORFOLK BEIER PLLC
O: 518.302.8080
F: 518.302.7100
A: The Outpost Plaza
1936 Saranac Avenue, Ste.106
Lake Placid, NY 12946
E: mnorfolk@norfolkbeier.com

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From:	Purzycki, Alicia J (APA)
To:	AldingerIII, Frederick W (APA)
Cc:	Boese, David (APA); Burth, John M (APA); Petith, Stephanie L (APA); Cooper, Christopher (APA); Reynolds, Sarah H (APA); Kelleher, Daniel F (APA)
Subject:	P2021-0276-20220926-AJP-M3-F-Hopmeier-Lewis-Noise
Date:	Monday, September 26, 2022 2:26:25 PM
Attachments:	P2021-0276-20220926-AJP-M3-F-Hopmeier-Lewis-Noise.docx

All,
Please see attached, thanks.
Alicia

NEW YORK STATE OF OPPORTUNITY. | Adirondack Park Agency

KATHY HOCHUL
Governor

BARBARA RICE
Executive Director

Intra-Agency Staff Consultation
Confidential

MEMORANDUM

TO: Fritz Aldinger

FROM: Alicia Purzycki, P.E. AJP

DATE: September 26, 2022

RE: P2021-0276, Hopmeier, Lewis, Essex Co.

The proposal involves the construction of a new commercial use weapons testing range within a Rural Land Use Area.

As requested, I have reviewed the materials digitally stamped as received by the Agency on September 16, 2022 including a 4-pageSeptember 16, 2022 letter from Michael Pollaco, H2H Geoscience Engineering PLLC.

Based on my review, I offer the following:

- The provided report is a scope of work that appears to address only a portion of item 2 of the June 6, 2022 NIPA, which references the January 13, 2022 NIPA, with respect to the noise assessment comments and does not include or mention adjacent State Land classified as Wild Forest including the Jay Mountain Wild Forest or associated potential noise impacts or an evaluation of potential noise mitigation measures. The provided scope of work is brief in that it only details the proposed goals of the proposed noise study work, how the noise monitoring will be conducted, and includes a map of 3 noise monitoring locations. The provided scope of work states that the 3 locations were chosen to identify major sources of noise contributing to ambient conditions. This does not represent ambient conditions at the nearest residential noise receptors especially all of those not located in proximity or directly across from existing commercial use locations. Specifically, it is unclear as to why monitoring location no. 1 was chosen at the existing commercial sawmill location where there are other residential receptors on Hale Hill Road. In addition, it is unclear as to why monitoring location 3 was chosen directly across from an existing commercial sand and gravel extraction activity where there are numerous residences located several hundred feet north and south along Rt 9. In summary, the provided scope of work is incomplete, and it appears that the locations proposed adjacent to existing commercial uses were chosen to potentially skew the ambient noise monitoring results.

- As stated previously, utilizing NYSDEC's Program Policy of Assessing and Mitigating Noise Impacts, please provide a more complete noise assessment report including a scaled site plan that clearly identifies all potential adjacent and nearby noise receptors within a minimum 2.0 mile radius from the munition firing noise source of 185 dBa as measured from the adjacent property lines as a conservative measure. This should include the residences along Pulsifer Rd and State Land classified as Wild Forest.

Please contact me if you have any questions.

AJP:ajp

ec: Sam Boese
John Burth
Sarah Reynolds
Chris Cooper
Dan Kelleher

From: Aldinger III, Frederick W (APA)
To: Burth, John M (APA); Cooper, Christopher (APA); Reynolds, Sarah H (APA); Purzycki, Alicia J (APA); Plante, David (APA)
Cc: Wilber, Kiley (APA)
Subject: P2021-0276 Meeting w/ Matt Norfolk, Bill Kissel and Mike Polacco.

Tentatively rescheduled from 6/16

P2021-0276, New commercial use- Munitions Testing facility in the town of Lewis.

In person in the Board Room if you re here, WebEx option if you re not.

Matt Norfolk has requested we meet with Mike Polacco from H2H, Bill Kissel and himself to discuss the 4th NIPA we sent before they submit a response. Mr. Hopmeier will not be present for the meeting.

I will work on getting a specific list of topics they wish to discuss prior to the meeting.

-- Do not delete or change any of the following text. --

When it's time, join your Webex meeting here.

Join meeting <https ://meetny.webex.com/meetnyj.php?MTID=m3952be60316271 4a82cec4456e943abe>

More ways to join

Join from the meeting link

https ://meetny.webex.com/meetnyj.php?MTID=m3952be60316271 4a82cec4456e943abe <https ://meetny.webex.com/meetnyj.php?MTID=m3952be60316271 4a82cec4456e943abe>

Join by meeting number

Meeting number (access code) 1613 24 8808

Meeting password iTDHfVjtP23

Tap to join from a mobile device (attendees only)
+1-518-549-0500,,1613248808## <tel %2B1-518-549-0500,,*01*1613248808%23%23*01*> US (English Menu)
+1-518-549-0059,,1613248808## <tel %2B1-518-549-0059,,*01*1613248808%23%23*01*> US (Menú en Español)

Join by phone
+1-518-549-0500 US (English Menu)
+1-518-549-0059 US (Menú en Español)
Global call-in numbers <https ://meetny.webex.com/meetnyj/globalcallin.php?MTID=m0f080bb4185e73cf08bf7d1bf0f5cfa4>

Join from a video system or application
Dial 1613248808@meetny.webex.com <sip 1613248808@meetny.webex.com>
You can also dial 173.243.2.68 and enter your meeting number.

If you are a host, click here <https ://meetny.webex.com/meetnyj.php?MTID=m84783d4e4bf83d178df165a8a7d3e283> to view host information.

Need help? Go to https ://help.webex.com <https ://gcc02.safelinks.protection.outlook.com/?
url=https%3A%2F%2Fhelp.webex.com%2F&data=05%7C01%7CSarah.Reynolds%40hpa.ny.gov%7C1dbb1dd760924c4a0cc08db65d0cbdb8%7C946c8fea79004d108ceb80e8c1c81ee7%7C0%7C0%7C638215719671678998%7CUnknown%7CTWFpbGZsb3dEeyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=2a8ddB91gy7nmvk4ZBI5NlPcq%2FBmmHD18qkMtyxmQo%3D&reserved=0>

From: Cooper, Christopher (APA)
To: Purzycki, Alicia J (APA)
Subject: RE: P2021-0276
Date: Tuesday, March 14, 2023 11:29:00 AM

Hey Alicia,

This really looks good. I know this has been a tough project to review and I appreciate the hard work to make sure we are getting good data from the applicant.

Thanks,

Chris

Christopher E. Cooper, Esq.

Counsel

he/him/his

NYS Adirondack Park Agency

PO Box 99, 1133 NYS Route 86

Ray Brook, NY 12977

(518) 891-4050 | Fax: (518) 891-3938 | Christopher.Cooper@apa.ny.gov

www.apa.ny.gov

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From: Purzycki, Alicia J (APA) <Alicia.Purzycki@apa.ny.gov>
Sent: Tuesday, March 14, 2023 8:49 AM
To: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>
Cc: Boese, David (APA) <David.Boese@apa.ny.gov>; Burth, John M (APA) <John.Burth@apa.ny.gov>; Kelleher, Daniel F (APA) <Daniel.Kelleher@apa.ny.gov>; Petith, Stephanie L (APA) <Stephanie.Petith@apa.ny.gov>; Plante, David (APA) <David.Plante@apa.ny.gov>; Cooper, Christopher (APA) <Christopher.Cooper@apa.ny.gov>; Reynolds, Sarah H (APA) <Sarah.Reynolds@apa.ny.gov>

Subject: RE: P2021-0276

All,

Please see attached, thanks. << File: P2021-0276-20230314-AJP-M4-F-Hopmeier-Lewis-Noise.docx >>

Alicia

-----Original Task-----
Subject: P2021-0276
Priority: Normal

Start date: Wed 3/1/2023
Due date: Mon 3/13/2023

Status: Not Started
% Complete: 0%
Actual work: 0 hours

Requested by: AldingerIII, Frederick W (APA)

The proposal involves the construction of a new commercial use weapons testing range within a Rural Land Use Area.

TMP 38.1-1-29 & 31, Town of Lewis, Rural Use lands. Unconventional Concepts, Inc.

Please review attached response and link to H2H sound study preformed in response to June 6, 2022 3rd NIPA and July 25 meeting w/ applicant and Matt Norfolk.

Our response will be due by 3/16, I imagine we may want to discuss things before a response is sent.

[redacted]

<< File: Reponse to P2021-0276-3rdNIPA Final.pdf >>

Thanks

Fritz

From: Matthew D. Norfolk
To: AldingerIII, Frederick W (APA)
Subject: RE: P2021-0276
Date: Tuesday, March 21, 2023 12:37:36 PM
Attachments: image001.png

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Fritz:

The project team is reviewing the 4th NIPA. Thank you.

Sincerely,
Matthew D. Norfolk, Esq.

NORFOLK BEIER
O: 518.302.8080
F: 518.302.7100
A: The Outpost Plaza
1936 Saranac Avenue, Ste.106
Lake Placid, NY 12946
E: mnorfolk@norfolkbeier.com

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From: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>
Sent: Tuesday, March 21, 2023 9:39 AM
To: Matthew D. Norfolk <mnorfolk@norfolkbeier.com>
Subject: P2021-0276

Matt,
I just wanted to touch base and see if you had any questions now that you've had a few days to look over the NIPA for the above.
Feel free to give me a call, I'm in the office 8:30 to 4:30 every day.

Fritz Aldinger
Environmental Program Specialist 1

NYS Adirondack Park Agency
PO Box 99
1133 NYS Route 86
Ray Brook, NY 12977

(518) 304-6149 | Cell: (518) 527-2694 | frederick.aldingerIII@apa.ny.gov
www.apa.ny.gov

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From: Matthew D. Norfolk
To: Petith, Stephanie L (APA)
Cc: AldingerIII, Frederick W (APA)
Subject: RE: P2021-0276 4th NIPA
Date: Tuesday, March 21, 2023 12:35:45 PM
Attachments: image001.png

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Dear Ms. Petith:

I acknowledge receipt of the 4th NIPA.

Sincerely,
Matthew D. Norfolk, Esq.
NORFOLK BEIER
O: 518.302.8080
F: 518.302.7100
A: The Outpost Plaza
1936 Saranac Avenue, Ste.106
Lake Placid, NY 12946
E: mnorfolk@norfolkbeier.com

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From: Petith, Stephanie L (APA) <Stephanie.Petith@apa.ny.gov>
Sent: Thursday, March 16, 2023 11:11 AM
To: Matthew D. Norfolk <mnorfolk@norfolkbeier.com>
Cc: bill@billkissel.com; AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>; hopmeier@unconventional-inc.com; lewiscodeoffice@gmail.com; Burns, Erin (DEC) <erin.burns@dec.ny.gov>; mpolacco@h2hg-e.com
Subject: P2021-0276 4th NIPA

Dear Mr. Norfolk:

Please reply to this e-mail to indicate that the attached document has been received by you, Matthew Norfolk, Esq. By replying to indicate receipt, you consent to delivery of the attached document by e-mail in lieu of certified mail.

Thank you,

Stephanie L. Petith
Administrative Assistant 1

NYS Adirondack Park Agency
PO Box 99
1133 NYS Route 86
Ray Brook, NY 12977

(518) 891-4050 | Stephanie.Petith@apa.ny.gov
www.apa.ny.gov

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From: AldingerIII, Frederick W (APA)
To: Petith, Stephanie L (APA)
Subject: P2021-0276 NIPA. NOW GOOD TO GO
Date: Thursday, March 16, 2023 9:08:00 AM
Attachments: P2021-0276-20230314-4thNIPA-SHR-DJP-JMB-AJP2.docx

---

Please finalize and send.
Sorry for any confusion.
Thanks
fritz

From: AldingerIII, Frederick W (APA)
To: Petith, Stephanie L (APA)
Subject: P2021-0276 DONT SENT NIPA YET
Date: Thursday, March 16, 2023 8:53:00 AM
Importance: High

Please hold off on the NIPA until you hear from me
thanks

From: Purzycki, Alicia J (APA)
To: AldingerIII, Frederick W (APA)
Subject: Task Completed: P2021-0276
Date: Tuesday, March 14, 2023 8:49:07 AM
Attachments: Reponse to P2021-0276-3rdNIPA Final.pdf

-----Original Task-----
Subject: P2021-0276
Priority: Normal

Start date: Wed 3/1/2023
Due date: Mon 3/13/2023

Status: Completed
% Complete: 100%
Date completed: Tue 3/14/2023
Actual work: 0 hours

Requested by: AldingerIII, Frederick W (APA)

The proposal involves the construction of a new commercial use weapons testing range within a Rural Land Use Area.

TMP 38.1-1-29 & 31, Town of Lewis, Rural Use lands. Unconventional Concepts, Inc.

Please review attached response and link to H2H sound study preformed in response to June 6, 2022 3rd NIPA and July 25 meeting w/ applicant and Matt Norfolk.

Our response will be due by 3/16, I imagine we may want to discuss things before a response is sent.

[redacted]

Thanks

Fritz

From: AldingerIII, Frederick W (APA)
To: Purzycki, Alicia J (APA)
Subject: noise
Date: Monday, March 13, 2023 2:26:00 PM
Attachments: Norwegian Howitzer Study.pdf

From: AldingerIII, Frederick W (APA)
To: Purzycki, Alicia J (APA); Boese, David (APA); Reynolds, Sarah H (APA)
Subject: RE: P2021-0276
Date: Friday, March 3, 2023 8:50:00 AM

The sound study file can also be found [redacted] as it is too large to attach in an email or task.

-----Original Task-----

Subject: P2021-0276

Priority: Normal

Start date: Wed 3/1/2023

Due date: Mon 3/13/2023

Status: Not Started

% Complete: 0%

Actual work: 0 hours

Requested by: Purzycki, Alicia J (APA)

The proposal involves the construction of a new commercial use weapons testing range within a Rural Land Use Area.

TMP 38.1-1-29 & 31, Town of Lewis, Rural Use lands. Unconventional Concepts, Inc.

Please review attached response and link to H2H sound study preformed in response to June 6, 2022 3rd NIPA and July 25 meeting w/ applicant and Matt Norfolk.

Our response will be due by 3/16, I imagine we may want to discuss things before a response is sent.

[redacted]

<< File: Reponse to P2021-0276-3rdNIPA Final.pdf >>

Thanks

Fritz

From: AldingerIII, Frederick W (APA)
To: Petith, Stephanie L (APA)
Subject: P2021-0276
Date: Friday, March 3, 2023 8:46:00 AM

Please update ATRADS to show we received new info on 3/1
thanks

From: AldingerIII, Frederick W (APA)
To: Plante, David (APA)
Subject: RE: P2021-0276 NIPA Response?
Date: Friday, March 3, 2023 8:27:00 AM

No problem, I apologize for not including you in the initial invite.
I (hopefully) added a WebEx link to the appointment.
fritz

-----Original Appointment-----
From: Plante, David (APA) <David.Plante@apa.ny.gov>
Sent: Wednesday, March 1, 2023 3:09 PM
To: AldingerIII, Frederick W (APA)
Subject: Tentative: P2021-0276 NIPA Response?
When: Tuesday, March 14, 2023 11:30 AM-12:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: apa.rm.BoardRoom

Thanks Fritz. I will be out of the office that day most likely so if there is any way to add a Webex, it would be appreciated.

Thanks!

Dave

From: AldingerIII, Frederick W (APA)
To: Burth, John M (APA); Reynolds, Sarah H (APA); Purzycki, Alicia J (APA)
Cc: Plante, David (APA)
Subject: P2021-0276 NIPA Response?

PLACEHOLDER

(ADDED WEBEX OPTION FOR ANYONE NOT IN THE BUILDING)

The proposal involves the construction of a new commercial use weapons testing range within a Rural Land Use Area.

TMP 38.1-1-29 & 31, Town of Lewis, Rural Use lands. Unconventional Concepts, Inc.

I'm not sure if we'll have anything to discuss but given the last couple of NIPA responses I figured it was good to have time set aside if necessary.

Thanks

fritz

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Join meeting <https://meetny.webex.com/meetny/j.php?MTID=m3c9509c3b324feacba29f37555c5f9ed>

More ways to join:

Join from the meeting link

https://meetny.webex.com/meetny/j.php?MTID=m3c9509c3b324feacba29f37555c5f9ed <https://meetny.webex.com/meetny/j.php?MTID=m3c9509c3b324feacba29f37555c5f9ed>

Join by meeting number

Meeting number (access code): 161 882 7853

Meeting password: S6bHVdjHy62

Tap to join from a mobile device (attendees only)
+1-518-549-0500,,1618827853## <tel:%2B1-518-549-0500,,*01*1618827853%23%23*01*> US (English Menu)
+1-518-549-0059,,1618827853## <tel:%2B1-518-549-0059,,*01*1618827853%23%23*01*> US (Menú en Español)

Join by phone
+1-518-549-0500 US (English Menu)
+1-518-549-0059 US (Menú en Español)
Global call-in numbers <https://meetny.webex.com/meetny/globalcallin.php?MTID=mea261ddb4093fd41a4e09a3676103025>

Join from a video system or application
Dial 1618827853@meetny.webex.com <sip:1618827853@meetny.webex.com>
You can also dial 173.243.2.68 and enter your meeting number.

If you are a host, click here <https://meetny.webex.com/webappng/sites/meetny/meeting/info/118c3305831a4f9d9f72f2add71ff5c8> and login site to view host information.

Need help? Go to https://help.webex.com <https://help.webex.com>

From: Matthew D. Norfolk
To: AldingerIII, Frederick W (APA); Mike Polacco; Reynolds, Sarah H (APA); Kelleher, Daniel F (APA); Burth, John M (APA)
Cc: Michael Hopmeier; lsettle@unconventional-inc.com; Bill Kissel; Mary McAllister; Richard Hisert
Subject: RE: APA Project No. 2021-0276 Sound Study
Date: Wednesday, March 1, 2023 10:11:30 AM
Attachments: image001.png

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Fritz:

I apologize for any confusion caused with referencing the 2023 Sound Study that had yet to submitted.

We look forward to hearing from you.

Sincerely,
Matthew D. Norfolk, Esq.
NORFOLK BEIER
O: 518.302.8080
F: 518.302.7100
A: The Outpost Plaza
1936 Saranac Avenue, Ste.106
Lake Placid, NY 12946
E: mnorfolk@norfolkbeier.com

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From: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>
Sent: Wednesday, March 1, 2023 10:07 AM
To: Mike Polacco <mpolacco@h2hg-e.com>; Reynolds, Sarah H (APA) <Sarah.Reynolds@apa.ny.gov>; Kelleher, Daniel F (APA) <Daniel.Kelleher@apa.ny.gov>; Burth, John M (APA) <John.Burth@apa.ny.gov>
Cc: Michael Hopmeier <hopmeier@unconventional-inc.com>; lsettle@unconventional-inc.com; Bill Kissel <bill@billkissel.com>; Matthew D. Norfolk <mnorfolk@norfolkbeier.com>; Mary McAllister <Mmcallister@norfolkbeier.com>; Richard Hisert <rhisert@h2hg-e.com>
Subject: RE: APA Project No. 2021-0276 Sound Study

Received.
Thank you.

Fritz Aldinger
Environmental Program Specialist 1

NYS Adirondack Park Agency
PO Box 99
1133 NYS Route 86
Ray Brook, NY 12977

(518) 304-6149 | Cell: (518) 527-2694 | frederick.aldingerIII@apa.ny.gov
www.apa.ny.gov

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From: Mike Polacco <mpolacco@h2hg-e.com>
Sent: Wednesday, March 1, 2023 10:02 AM
To: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>; Reynolds, Sarah H (APA) <Sarah.Reynolds@apa.ny.gov>; Kelleher, Daniel F (APA) <Daniel.Kelleher@apa.ny.gov>; Burth, John M (APA) <John.Burth@apa.ny.gov>
Cc: Michael Hopmeier <hopmeier@unconventional-inc.com>; lsettle@unconventional-inc.com; Bill Kissel <bill@billkissel.com>; Matthew D. Norfolk <mnorfolk@norfolkbeier.com>; mmcallister@norfolkbeier.com; Richard Hisert <rhisert@h2hg-e.com>
Subject: APA Project No. 2021-0276 Sound Study

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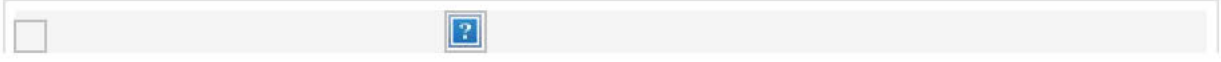
Good Morning,

Attached please find Unconventional Concepts, Inc.'s Sound Study in response to the Third Notice of Incomplete Permit Application for APA Project No. 2021-0276.

Please confirm receipt of the attached file.

Feel free to contact me if you have any questions or concerns.

Best Regards,
Mike



2023-2-7_UCI_Sound_Study.pdf

[redacted]

Michael Polacco

Senior Project Geologist
H2H Geoscience Engineering, a **BOWMAN** Company
179 River Street, Troy, NY 12180
D: (518) 270-1620 X 102
mpolacco@h2hg-e.com | bowman.com

As of (December 2, 2022), (H2H Geoscience Engineering) has officially joined Bowman.
Bowman is a national professional services firm offering multi-disciplinary engineering, planning, surveying, geomatics, construction management, environmental consulting, landscape architecture, and right-of-way acquisition. This change provides a strong foundation for us to merge our comprehensive skill sets while offering the same level of commitment to our clients and employees. To learn more, visit bowman.com.

From:	AldingerIII, Frederick W (APA)
To:	Mike Polacco; Reynolds, Sarah H (APA); Kelleher, Daniel F (APA); Burth, John M (APA)
Cc:	Michael Hopmeier; lsettle@unconventional-inc.com; Bill Kissel; Matthew D. Norfolk; mmcallister@norfolkbeier.com; Richard Hisert
Subject:	RE: APA Project No. 2021-0276 Sound Study
Date:	Wednesday, March 1, 2023 10:06:00 AM

Received.
Thank you.

Fritz Aldinger
Environmental Program Specialist 1

NYS Adirondack Park Agency
PO Box 99
1133 NYS Route 86
Ray Brook, NY 12977

(518) 304-6149 | Cell: (518) 527-2694 | frederick.aldingerIII@apa.ny.gov
www.apa.ny.gov

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From: Mike Polacco <mpolacco@h2hg-e.com>
Sent: Wednesday, March 1, 2023 10:02 AM
To: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>; Reynolds, Sarah H (APA) <Sarah.Reynolds@apa.ny.gov>; Kelleher, Daniel F (APA) <Daniel.Kelleher@apa.ny.gov>; Burth, John M (APA) <John.Burth@apa.ny.gov>
Cc: Michael Hopmeier <hopmeier@unconventional-inc.com>; lsettle@unconventional-inc.com; Bill Kissel <bill@billkissel.com>; Matthew D. Norfolk <mnorfolk@norfolkbeier.com>; mmcallister@norfolkbeier.com; Richard Hisert <rhisert@h2hg-e.com>
Subject: APA Project No. 2021-0276 Sound Study

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Good Morning,

Attached please find Unconventional Concepts, Inc.'s Sound Study in response to the Third Notice of Incomplete Permit Application for APA Project No. 2021-0276.

From:	AldingerIII, Frederick W (APA)
To:	Matthew D. Norfolk; Bill Kissel
Cc:	hopmeier@unconventioanl-inc.com
Subject:	NIPA Response
Date:	Tuesday, February 28, 2023 3:17:00 PM

I am reading through the response you submitted to the Agency today and in answer to Question 2, you reference the “Sound Study prepared by H2H Geoscience Engineering, PLLC submitted to the Agency in early February of 2023.”
I have no record of receiving any February submission from H2H, nor is there anything in the file.
Could you please resend that for review?
Thank you,

Fritz Aldinger

Environmental Program Specialist 1

NYS Adirondack Park Agency
PO Box 99
1133 NYS Route 86
Ray Brook, NY 12977

(518) 304-6149 | Cell: (518) 527-2694 | frederick.aldingerIII@apa.ny.gov
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From:	AldingerIII, Frederick W (APA)
To:	Mary McAllister; Reynolds, Sarah H (APA); Kelleher, Daniel F (APA); Burth, John M (APA)
Cc:	hopmeier@unconventioanl-inc.com; lsettle@unconventional-inc.com; mpolacco@h2hg-e.com; Bill Kissel; Matthew D. Norfolk
Subject:	RE: APA Project 2021-0276 submitted by Unconventional Concepts, Inc.; Project Sponsor: Michael Hopmeier; Town of Lewis, Essex County, Land Use Area: Rural Use; Tax Map No.: 38.1-1-31.000 & 38.1-1-29.000
Date:	Tuesday, February 28, 2023 2:51:00 PM
Attachments:	image001.png

Received.

Fritz Aldinger
Environmental Program Specialist 1

NYS Adirondack Park Agency
PO Box 99
1133 NYS Route 86
Ray Brook, NY 12977

(518) 304-6149 | Cell: (518) 527-2694 | frederick.aldingerIII@apa.ny.gov
www.apa.ny.gov

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From: Mary McAllister <Mmcallister@norfolkbeier.com>
Sent: Tuesday, February 28, 2023 1:30 PM
To: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>; Reynolds, Sarah H (APA) <Sarah.Reynolds@apa.ny.gov>; Kelleher, Daniel F (APA) <Daniel.Kelleher@apa.ny.gov>; Burth, John M (APA) <John.Burth@apa.ny.gov>
Cc: hopmeier@unconventioanl-inc.com; lsettle@unconventional-inc.com; mpolacco@h2hg-e.com; Bill Kissel <bill@billkissel.com>; Matthew D. Norfolk <mnorfolk@norfolkbeier.com>
Subject: APA Project 2021-0276 submitted by Unconventional Concepts, Inc.; Project Sponsor: Michael Hopmeier; Town of Lewis, Essex County, Land Use Area: Rural Use; Tax Map No.: 38.1-1-31.000 & 38.1-1-29.000

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Dear Ms. Reynolds, Messrs. Aldinger, Kelleher, Burth and Polacco:

Please find attached Unconventional Concepts, Inc.'s Response to the Third Notice of Incomplete Permit Application (the "Third NIPA") for APA Project No. 2021-0276. You will

see that we provided answers to Staff's questions within the body of the Third NIPA.

If you have any questions or concerns, please do not hesitate to contact us. We look forward to hearing from you.

Mary McAllister
Legal Assistant
O: 518.302.8080
F: 518.302.7100
A: The Outpost Plaza
1936 Saranac Avenue, Ste. 106
Lake Placid, NY 12946
E: mmcallister@norfolkbeier.com

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From: AldingerIII, Frederick W (APA)
To: Petith, Stephanie L (APA)
Subject: P2021-0276
Date: Monday, November 28, 2022 10:49:00 AM
Attachments: P2021-0276-20221123-SecondEPS Notice Letter-AJP-SHR-JMB.docx

---

Please finalize and send.
Thanks
fritz

From: Mike Polacco
To: AldingerIII, Frederick W (APA)
Cc: lsettle@unconventional-inc.com; Michael Hopmeier; mnorfolk@norfolkbeier.com; Bill Kissel; Richard Hisert
Subject: Re: H2H - APA Project No. 2021-0276 - 11/9/2022 Sound Level Monitoring SOW
Date: Monday, November 28, 2022 10:36:15 AM

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Good Morning Fritz,

Does Agency staff have any questions on the application?

I am available the majority of the week to address any questions over the phone if needed.

Best,
Mike

Michael Polacco
Project Geologist

H2H Geoscience Engineering
179 River Street | Troy, NY 12180
mpolacco@h2hg-e.com
518.270.1620 x102

On Thu, Nov 17, 2022 at 8:55 AM AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov> wrote:

> Good morning Mike,
>
> Your submission of November 9, is currently being reviewed.
>
> I will add this revised information to what is under review.
>
> **Fritz Aldinger**
>
> Environmental Program Specialist 1
>
> **NYS Adirondack Park Agency**

PO Box 99

1133 NYS Route 86

Ray Brook, NY 12977

(518) 304-6149 | Cell: (518) 527-2694 | frederick.aldingerIII@apa.ny.gov

www.apa.ny.gov

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From: Mike Polacco <mpolacco@h2hg-e.com>
Sent: Wednesday, November 16, 2022 11:13 AM
To: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>
Cc: lsettle@unconventional-inc.com; Michael Hopmeier <hopmeier@unconventional-inc.com>; mnorfolk@norfolkbeier.com; Richard Hisert <rhisert@h2hg-e.com>
Subject: Re: H2H - APA Project No. 2021-0276 - 11/9/2022 Sound Level Monitoring SOW

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Good Morning Fritz,

Requesting an update on the project.

In addition, UCI informed H2H Residential Receptor R-2 (Figure 1) is owned by UCI.

R-2 should not be considered a Residential Receptor.

A revised Figure 1 is attached.

Please let me know if there are any questions.

Best,

Mike

Michael Polacco

Project Geologist

H2H Geoscience Engineering

179 River Street | Troy, NY 12180

mpolacco@h2hg-e.com

518.270.1620 x102

On Thu, Nov 10, 2022 at 9:40 AM Mike Polacco <mpolacco@h2hg-e.com> wrote:

> Fritz,
>
> Thank you.

If staff have any questions on the SOW I would like to schedule a conference call to discuss.

Best,

Mike

Michael Polacco

Project Geologist

H2H Geoscience Engineering

179 River Street | Troy, NY 12180

mpolacco@h2hg-e.com

518.270.1620 x102

On Thu, Nov 10, 2022 at 9:27 AM AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov> wrote:

> Received. Thank you. I will forward to our Engineering staff for review and comment.
>
> **Fritz Aldinger**
>
> Environmental Program Specialist 1
>
> **NYS Adirondack Park Agency**

PO Box 99

1133 NYS Route 86

Ray Brook, NY 12977

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From: Mike Polacco <mpolacco@h2hg-e.com>
Sent: Wednesday, November 9, 2022 9:17 AM
To: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>
Cc: lsettle@unconventional-inc.com; Richard Hisert <rhisert@h2hg-e.com>
Subject: H2H - APA Project No. 2021-0276 - 11/9/2022 Sound Level Monitoring SOW

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Fritz,

Attached please find our revised Scope of Work incorporating the agencies September 28, 2022 comments.

Please feel free to reach out with any questions.

Best,

Mike

Michael Polacco

Project Geologist

H2H Geoscience Engineering

179 River Street | Troy, NY 12180

mpolacco@h2hg-e.com

518.270.1620 x102

From: AldingerIII, Frederick W (APA)
To: Purzycki, Alicia J (APA); Boese, David (APA)
Subject: FW: H2H - APA Project No. 2021-0276 - 11/9/2022 Sound Level Monitoring SOW
Date: Thursday, November 17, 2022 8:56:00 AM
Attachments: 2022-11-16 UCI Figure_1.pdf

We received updated information regarding the task I had sent you with a due date of tomorrow.

From: Mike Polacco <mpolacco@h2hg-e.com>
Sent: Wednesday, November 16, 2022 11:13 AM
To: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>
Cc: lsettle@unconventional-inc.com; Michael Hopmeier <hopmeier@unconventional-inc.com>; mnorfolk@norfolkbeier.com; Richard Hisert <rhisert@h2hg-e.com>
Subject: Re: H2H - APA Project No. 2021-0276 - 11/9/2022 Sound Level Monitoring SOW

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Good Morning Fritz,

Requesting an update on the project.

In addition, UCI informed H2H Residential Receptor R-2 (Figure 1) is owned by UCI.

R-2 should not be considered a Residential Receptor.

A revised Figure 1 is attached.

Please let me know if there are any questions.

Best,
Mike

Michael Polacco
Project Geologist

H2H Geoscience Engineering
179 River Street | Troy, NY 12180
mpolacco@h2hg-e.com
518.270.1620 x102

On Thu, Nov 10, 2022 at 9:40 AM Mike Polacco <mpolacco@h2hg-e.com> wrote:

> Fritz,
>
> Thank you.
>
> If staff have any questions on the SOW I would like to schedule a conference call to discuss.
>
> Best,
> Mike
>
> **Michael Polacco**
> Project Geologist
>
> **H2H Geoscience Engineering**
> 179 River Street | Troy, NY 12180
> mpolacco@h2hg-e.com
> 518.270.1620 x102
>
> On Thu, Nov 10, 2022 at 9:27 AM AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov> wrote:
>
> > Received. Thank you. I will forward to our Engineering staff for review and comment.
> >
> > **Fritz Aldinger**
> > Environmental Program Specialist 1
> >
> > **NYS Adirondack Park Agency**
> > PO Box 99
> > 1133 NYS Route 86
> > Ray Brook, NY 12977
> >
> > (518) 304-6149 | Cell: (518) 527-2694 | frederick.aldingerIII@apa.ny.gov
> > www.apa.ny.gov
> >
> > CONFIDENTIALITY NOTICE: This email, including any attachments, may be confidential, privileged or otherwise legally protected. It is intended only for the addressee(s). If you are not the intended recipient, you are prohibited from disseminating, copying or otherwise using this email or its attachments. If you have received this email in error, please notify the sender immediately by reply email and delete the email from your system.

From: Mike Polacco <mpolacco@h2hg-e.com>
Sent: Wednesday, November 9, 2022 9:17 AM
To: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>
Cc: lsettle@unconventional-inc.com; Richard Hisert <rhisert@h2hg-e.com>
Subject: H2H - APA Project No. 2021-0276 - 11/9/2022 Sound Level Monitoring SOW

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Fritz,

Attached please find our revised Scope of Work incorporating the agencies September 28, 2022 comments.

Please feel free to reach out with any questions.

Best,
Mike

Michael Polacco
Project Geologist

H2H Geoscience Engineering
179 River Street | Troy, NY 12180
mpolacco@h2hg-e.com
518.270.1620 x102

From: AldingerIII, Frederick W (APA)
To: Petith, Stephanie L (APA)
Subject: P2021-0276 EPS letter
Date: Wednesday, September 28, 2022 8:41:00 AM
Attachments: P2021-0276-20220926-EPS Notice Letter-SHR-JMB-AJP.docx

---

Please prepare and send. I had to adjust font and margins to get it to fit on one page, otherwise the “CC’s” were on a second page. If you don’t think it looks right, please make it two pages again.

Mike Polacco’s email is mpolacco@h2hg-e.com
I think you have all the rest.
Thanks
fritz

From: AldingerIII, Frederick W (APA)
To: Purzycki, Alicia J (APA); Boese, David (APA)
Subject: Task Request: P2021-0276
Date: Friday, September 16, 2022 3:04:40 PM
Attachments: P2021-0276.msg

Subject: P2021-0276
Start Date: Friday, September 16, 2022
Due Date: Monday, September 26, 2022
Status: Not Started
Percent Complete: 0%
Total Work: 0 hours
Actual Work: 0 hours
Owner: Purzycki, Alicia J (APA); Boese, David (APA)

Town of Lewis, Ballistic testing range.
Please review proposed scope of work provided by H2H and provide any comment/questions for feedback.
Thanks
fritz

From: Michael Hopmeier
To: AldingerIII, Frederick W (APA)
Cc: "Matthew D. Norfolk"
Subject: RE: H2H Geoscience
Date: Monday, September 12, 2022 8:27:19 AM

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Sorry, my bad. I should have informed you. Yes, they are working with us on this project. Please feel free to share any information on our effort with them. My apologies.

From: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>
Sent: Monday, September 12, 2022 08:25
To: Michael Hopmeier <hopmeier@unconventional-inc.com>
Cc: Matthew D. Norfolk <mnorfolk@norfolkbeier.com>
Subject: H2H Geoscience

Mike,
I was out at the end of last week, I came in this morning to a message from a Mike Palacho (I'm not sure of the spelling of the last name) from H2H Geoscience saying they were working with you on the NIPA response and asking me to call him back. I just wanted to verify with you before calling.
Thanks

Fritz Aldinger
Environmental Program Specialist 1

NYS Adirondack Park Agency
PO Box 99
1133 NYS Route 86
Ray Brook, NY 12977

(518) 304-6149 | Cell: (518) 527-2694 | frederick.aldingerIII@apa.ny.gov
www.apa.ny.gov

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From: lsettle@unconventional-inc.com
To: AldingerIII, Frederick W (APA)
Subject: RE: APA meeting with UCI on Monday, July 25
Date: Friday, July 22, 2022 9:31:40 AM

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Fritz,

Noted, and thank you for the update. I look forward to seeing you (virtually) on Monday.

Best,

Lori

From: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>
Sent: Friday, July 22, 2022 9:22 AM
To: lsettle@unconventional-inc.com
Cc: Matthew D. Norfolk <mnorfolk@norfolkbeier.com>
Subject: RE: APA meeting with UCI on Monday, July 25

Thank you for the update.
I spoke with Matt Norfolk earlier in the week and I believe he plans on bringing a computer to conference you in.
I think that will be easiest due to technical issues on our end.

Fritz Aldinger
Environmental Program Specialist 1

NYS Adirondack Park Agency
PO Box 99
1133 NYS Route 86
Ray Brook, NY 12977

(518) 304-6149 | Cell: (518) 527-2694 | frederick.aldingerIII@apa.ny.gov
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From: lsettle@unconventional-inc.com <lsettle@unconventional-inc.com>
Sent: Friday, July 22, 2022 8:54 AM
To: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>
Subject: APA meeting with UCI on Monday, July 25

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Mr. Aldinger,

Jim and Deb Pulsifer will be joining Mr. Hopmeier at UCI's meeting with the APA on Monday – they are the nearest residents to the proposed site for the test range.

Thank you,

Lori

From: lsettle@unconventional-inc.com
To: AldingerIII, Frederick W (APA)
Subject: RE: Public comments on our submission
Date: Monday, July 18, 2022 10:37:09 AM

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Happy to. I'll include you on the invitation.

Thanks,

Lori

From: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>
Sent: Monday, July 18, 2022 10:36 AM
To: lsettle@unconventional-inc.com
Subject: RE: Public comments on our submission

I missed that, thank you.
If you could send the Webex, that would be great, thanks

Fritz

From: lsettle@unconventional-inc.com <lsettle@unconventional-inc.com>
Sent: Monday, July 18, 2022 10:36 AM
To: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>
Subject: FW: Public comments on our submission

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Fritz,

Mike requested a video link for virtual attendees for me and Mr. Mike Malone in an email on July 13.

I'm happy to send out a Webex if you would like.

Thank you,

Lori

From: Michael Hopmeier <hopmeier@unconventional-inc.com>
Sent: Wednesday, July 13, 2022 9:21 AM
To: 'AldingerIII, Frederick W (APA)' <Frederick.AldingerIII@apa.ny.gov>

Cc: 'Matthew D. Norfolk' <mnorfolk@norfolkbeier.com>; lsettle@unconventional-inc.com; Mike Malone <malone@unconventional-inc.com>
Subject: RE: Public comments on our submission

Working on that now. We are making a detailed list of issues right now to send you.

I hope to have that done by the end of tomorrow.

As for attendees, I'm planning on myself, Mr. Norfolk and possibly Mr. Jason Stocklas from NYSDEC (Asst Engineer (Environmental)/ Project Manager, NYS Department of Environmental Conservation, Division of Environmental Remediation, Remedial Bureau E, Section A) whom I invited. I had mentioned Mr. Stocklas to you when we spoke. I had spoken with him when he was a special agent with the BATF and when I heard he had moved to NYSDEC I reached out to him. He is checking his availability now and I will let you know ASAP. In addition I have invited Dr. Robert Dillon, PE, former Director, US Army Benet Laboratory, the world wide lead in large cannon research to attend as well if he is available. Dr. Dillon can provide much more detailed and nuanced information on the physics of shock wave dynamics and noise propagation then I can. His background was included in one of our submissions.

If possible I would like both Mr. Malone and Dr. Settle to join via VTC or phonecon as well.

I hope to have a list of issues to address to you by COB tomorrow, but I am awaiting review on that right now.

Thanks for getting me the info,

Mike

From: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>
Sent: Wednesday, July 13, 2022 08:55
To: Michael Hopmeier <hopmeier@unconventional-inc.com>
Subject: RE: Public comments on our submission

There isn't a way for you to access them, but I will send along any others that come in.
Before our meeting on the 25th, could you please provide a tentative agenda of what you wish to discuss as well as a list of people you are bringing to the meeting, so I can have our meeting space set up?
Thanks
Fritz

From: Michael Hopmeier <hopmeier@unconventional-inc.com>
Sent: Wednesday, July 13, 2022 8:51 AM
To: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>

Subject: RE: Public comments on our submission

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Thanks. Could you forward any others that may come in, or is there a way for me to access them via your web page?

From: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>
Sent: Wednesday, July 13, 2022 08:42
To: Michael Hopmeier <hopmeier@unconventional-inc.com>
Subject: RE: Public comments on our submission

Mike,
Attached are the comments we've received so far.

Fritz Aldinger
Environmental Program Specialist 1

NYS Adirondack Park Agency
PO Box 99
1133 NYS Route 86
Ray Brook, NY 12977

(518) 304-6149 | Cell: (518) 527-2694 | frederick.aldingerIII@apa.ny.gov
www.apa.ny.gov

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From: Michael Hopmeier <hopmeier@unconventional-inc.com>
Sent: Tuesday, July 12, 2022 7:30 PM
To: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>
Subject: Public comments on our submission

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Fritz,

I know that the APA has publicized and mailed out our submission as part of the your process. Have any comments on it been received? If so, can we obtain them?

Mike

Michael J. Hopmeier
President
Unconventional Concepts, Inc.

hopmeier@unconventional-inc.com
hopmeier@gnt.net

Unconventional Concepts, Inc.: A first strike survivable, thermonuclear launch capable small business.



Florida Headquarters
17 Racetrack Rd., Suite E
Fort Walton Beach, FL 32547
850-243-4411, Fax 850 243-5279

Virginia Office
620 Herndon Parkway
Suite 120A
Herndon, VA 20170
703-870-7211

From: AldingerIII, Frederick W (APA)
To: Michael Hopmeier
Subject: RE: Information for 25 July meeting
Date: Monday, July 18, 2022 8:27:00 AM

Received. Thank you.

Fritz Aldinger
Environmental Program Specialist 1

NYS Adirondack Park Agency
PO Box 99
1133 NYS Route 86
Ray Brook, NY 12977

(518) 304-6149 | Cell: (518) 527-2694 | frederick.aldingerIII@apa.ny.gov
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From: Michael Hopmeier <hopmeier@unconventional-inc.com>
Sent: Friday, July 15, 2022 3:39 PM
To: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>
Cc: 'Matthew D. Norfolk' <mnorfolk@norfolkbeier.com>; lsettle@unconventional-inc.com; 'Bob Dillon' <kt2d.ny@gmail.com>; Stocklas, Jason C (DEC) <Jason.Stocklas@dec.ny.gov>; Mike Malone <malone@unconventional-inc.com>; tooblunder@yahoo.com
Subject: Information for 25 July meeting

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Fritz,

Rather then an agenda I thought it would be of more value to provide an annotated NIPA showing both our responses to your issues as well as clearly delineating our questions and concerns. I would request that the meeting on the 25th focus on addressing these issues we noted in the NIPA which will then form a basis for our formal response. I wish to ensure that we clearly understood your concerns or questions, that we had our points clarified, and be able to walk out of the meeting having either satisfied all of the issues specifically (though they would need to be memorialized in a written response) or have a clear path forward.

Given that we have specifically delineated these issues I would hope that we would be able to get definitive answers from your agency on those issues during the meeting so that we can move ahead in this process,

Thank you again for your time. I'm looking forward to seeing you in a week and a half. Have a good weekend,

Mike

Michael J. Hopmeier
President
Unconventional Concepts, Inc.

hopmeier@unconventional-inc.com
hopmeier@gnt.net

Unconventional Concepts, Inc.: A first strike survivable, thermonuclear launch capable small business.

Florida Headquarters
17 Racetrack Rd., Suite E
Fort Walton Beach, FL 32547
850-243-4411, Fax 850 243-5279

Virginia Office
620 Herndon Parkway
Suite 120A
Herndon, VA 20170
703-870-7211

From: AldingerIII, Frederick W (APA)
To: Purzycki, Alicia J (APA)
Cc: Reynolds, Sarah H (APA)
Subject: FW: Information for 25 July meeting
Date: Monday, July 18, 2022 8:27:00 AM
Attachments: UCI response to P2021-0276-3rdNIPA v4.pdf

I had asked Mr. Hopmeier for an agenda of what he wished to discuss at this meeting.
The attached is he response.

Fritz Aldinger
Environmental Program Specialist 1

NYS Adirondack Park Agency
PO Box 99
1133 NYS Route 86
Ray Brook, NY 12977

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Cc: 'Matthew D. Norfolk' <mnorfolk@norfolkbeier.com>; lsettle@unconventional-inc.com; 'Bob Dillon' <kt2d.ny@gmail.com>; Stocklas, Jason C (DEC) <Jason.Stocklas@dec.ny.gov>; Mike Malone <malone@unconventional-inc.com>; tooblunder@yahoo.com
Subject: Information for 25 July meeting

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th

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hopmeier@gnt.net

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17 Racetrack Rd., Suite E
Fort Walton Beach, FL 32547
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Virginia Office
620 Herndon Parkway
Suite 120A
Herndon, VA 20170

From: AldingerIII, Frederick W (APA)
To: Matthew D. Norfolk
Subject: RE: APA Project No. 2021-0276
Date: Thursday, July 7, 2022 8:17:00 AM

I am heading out in the field this morning, I will be back in the office after 12:30.
I've been in the field the last couple of days, I saw Mary from your office called me yesterday regarding dates for a meeting. I'm confused, the last time she and I had spoken, we discussed 2 PM on July 25 as a date and I had confirmed with folks on our end. Did that not work for you or Mr. Hopmeier?
We can discuss this afternoon.

Fritz Aldinger
Environmental Program Specialist 1

NYS Adirondack Park Agency
PO Box 99
1133 NYS Route 86
Ray Brook, NY 12977

(518) 304-6149 | Cell: (518) 527-2694 | frederick.aldingerIII@apa.ny.gov
www.apa.ny.gov

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From: Matthew D. Norfolk <mnorfolk@norfolkbeier.com>
Sent: Wednesday, July 6, 2022 6:59 PM
To: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>
Cc: Reynolds, Sarah H (APA) <Sarah.Reynolds@apa.ny.gov>; Kelleher, Daniel F (APA) <Daniel.Kelleher@apa.ny.gov>; Burth, John M (APA) <John.Burth@apa.ny.gov>; Kate Mazdzer <kmazdzer@norfolkbeier.com>; Mary McAllister <Mmcallister@norfolkbeier.com>
Subject: Re: APA Project No. 2021-0276

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Fritz- let's talk tomorrow. We desperately need a meeting as soon as possible.
Matt

Get Outlook for iOS

From: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>
Sent: Monday, April 18, 2022 3:59:49 PM
To: Matthew D. Norfolk <mnorfolk@norfolkbeier.com>
Cc: Reynolds, Sarah H (APA) <Sarah.Reynolds@apa.ny.gov>; Kelleher, Daniel F (APA) <Daniel.Kelleher@apa.ny.gov>; Burth, John M (APA) <John.Burth@apa.ny.gov>
Subject: Re: APA Project No. 2021-0276

Good afternoon Matt,
I am the assigned Environmental Program Specialist for this project.
I would be happy to discuss the project with you anytime, I'm in the office 8:30 to 4:30 Monday through Friday and can be reached at either of the numbers below.
If you are looking to discuss the finer legal points of the project, I'd suggest we include Sarah on the call as well.
Either way, feel free to give me a call, we can either have a quick discussion or find a day and time to schedule a more in depth discussion.

Sincerely,

Fritz Aldinger
Environmental Program Specialist 1

NYS Adirondack Park Agency
PO Box 99
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Ray Brook, NY 12977

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From:	Peck, Ashley (APA)
To:	mnorfolk@norfolkbeier.com
Cc:	hopmeier@unconventional-inc.com; lewiscodeoffice@gmail.com; Burns, Erin (DEC); AldingerIII, Frederick W (APA)
Subject:	P2021-0276 3rd NIPA
Date:	Monday, June 6, 2022 1:20:09 PM
Attachments:	P2021-0276-3rdNIPA-Final.pdf

Dear Matthew D. Norfolk,

Please reply to this e-mail to indicate that the attached document has been received by you, Matthew D. Norfolk. By replying to indicate receipt, you consent to delivery of the attached document by e-mail in lieu of certified mail.

Thank you and take care,

Ashley Peck
Office Assistant I

NYS Adirondack Park Agency
PO Box 99
1133 NYS Route 86
Ray Brook, NY 12977

(518) 891-4050 | ashley.peck@apa.ny.gov
www.apa.ny.gov

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From:	Purzycki, Alicia J (APA)
To:	AldingerIII, Frederick W (APA)
Cc:	Boese, David (APA); Burth, John M (APA); Ziemann, Aaron C (APA); Petith, Stephanie L (APA); Peck, Ashley (APA); Rice, Barbara (APA); Kelleher, Daniel F (APA); Cooper, Christopher (APA); Reynolds, Sarah H (APA); Lore, Robert (APA)
Subject:	P2021-0276-20220601-AJP-M-F-Hopmeier-Lewis-Noise
Date:	Wednesday, June 1, 2022 12:13:12 PM
Attachments:	P2021-0276-20220601-AJP-M-F-Hopmeier-Lewis-Noise.docx

All,
Please replace previous with attached revised for distance unit omission, thanks
Alicia

NEW YORK STATE OF OPPORTUNITY. Adirondack Park Agency

KATHY HOCHUL
Governor

BARBARA RICE
Executive Director

Intra-Agency Staff Consultation
Confidential

MEMORANDUM

TO: Fritz Aldinger

FROM: Alicia Purzycki, P.E. AJP

DATE: June 1, 2022

RE: P2021-0276, Hopmeier, Lewis, Essex Co.

The proposal involves the construction of a new commercial use weapons testing range within a Rural Land Use Area.

As requested, I have reviewed the materials digitally stamped as received by the Agency on May 12, 2022 including a 38-page narrative response with footnote references prepared by UCI Company Proprietary, undated, submitted in response to the Agency's March 1, 2022 EPS letter which references January 13, 2022 Second Notice of Incomplete Permit Application (NIPA) items.

Based on my review, I offer the following:

- The provided site plan map titled "Map of Survey Showing Certain Features of Lands of Pulsifer Logging LLC to be leased to "Diversified Upstate Enterprises LLC" prepared by John Deming, PLS dated April 14, 2022 does not indicate the proposed boundaries of the subdivision lot to be leased and does not indicate the proposed size, just a cleared area labeled as "Shooting Range". Utilizing the scaled provided within the PDF, the cleared area as measured along the limits of clearing is - approximately 2.75 acres in size. In addition, an "edited copy of certified map" was provided that indicates a purple oval, not labeled, and a yellow box labeled as firing pad, and a green box labeled as target area. Utilizing the scaled provided with the PDF, the yellow box labeled firing pad is approximately 38 ft by 60 ft and the target area is located approximately 571 ft away and is approximately 52 ft by 61 ft in size. The original application materials indicated that the firing pad was to be constructed of a 100 ft by 100 ft crushed stone pad. Has the proposal since been revised to be reduced in lease area and firing pad area with no crushed stone imported to the site? Please clarify and revise the professionally prepared site plan map to indicate the subdivision by lease boundaries, size and the location and dimensions of the firing pad and target area accordingly. In addition, please clarify what the purple oval is to represent.

- Also, it's noted that the original application authorized representative is Michael Hopmeier, the survey map indicates that the proposed lease is to Diversified Upstate Enterprises LLC and the responses are from UCI including the noise assessment materials, which to my understanding is Michael Hopmeier's LLC. I respectfully defer to Division of Regulatory Programs regarding further review of this.

- At the applicant's request, Agency staff participated in a 1.5 hr teleconference via WebEx on February 25, 2022 answering in detail numerous questions Mr. Hopmeier had regarding the noise assessment requests in our January NIPA. As Mr. Hopmeier stated that he is unfamiliar with NYSDEC's noise policy and performing a noise assessment it was recommended that he hire a third-party consultant that is a NYS licensed professional has experience with them and is familiar with NYSDEC's noise policy to perform the noise assessment for him. However, based on these submission materials, it appears that Mr. Hopmeier instead has prepared the response materials under his UCI LLC stating that he has hired a retired Army lab director and has provided his curriculum vitae, but based on the inadequate information and lack of a thorough noise evaluation and absent a professional stamp on the submission materials it is unclear as to whether he is a NYS licensed engineer and/or familiar with NYSDEC's noise policy. In addition, it appears that the proposed noise source and ambient sound levels were skewed or altered to lower noise assessment calculations and associated potential impacts. In addition, there are numerous conflicting details in this submission than those that were previously submitted, and further clarification is necessary. For instance, the provided response materials states that "(B)ased on recommendation from the APA, further research on the noise source was performed. Based on that research, the actual noise source is assumed to be 166.1 dB." The provided response materials do not clarify how this revised noise source estimate of 166.1 dB was determined or how the previously presented noise source of 185 dB was in error or whether a different cannon or munition is being proposed to be tested instead. Absent a detailed explanation regarding this significant reduction of 19 dB in noise source, the provided noise assessment is unsupported. Most notably, the provided noise assessment indicates that the equipment being tested is a M109A5/6; Paladin, 155mm self-propelled Howitzer firing M4A2 zone 7 charges, however the provided footnote reference to a link of a PDF of 2006 Noise Levels of Common Army Equipment by USACHHPM indicates that the location of the 166.1 dB noise measurement is from "in fighting compartment with hatches open except drivers," which is not representative of a worst case scenario of a maximum noise intensity emitted open air with no armored tank walls or other sound mitigation barriers in place. Please address. Also, please clarify as to whether there are tanks or other armored machinery now proposed to be utilized onsite and provide and evaluate the corresponding known sound pressure levels in a revised noise assessment.

- As stated previously, the provided noise assessment only evaluates the nearest off-site residential receptor dwelling as the Pulsifer residence near the sawmill, but this submission indicates that the dwelling is located 0.96 miles east of the noise source

where the previous submission materials indicated that it's located 1.22 miles from the source. Please clarify whether the firing pad location has changed and provide an accompanying street address for this nearest receptor. Please also provide the distance of the noise receptor from the existing enclosed sawmill and include an estimate of vegetated buffer from the sawmill to this receptor and any other nearby receptors of the sawmill as further discussed below.

- The provided noise assessment indicates that "the estimated background/ambient noise level during the day at the proposed test site is 80 dB(A)" but then also indicates that the proposed firing pad is to be located approximately 1 mile (0.96 mi) from the sawmill as detailed above. Please reconcile. The provided noise assessment indicates that the estimated background/ambient noise level during the day at the nearest receptor of the Pulsifer Residence is also 80 dBa. Please note that the referenced commercial use site is authorized under P1991-0170 where a greater than 25% expansion of an existing sawmill and wood using facility authorizing the replacement of and expansion of a sawmill, dowel mill and dry kiln. As described in project description 6 h. and project impact 17a of P1991-0170 the facility design was intended to control and reduce noise, including concrete block/sand fitted walls, roofed structure with hanging commercial noise absorbing babbles for the debarker, with bark blown directly into a closed box trailer; full enclosure of the main sawmill with a semi-permanent solid wall on the east end removed only for equipment installation and repair; sawdust will be blown directly into closed box trailer; chipper installed inside a concrete block, roofed structure with chips blown directly into closed box tailer; dowel mill machinery to be fully enclosed in mill building with baffles and log barriers used to reduce noise. Absent accounting for the noise mitigation measures in place at the enclosed sawmill, in addition to the distance from the residential dwelling to the enclosed sawmill, and absent noise meter readings, the estimated ambient noise level of 80 dBa is unsupported.

- In addition, as previously stated, the provided response materials states that no additional sound pressure level reduction methods are proposed which is inadequate.

- The materials indicate that for personnel within proximity to the site, hearing protection will be provided. Please specify what this minimum specific hearing protection safety distance is from the firing pad location.

- There are other numerous details in the noise assessment that need to be revised or addressed. For instance, the noise assessment does not compare or utilize NYSDEC's noise policy criteria or data and instead utilizes other unvetted literature sources that staff do not have the time to review further. Other details include utilizing the prevailing southerly wind direction at Burlington Airport to dismiss noise impact evaluation of potential receptors to the south is inappropriate and therefore considered incomplete. Also, the modeling data only utilize single average annual temperature input when the proposal is to operate year-round. There was no

discussion or evaluation provided regarding testing during different types of inclement weather conditions and/or atmospheric inversions.

- Also, the response materials did not adequately address the January Second NIPA item 4 with respect to providing a more complete noise assessment report including a scaled site plan that clearly identifies all potential adjacent and nearby noise receptors within a minimum 2.0 mile radius from the munition firing noise source of 185 dBa as measured from the adjacent property lines as a conservative measure. This should include the residences along Pulsifer Rd and State Land classified as Wild Forest. It should be noted that performing my own calculations utilizing the noise attenuation inverse square law of a sound pressure level of 185 dB at 50 ft will be 144.5 dB at 5280 ft or 1.0 mile away from the source. It is noted that the Department of the Army considers any impulse noise greater than 140 dB hazardous and requires their employees to wear hearing protection. It is also be noted that the US Bureau of Mining research has documented damage to residential dwelling window glass from over air pressure blasts of greater than 133 dB with the federal standard set at 133 dB on over air blasts associated with mining activities. In summary, absent the requested information and any additional information, it is my professional opinion that the proposal as presented of testing munitions up to 10 times per month year-round for a total maximum of 120 times per year with an estimated munitions firing noise source of 185 dB should not be recommended for approval.

Please contact me if you have any questions.

AJP:ajp

ec: Aaron Ziemann
Sam Boese
John Burth
Sarah Reynolds
Chris Cooper
Barb Rice
Rob Lore
Dan Kelleher

From:	Purzycki, Alicia J (APA)
To:	AldingerIII, Frederick W (APA)
Cc:	Boese, David (APA); Burth, John M (APA); Ziemann, Aaron C (APA); Petith, Stephanie L (APA); Peck, Ashley (APA); Rice, Barbara (APA); Kelleher, Daniel F (APA); Cooper, Christopher (APA); Reynolds, Sarah H (APA); Lore, Robert (APA)
Subject:	P2021-0276-20220601-AJP-M-F-Hopmeier-Lewis-Noise
Date:	Wednesday, June 1, 2022 11:31:27 AM
Attachments:	P2021-0276-20220601-AJP-M-F-Hopmeier-Lewis-Noise.docx

All,
Please see attached, thanks
Alicia

From: lsettle@unconventional-inc.com
To: AldingerIII, Frederick W (APA)
Subject: RE: Addendum to UCI"s responses to the 2nd NIPA received in response to APA Project No. 2021-0276
Date: Monday, May 16, 2022 9:56:01 AM

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Fritz,

Thank you for the confirmation.

My sympathies, Covid is no joke. Very glad to hear you're feeling better - take care!

Lori

From: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>
Sent: Monday, May 16, 2022 9:54 AM
To: lsettle@unconventional-inc.com
Subject: RE: Addendum to UCI's responses to the 2nd NIPA received in response to APA Project No. 2021-0276

Received.
Sorry for the delay in getting back to you. I was out all last week with COVID and I'm just back in the office today and catching up with everything.

Fritz Aldinger
Environmental Program Specialist 1

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From: lsettle@unconventional-inc.com <lsettle@unconventional-inc.com>

Sent: Monday, May 16, 2022 9:51 AM
To: apa.sm.apasubmissions <APASubmissions@apa.ny.gov>
Cc: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>; 'Michael Hopmeier' <hopmeier@unconventional-inc.com>; 'Matthew D. Norfolk' <mnorfolk@norfolkbeier.com>
Subject: FW: Addendum to UCI's responses to the 2nd NIPA received in response to APA Project No. 2021-0276

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Dear all,

Attached is UCI's response to the letter received from the APA on March 1, 2022. I have also attached a copy of the signed clock extension letter. Please send me an email confirmation that you have received this email and both attachments.

Thank you so much for your time, we look forward to further dialog.

Lori Settle
Unconventional Concepts, Inc.

From: lsettle@unconventional-inc.com <lsettle@unconventional-inc.com>
Sent: Thursday, May 12, 2022 2:35 PM
To: 'AldingerIII, Frederick W (APA)' <Frederick.AldingerIII@apa.ny.gov>
Cc: 'Michael Hopmeier' <hopmeier@unconventional-inc.com>; 'Matthew D. Norfolk' <mnorfolk@norfolkbeier.com>
Subject: Addendum to UCI's responses to the 2nd NIPA received in response to APA Project No. 2021-0276

Mr. Aldinger,

Attached is UCI's response to the letter received from the APA on March 1, 2022. I have also attached a copy of the signed clock extension letter.

Thank you so much. Please let me know if you have any questions.

Lori Settle
Unconventional Concepts, Inc.

From: lsettle@unconventional-inc.com
To: AldingerIII, Frederick W (APA); "Michael Hopmeier"
Subject: RE: Deadline extension
Date: Monday, May 9, 2022 12:11:31 PM
Attachments: P2021-0276-Clock Extension Letter for 15 Day Deadline SIGNED.pdf

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Fritz,

A signed copy of the deadline extension letter is attached.

Thank you!

Lori

From: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>
Sent: Friday, May 6, 2022 1:19 PM
To: 'Michael Hopmeier' <hopmeier@unconventional-inc.com>
Cc: lsettle@unconventional-inc.com
Subject: Deadline extension

Mike,
Thanks for the phone call today, I appreciate the heads up that your response is coming soon.
I attached a clock extension letter, extending the time for review from 15 to 25 days after you submit. If it looks ok to you, please sign it and either email back to me or include it with the response submission.
I appreciate it.

Fritz Aldinger
Environmental Program Specialist 1

NYS Adirondack Park Agency
PO Box 99
1133 NYS Route 86
Ray Brook, NY 12977

(518) 304-6149 | Cell: (518) 527-2694 | frederick.aldingerIII@apa.ny.gov
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delete the email from your system.

From: AldingerIII, Frederick W (APA)
To: Reynolds, Sarah H (APA)
Cc: Burth, John M (APA)
Subject: RE: UCI Project
Date: Monday, May 22, 2023 11:02:00 AM
Attachments: image001.png

Thanks Sarah.
I will check schedules and get some dates for Matt and set up a meeting and include Chris and Dave as well.
Fritz

From: Reynolds, Sarah H (APA) <Sarah.Reynolds@apa.ny.gov>
Sent: Monday, May 22, 2023 10:45 AM
To: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>
Cc: Burth, John M (APA) <John.Burth@apa.ny.gov>
Subject: RE: UCI Project

Hey Fritz, yes, sorry, been going over this issue with Chris.

Matt called to tell me that Hopmeier will no longer be contacting us directly; instead it will be Matt and Bill Kissel (another attorney that Matt brought on board). Then he mentioned a potential meeting, without Hopmeier present, to discuss the project. He also mentioned the possibility of a test blast, a la mining test blasts.

I checked in with Chris on all of this. We both think it would be good to have Chris at the meeting too, if we do have one. As for the test blast, for lots of legal and logistical and liability reasons, it seems to be probably not a legitimate option.

So if you are up for a meeting, then yes, let's do it! If scheduling, can you add Chris in too?

Thank you!!

From: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>
Sent: Monday, May 22, 2023 9:05 AM
To: Reynolds, Sarah H (APA) <Sarah.Reynolds@apa.ny.gov>
Cc: Burth, John M (APA) <John.Burth@apa.ny.gov>
Subject: FW: UCI Project

Sarah,
I spoke with John this morning and he said Matt had talked to you last week about P2021-0276 (munitions testing in Lewis) .
I'm assuming Matt wants to come in to the office for the meeting. I was figuring you, John, Alicia and myself from our end, unless you wanted anyone else involved?
Let me know what you think and then I'll look at calendars and try to set something up.

Thanks
Fritz

From: Matthew D. Norfolk <mnorfolk@norfolkbeier.com>
Sent: Monday, May 22, 2023 8:47 AM
To: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>
Subject: UCI Project

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Dear Fritz:

I would like to set up a meeting with you, John Burth, and anyone you think appropriate from the Agency. For the applicant, it would be Mike Polacco, Bill Kissel and me. I would like this meeting before we submit a response to the 4th NIPA to discuss the studies and some of the questions posed by Agency Staff. Please let me know if this is possible and your dates of availability.

Thank you.

Sincerely,

Matthew D. Norfolk, Esq.
NORFOLK BEIER
O: 518.302.8080
F: 518.302.7100
A: The Outpost Plaza
1936 Saranac Avenue, Ste.106
Lake Placid, NY 12946
E: mnorfolk@norfolkbeier.com

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From: AldingerIII, Frederick W (APA)
To: lsettle@unconventional-inc.com
Cc: "Michael Hopmeier"
Subject: RE: DRAFT noise maps - which of the attached is easiest to read?
Date: Friday, May 6, 2022 11:18:00 AM

Lori,
I think the Topo version is the easiest to read regarding the decibel levels.
Thanks

Fritz Aldinger
Environmental Program Specialist 1

NYS Adirondack Park Agency
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1133 NYS Route 86
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From: lsettle@unconventional-inc.com <lsettle@unconventional-inc.com>
Sent: Friday, May 6, 2022 10:58 AM
To: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>
Cc: Mike Hopmeier <hopmeier@unconventional-inc.com>
Subject: DRAFT noise maps - which of the attached is easiest to read?

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Fritz,

We've been experimenting with different formats for a noise map. DRAFT examples are attached. They are not for formal review by the APA; rather, please tell me which one is the easiest to read on your system. We will include a map in that format in our formal submission to the APA.

Thank you!

From: Michael Hopmeier
To: AldingerIII, Frederick W (APA)
Cc: lsettle@unconventional-inc.com
Subject: FW: P2021-0276 letter
Date: Tuesday, March 1, 2022 12:52:52 PM
Attachments: P2021-0276-EPSLtr-Final.pdf
P2021-0276-20220113-FWA-F-2ndNIPA-slp.pdf

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Fritz,

I'm confused. I had understood you were going to clarify issues. There's no new information here at all. You just sent us back the same letter and said fill it in.

Frankly, this is pretty unhelpful.

Mike

From: Petith, Stephanie L (APA) <Stephanie.Petith@apa.ny.gov>
Sent: Tuesday, March 1, 2022 12:33
To: hopmeier@unconventional-inc.com
Cc: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>
Subject: P2021-0276 letter

Please see attached……

Stephanie L. Petith
Administrative Assistant 1

NYS Adirondack Park Agency
PO Box 99
1133 NYS Route 86
Ray Brook, NY 12977

(518) 891-4050 | Stephanie.Petith@apa.ny.gov
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From:	Petith, Stephanie L (APA)
To:	hopmeier@unconventional-inc.com
Cc:	AldingerIII, Frederick W (APA)
Subject:	P2021-0276 letter
Date:	Tuesday, March 1, 2022 12:33:03 PM
Attachments:	P2021-0276-EPSLtr-Final.pdf P2021-0276-20220113-FWA-F-2ndNIPA-slp.pdf

Please see attached……

Stephanie L. Petith

Administrative Assistant 1

NYS Adirondack Park Agency

PO Box 99

1133 NYS Route 86

Ray Brook, NY 12977

(518) 891-4050 | Stephanie.Petith@apa.ny.gov

www.apa.ny.gov

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From: AldingerIII, Frederick W (APA)
To: lsettle@unconventional-inc.com
Subject: RE: Do you have some time next week for a discussion with UCI and with Matt Norfolk?
Date: Friday, May 6, 2022 9:34:00 AM

Right now I am free any time on Monday or Wednesday, between 8:30 and 4.

Fritz Aldinger
Environmental Program Specialist 1

NYS Adirondack Park Agency
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From: lsettle@unconventional-inc.com <lsettle@unconventional-inc.com>
Sent: Thursday, May 5, 2022 5:45 PM
To: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>
Subject: Do you have some time next week for a discussion with UCI and with Matt Norfolk?

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Mr. Aldinger,

Do you have some time next week for a discussion of UCI's application to build a shooting range? Mr. Norfolk, the legal representation we have engage, would like to discuss the application with you and with UCI.

Please send me some times you have available; I will confer with Mr. Norfolk and with Mike Hopmeier, and find a time that works for everyone.

Thank you so much,

Lori

From: lsettle@unconventional-inc.com
To: AldingerIII, Frederick W (APA)
Subject: RE: Meeting follow up
Date: Tuesday, March 1, 2022 10:15:03 AM

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Received, we'll get started. Thank you!

From: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>
Sent: Tuesday, March 1, 2022 10:13 AM
To: lsettle@unconventional-inc.com
Subject: FW: Meeting follow up

Lori,
I sent this to Mike on Friday after the meeting and forgot to include you as well.
I apologize.

Fritz Aldinger
Environmental Program Specialist 1

NYS Adirondack Park Agency
PO Box 99
1133 NYS Route 86
Ray Brook, NY 12977

(518) 304-6149 | Cell: (518) 527-2694 | frederick.aldingerIII@apa.ny.gov
www.apa.ny.gov

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From: AldingerIII, Frederick W (APA)
Sent: Friday, February 25, 2022 2:31 PM
To: 'Michael Hopmeier' <hopmeier@unconventional-inc.com>
Subject: Meeting follow up

Mike,
Thank you for your time today.

As we discussed, attached is the link to archived Agency meetings. I believe you want **APA Meeting 2022 January Thursday**, it would be the fourth one down on the list. At around the 23 minute mark they begin discussing P2021-0075, Red Rock Quarry.
http://nysapa.granicus.com/ViewPublisher.php?view_id=2

There are a number of Agency Permits regarding mine sites near your location, but I believe the application materials for P1996-0076 should contain information regarding noise studies that could be helpful to you.

Have a good weekend.

Sincerely,

Fritz Aldinger
Environmental Program Specialist 1

NYS Adirondack Park Agency
PO Box 99
1133 NYS Route 86
Ray Brook, NY 12977

(518) 304-6149 | Cell: (518) 527-2694 | frederick.aldingerIII@apa.ny.gov
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From: AldingerIII, Frederick W (APA)
To: Burth, John M (APA) (John.Burth@apa.ny.gov)
Subject: P2021-0276 EPS letter
Date: Friday, February 25, 2022 2:56:00 PM

Draft letter is in your shared for review.
Thanks
fritz

From: Michael Hopmeier
To: AldingerIII, Frederick W (APA)
Cc: lsettle@unconventional-inc.com
Subject: RE: Meeting follow up
Date: Friday, February 25, 2022 2:34:39 PM

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Fritz,

Thanks! Much appreciated. And thank YOU and Alicia for your time as well. I think this was a very useful discussion today and I believe I now have a better idea of what you are looking for.

We'll follow up on taking a look at this, and also review your next info for us.

Have a good weekend as well,

Mike

From: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>
Sent: Friday, February 25, 2022 14:31
To: 'Michael Hopmeier' <hopmeier@unconventional-inc.com>
Subject: Meeting follow up

Mike,
Thank you for your time today.

As we discussed, attached is the link to archived Agency meetings. I believe you want **APA Meeting 2022 January Thursday**, it would be the fourth one down on the list. At around the 23 minute mark they begin discussing P2021-0075, Red Rock Quarry.
http://nysapa.granicus.com/ViewPublisher.php?view_id=2

There are a number of Agency Permits regarding mine sites near your location, but I believe the application materials for P1996-0076 should contain information regarding noise studies that could be helpful to you.

Have a good weekend.

Sincerely,

Fritz Aldinger
Environmental Program Specialist 1

NYS Adirondack Park Agency
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(518) 304-6149 | Cell: (518) 527-2694 | frederick.aldingerIII@apa.ny.gov
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From:	AldingerIII, Frederick W (APA)
To:	"Michael Hopmeier"; lsettle@unconventional-inc.com; Purzycki, Alicia J (APA)
Cc:	Boese, David (APA); John Burth; Sarah Reynolds
Subject:	FW: P2021-0276 NIPA response Webex w/ applicant Michael Hopmeier

Please see attached Webex links below for our discussion on February 25, 2022 at 11 AM.

I look forward to speaking with you then.

Thank you

Fritz Aldinger

Environmental Program Specialist 1

NYS Adirondack Park Agency

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Ray Brook, NY 12977

(518) 304-6149 | Cell: (518) 527-2694 | frederick.aldingerIII@apa.ny.gov <mailto:frederick.aldingerIII@apa.ny.gov>

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When it's time, join your Webex meeting here.

Join meeting <https://meetny.webex.com/meetny/j.php?MTID=m65d4752f0f787108518275436032d04a>

More ways to join:

Join from the meeting link

https://meetny.webex.com/meetny/j.php?MTID=m65d4752f0f787108518275436032d04a <https://meetny.webex.com/meetny/j.php?MTID=m65d4752f0f787108518275436032d04a>

Join by meeting number

Meeting number (access code): 1619 02 0691

Meeting password: cmMFxKdu725

Tap to join from a mobile device (attendees only)
+1-518-549-0500,,1619020691## <tel:%2B1-518-549-0500,,*01*1619020691%23%23*01*> USA Toll

Join by phone
+1-518-549-0500 USA Toll
Global call-in numbers <https://meetny.webex.com/meetny/globalcallin.php?MTID=ma08871b4a9e6a2f608ad2d1f150f5391>

Join from a video system or application
Dial 1619020691@meetny.webex.com <sip:1619020691@meetny.webex.com>
You can also dial 173.243.2.68 and enter your meeting number.

Join using Microsoft Lync or Microsoft Skype for Business

Dial 1619020691.meetny@lync.webex.com <sip:1619020691.meetny@lync.webex.com>

If you are a host, click here <https://meetny.webex.com/meetny/j.php?MTID=m697e2c48f62f9aa3f8feec488d2ac768> to view host information.

Need help? Go to https://help.webex.com <https://help.webex.com>

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KATHY HOCHUL
Governor

Intra-Agency Staff Consultation
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MEMORANDUM

TO: File

FROM: Fritz Aldinger, EPS1

DATE: February 25, 2022

RE: P2021-0276

On February 25, 2022, from 11:00 am until approximately 12:30 pm the following staff members and outside parties attended a meeting via Webex regarding P2021-0276:

NAME AND ORGANIZATION:
Michael Hopmeier, UCI
Lori Settle, UCI
Alicia Purzycki, APA
Fritz Aldinger, APA

The topic of the meeting was UCI's February 11, 2022 NIPA response and the clarification of both what the Agency was requesting and where UCI's response was incomplete.

At the applicant's request, Engineering staff described the need for a thorough third party noise assessment to be included as part of UCI's project submission and the reasons the assessment was necessary. Other permits for activities that generate loud impulse noise were discussed and it was recommended that the applicant look into those permits with regard to noise assessments as a basis of comparison. Engineering staff recommended that based on the elevated source of 185dBa noise pressure level mitigation would very likely be required.

There were a number of points (including the meaning of ambient and mitigation, for example) that there were misunderstandings on what was being asked for or how it was asked for. It is my understanding that all parties know and understand what is being asked for in the NIPA.

The NIPA response was then discussed point by point as to where information was incomplete and what information would be needed, and how the Agency would like that information included in the submission. It was discussed that the applicant had retained a surveyor to work on the site plan and it would be provided when complete. The applicant also stated he has retained counsel and would follow up with them after this teleconference as appropriate. Staff discussed that there could be follow up questions once the Agency received a site plan and a full noise assessment.

Staff discussed coordination with other agencies and that the APA needed to be copied on that correspondence. The applicant stated (as he had written in the NIPA response) that the Department of Justice would probably not respond. Staff explained that the Agency needed to see that the applicant had made contact regarding jurisdiction of other agencies.

All agreed that I would follow up with an EPS letter acknowledging what parts of the NIPA had been answered and what information remained outstanding. Further, I would email the applicant a link to the most recent Agency Board meeting so he could view our process of presenting to the board and also I would provide the Agency permit numbers for mining projects in the area so the applicant could request information regarding noise studies for other Agency permitted projects.

From: Michael Hopmeier
To: AldingerIII, Frederick W (APA); lsettle@unconventional-inc.com; apa.sm.apasubmissions
Subject: RE: UCI response to P2021-0276-20220113-FWA-F-2ndNIPA-slp
Date: Thursday, February 17, 2022 3:04:46 PM

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How about 11:00 AM ET Friday the 25th?

From: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>
Sent: Thursday, February 17, 2022 13:04
To: lsettle@unconventional-inc.com; apa.sm.apasubmissions <APASubmissions@apa.ny.gov>
Cc: 'Michael Hopmeier' <hopmeier@unconventional-inc.com>
Subject: RE: UCI response to P2021-0276-20220113-FWA-F-2ndNIPA-slp

Good afternoon,
I can offer time on Thursday 2/24 if Mike wants to discuss the response on this project. I can set up a WebEx meeting or conference call with myself and one of the Agency's engineers. Friday 2/25 would work for us as well if Thursday doesn't.
Is either day better, and any preferred time? We would be available between 9 & 3:30.
Thank you

Fritz Aldinger
Environmental Program Specialist 1

NYS Adirondack Park Agency
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1133 NYS Route 86
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From: lsettle@unconventional-inc.com <lsettle@unconventional-inc.com>
Sent: Thursday, February 10, 2022 4:02 PM
To: apa.sm.apasubmissions <APASubmissions@apa.ny.gov>

Cc: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>; 'Michael Hopmeier' <hopmeier@unconventional-inc.com>
Subject: UCI response to P2021-0276-20220113-FWA-F-2ndNIPA-slp

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Dear all,

Attached is UCI's response to questions received from the APA on Jan. 13, 2022. Please contact Mr. Michael Hopmeier (hopmeier@unconventional-inc.com) with additional questions.

Thank you for your time.

Lori Settle
Research Analyst
Unconventional Concepts, Inc.

From: AldingerIII, Frederick W (APA)
To: Petith, Stephanie L (APA) (Stephanie.Petith@apa.ny.gov)
Subject: P2021-0276
Date: Monday, February 14, 2022 11:58:00 AM

Please update ATRADs to reflect we received a response to the NIPA on February 11, 2022.
I saved it to [redacted].
Thanks
fritz

From: AldingerIII, Frederick W (APA)
To: Boese, David (APA); Purzycki, Alicia J (APA)
Subject: Task Request: P2021-0276
Date: Monday, February 14, 2022 10:57:07 AM
Attachments: P2021-0276.msg

Subject: P2021-0276
Start Date: Monday, February 14, 2022
Due Date: Thursday, February 24, 2022
Status: Not Started
Percent Complete: 0%
Total Work: 0 hours
Actual Work: 0 hours
Owner: Boese, David (APA); Purzycki, Alicia J (APA)
Shooting range, RU lands, Town of Lewis.
Please review response from UCI regarding the second NIPA.
It came in while I was gone, so I haven't looked at it yet, but I did notice they are still working on getting the site plan.
Thanks
fritz

From: lsettle@unconventional-inc.com
To: AldingerIII, Frederick W (APA)
Cc: "Michael Hopmeier"
Subject: UPDATE: Status of UCI"s response to APA letter sent Jan. 13, 2022
Date: Tuesday, February 1, 2022 12:07:07 PM

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Mr. Aldinger,

We are still reviewing our responses to the letter you sent to Mike Hopmeier on Jan. 13. We hope to send you a response by this Friday or next Monday that includes the information we have available.

Please let me know if you have any questions.

Thank you,

Lori Settle
Unconventional Concepts, Inc.

From: AldingerIII, Frederick W (APA)
To: Michael Hopmeier
Subject: Noise study
Date: Tuesday, January 18, 2022 3:28:00 PM

Mike,
I received clarification regarding the property lines.
Given that this is a significantly loud noise source, we are looking for a 2 mile radius from both the property lines on the entire parcel (tax map parcel 38.1-1-31.000) and the leased parcel to provide a thorough evaluation of all potential noise receptors using a conservative approach.
Feel free to give me a call with any questions.

Fritz Aldinger
Environmental Program Specialist 1

NYS Adirondack Park Agency
PO Box 99
1133 NYS Route 86
Ray Brook, NY 12977

(518) 304-6149 | Cell: (518) 527-2694 | frederick.aldingerIII@apa.ny.gov
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From:	Michael Hopmeier
To:	Petith, Stephanie L (APA)
Cc:	lewiscodeoffice@gmail.com; Burns, Erin (DEC); AldingerIII, Frederick W (APA)
Subject:	RE: P2021-0276 2nd NIPA
Date:	Thursday, January 13, 2022 10:10:54 AM

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Received

From: Petith, Stephanie L (APA) <Stephanie.Petith@apa.ny.gov>
Sent: Thursday, January 13, 2022 10:08
To: hopmeier@unconventional-inc.com
Cc: lewiscodeoffice@gmail.com; Burns, Erin (DEC) <erin.burns@dec.ny.gov>; AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>
Subject: P2021-0276 2nd NIPA

Dear Mr. Hopmeier,

Please reply to this e-mail to indicate that the attached document has been received by you, Michael Hopmeier. By replying to indicate receipt, you consent to delivery of the attached document by e-mail in lieu of certified mail.

Thank you and take care!

Stephanie L. Petith
Administrative Assistant 1

NYS Adirondack Park Agency
PO Box 99
1133 NYS Route 86
Ray Brook, NY 12977

(518) 891-4050 | Stephanie.Petith@apa.ny.gov
www.apa.ny.gov

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From: Purzycki, Alicia J (APA)
To: AldingerIII, Frederick W (APA)
Subject: Task Completed: P2021-0276
Date: Tuesday, January 11, 2022 7:24:45 AM
Attachments: UCI Response to P2021-0276-20211206-FWA-F-1stNIPA-Final v16.pdf

---

-----Original Task-----
Subject: P2021-0276
Priority: Normal

Start date: Tue 12/21/2021
Due date: Mon 1/10/2022

Status: Completed
% Complete: 100%
Date completed: Tue 1/11/2022
Actual work: 0 hours

Requested by: AldingerIII, Frederick W (APA)

Please review attached response to our NIPA. Mr. Hopmeier has agreed to extend the timeclock for review by a week so we have a few extra days on this.

I haven't looked at the response yet, I wanted to get it to you asap. I will be on leave the rest of the week, but I'll be back Monday if you want to discuss. I'll have time to look at this then.

Thanks

fritz

From:	Boese, David (APA)
To:	Purzycki, Alicia J (APA)
Cc:	Purzycki, Alicia J (APA); O"Dell, Mary A (APA); McKean, Kelly E (APA); Regan, Kathleen D (APA); Burth, John M (APA); Martino, Terry (APA); Kelleher, Daniel F (APA); Reynolds, Sarah H (APA); Lore, Robert (APA); Petith, Stephanie L (APA)
Subject:	P2021-0276-20220110-DSB-AJP-M3-F-Hopmeier-Lewis-ST-Noise
Date:	Monday, January 10, 2022 4:02:18 PM
Attachments:	P2021-0276-20220110-DSB-AJP-M3-F-Hopmeier-Lewis-ST-Noise.docx

---

To all,
Please see the attached memo.
Thanks,

David Sam Boese
Assistant Engineer

NYS Adirondack Park Agency
PO Box 99
1133 NYS Route 86
Ray Brook, NY 12977

Work Cell: 518-390-1871 | david.boese@apa.ny.gov
www.apa.ny.gov

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KATHY HOCHUL
Governor

TERRY MARTINO
Executive Director

Intra-Agency Staff Consultation
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MEMORANDUM

TO: Fritz Aldinger

FROM: David Boese DSB

DATE: January 10th, 2022

RE: P2021-0276, Hopmeier, Lewis, Essex Co.

The proposal involves the construction of a new commercial use weapons testing range within a Rural Land Use Area. The following is a summary of our site visit observations and discussions. Please see my December 2nd, 2021 and December 20th, 2021 memorandums for additional information.

As requested, I have reviewed the 35 page response to the Agency's November 19th, 2021 First Notice of Incomplete Permit Application (NIPA), prepared by Michael Hopmeier, dated December 21st, 2021, stamped as digitally received by the Agency December 22nd, 2021.

Based on my review, I offer the following:

- The provided NIPA response materials include several maps that include annotations over Google Earth imagery. Staff had discussed at length with the applicant the need for a detailed site plan during our December 15th, 2021 site visit, and although staff at the end stated they were unsure whether a professionally prepared survey with 2 ft contours is required for the proposed weapons testing range, upon further review of the Application For Commercial And/or Industrial Uses, item 17 requires a detailed to scale site plan map be prepared by an appropriately qualified person to so act in the State (i.e. licensed surveyor, engineer, architects or landscape architect). Considering the potential impact of the proposal involving large caliber munitions testing of up to 185 dBa, and operation of other equipment please provide a professionally prepared site plan that includes the following:

- Waterbodies including permanent, intermittent streams, natural swales and drainage features within 200 ft of proposed development, if applicable;
- Boundaries of existing cover types (i.e. forested, clearing, etc.);
- Topographic contours at 2 ft intervals;
- Access roadways and parking areas;
- Property lines, the proposed lease area;
- Construction limits;
- Safety signage;
- Proposed control/operations area;
- Proposed firing pad;
- Proposed firing range;
- Proposed target area;

- The provided response indicates that the proposed lease area will be a portion of tax map parcel no. 38.1-1-31, as a red rectangle on an unscaled map. If the project will require the subdivision of land by sale or lease, please provide the size of all lots to be created and identify which lot is proposed for the weapons testing range. Please provide a subdivision site plan map, prepared by a NYS licensed professional showing the boundaries of each proposed lot and labeling each subdivision lot number and size.

- The provided response is inadequate. Please provide an explanation as to why these munitions testing proposal cannot be performed outside the Adirondack Park, i.e. at the Watervliet Arsenal, or one of the Army's existing testing facilities or other existing facility with infrastructure already in place. The response states that "this site had a unique combination of attractive terrain reflecting sound away from inhabited, sensitive, and public spaces and receptors." The statement that there are no sensitive receptors within proximity to the site should be further evaluated by State Land staff as there is State Land classified as Wild Forest within approximately 300 ft of the proposed munitions testing range, as well as the Jay Mountain Wilderness within approximately 1.7 miles of the project parcel. In addition, a potential noise source of up to 185 dBa at the project site should be evaluated by Agency biologist staff for potential wildlife impacts also.

- The provided noise assessment indicates that up to two noise events are to occur per day and are not expected to exceed 185 dBa at the source. However, the noise assessment uses a model with inputs including 183 dBa at the source, and results indicate that the anticipated sound of 82 dBa at the nearest off-site residential receptor dwelling which is the Pulisfer residence located 1.22 miles away with no discussion with respect to ambient sound levels and characteristics

at this receptor location or the sound pressure increase that represents a significant noise effect at this receptor location. Please provide a more complete noise assessment report that clearly identifies all potential adjacent and nearby noise receptors, as measured from the adjacent property lines as a conservative measure on a scaled site plan utilizing the proposed noise source of 185 dBa and provide a detailed evaluation of the potential noise impacts to these receptors with respect to ambient sound pressure level. Please provide an accompanying noise mitigation plan that includes sound pressure level reduction methods.

- The provided noise mitigation plan is only a public notification plan provided in narrative comparison to a blasting plan at a local mine with details to be included in the "site security and safety operations plan". Accordingly, please provide the site security and safety operations plan for Agency review.

- The provided narrative response states that the US Army Corps of Engineers (USACOE) range design guide is not applicable to a munitions testing range, and that a safety plan cannot be provided, but then continues on to state that they will be working closely with the US Army Development Command which will provide guidance and approval for the range design and operating procedures prior to allowing operations to occur. As such, to allow the Agency to provide for a coordinated review, please copy this Agency on the range design and operating procedures application to the US Army Development Command, and copy this Agency on any comments, approvals and/or correspondence received.

- The provided "Explosive License- Dealer Manufacture" for Michael Hopmeier expired September 2021. Please clarify if the proposal requires a current explosive license and if so, please provide a current license registration.

Please contact me if you have any questions.

DSB:dsb

ec: Alicia Purzycki
Mary O'Dell
Kelly McKean
Kathy Regan
John Burth
Terry Martino
Dan Kelleher
Sarah Reynolds
Robert Lore

From:	"Supervisor"
To:	Michael Hopmeier; AldingerIII, Frederick W (APA)
Cc:	Scott silo Nichols; tooblunder@yahoo.com; loggerone@aol.com; lsettle@unconventional-inc.com; Kim Yong
Subject:	Re: Response to APA interrogatory, APA Project P2021-0276-
Date:	Wednesday, December 22, 2021 8:15:43 AM

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Thanks Mike,

I appreciate you keeping me in the loop as always.

Jim

> On December 21, 2021 3:36 PM Michael Hopmeier <hopmeier@unconventional-inc.com> wrote:
>
> Fritz,
>
> Attached please find our response to your queries. Let me know if you have further questions.
>
> Please confirm receipt,
>
> Mike
>
> **Michael J. Hopmeier**
>
> President
>
> Unconventional Concepts, Inc.
>
> hopmeier@unconventional-inc.com
>
> hopmeier@gnt.net
>
> ***Unconventional Concepts, Inc.: A first strike survivable, thermonuclear launch capable small business.***



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Herndon, VA 20170

703-870-7211

Town Supervisor
Town of Lewis
8574 US Rt. 9
Lewis, NY 12950

518-873-6777 office
518-570-9363 cell

From: AldingerIII, Frederick W (APA)
To: Michael Hopmeier
Subject: RE: Response to APA interrogatory, APA Project P2021-0276-
Date: Tuesday, December 21, 2021 4:17:00 PM

Thanks. You too!

From: Michael Hopmeier <hopmeier@unconventional-inc.com>
Sent: Tuesday, December 21, 2021 4:14 PM
To: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>
Cc: lsettle@unconventional-inc.com; Kim Yong <ykim@unconventional-inc.com>
Subject: RE: Response to APA interrogatory, APA Project P2021-0276-

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No problem. Have a safe and happy holiday,

Mike

From: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>
Sent: Tuesday, December 21, 2021 15:58
To: Michael Hopmeier <hopmeier@unconventional-inc.com>
Subject: RE: Response to APA interrogatory, APA Project P2021-0276-

Mike,
Good talking to you this afternoon.
Thank you for agreeing to extend the time clock for review of your response.
For your information, submissions received after 3 PM are marked received the next business day so the 15 day clock would have been January 6, but as we discussed and I put in the attached letter, the deadline is extended until January 13.
Thank you for your cooperation on this, I really appreciate the extra time.

Fritz Aldinger
Environmental Program Specialist 1

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PO Box 99
1133 NYS Route 86
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From: Michael Hopmeier <hopmeier@unconventional-inc.com>
Sent: Tuesday, December 21, 2021 3:45 PM
To: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>
Subject: RE: Response to APA interrogatory, APA Project P2021-0276-

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Great. Thanks.

From: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>
Sent: Tuesday, December 21, 2021 15:41
To: Michael Hopmeier <hopmeier@unconventional-inc.com>
Subject: RE: Response to APA interrogatory, APA Project P2021-0276-

Mike,
Received. Thank you.
I will get this to engineering for review.

Fritz Aldinger
Environmental Program Specialist 1

NYS Adirondack Park Agency
PO Box 99
1133 NYS Route 86
Ray Brook, NY 12977

(518) 304-6149 | Cell: (518) 527-2694 | frederick.aldingerIII@apa.ny.gov
www.apa.ny.gov

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From: Michael Hopmeier <hopmeier@unconventional-inc.com>
Sent: Tuesday, December 21, 2021 3:37 PM

To: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>
Cc: 'Scott silo Nichols' <nicholss@unconventional-inc.com>; tooblunder@yahoo.com; supervisor@lewistownhall.com; loggerone@aol.com; lsettle@unconventional-inc.com; Kim Yong <ykim@unconventional-inc.com>
Subject: Response to APA interrogatory, APA Project P2021-0276-
Importance: High

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Fritz,

Attached please find our response to your queries. Let me know if you have further questions.

Please confirm receipt,

Mike

Michael J. Hopmeier
President
Unconventional Concepts, Inc.

hopmeier@unconventional-inc.com
hopmeier@gnt.net

Unconventional Concepts, Inc.: A first strike survivable, thermonuclear launch capable small business.

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Fort Walton Beach, FL 32547
850-243-4411, Fax 850 243-5279

Virginia Office

620 Herndon Parkway
Suite 120A
Herndon, VA 20170
703-870-7211

From: Michael Hopmeier
To: AldingerIII, Frederick W (APA)
Subject: RE: Follow up
Date: Monday, December 20, 2021 4:26:20 PM

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Thanks. We are, in fact, just about done and I hope to get the package to you this evening or tomorrow.

From: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>
Sent: Monday, December 20, 2021 16:20
To: Michael Hopmeier <hopmeier@unconventional-inc.com>
Subject: Follow up

Mike,
Thanks again for meeting with us last week.
I hope I've got clarification/answers for your questions.

- Please see the attached file NOISE 2000 for info regarding NYSDEC Noise Impacts.

- The attached site plan map guidance flyer should cover the site plan questions. Use whichever scales work best to depict the area of testing (the range site) and its location on the overall property.

- Regarding Freedom of Information Law requests, its best if you don't submit any proprietary information. I don't think any of the questions have asked for any yet and I will try to avoid it. If proprietary info is required, this is how it would be handled*: If the Agency requires this proprietary information either upon initial submittal or in response to a request for additional information, then he will need to request in writing identifying which specific items or information he is claiming as proprietary and state the reason why the information should be excepted from disclosure. The Agency would then segregate this information in a separate secure location.*

  The Agency would then inform the applicant of the Agency's intention to determine whether such exemption should be granted or continued. If the Agency intends not to grant the exception, the applicant could, with in ten business days, submit a written statement of the necessity for the granting of the exception.

- Item 8 - the requested details of the commercial use on the silo site are only in relation to the new proposed commercial use (the testing range).

Thanks for your patience.

Fritz Aldinger

Environmental Program Specialist 1

NYS Adirondack Park Agency
PO Box 99
1133 NYS Route 86
Ray Brook, NY 12977

(518) 304-6149 | Cell: (518) 527-2694 | frederick.aldingerIII@apa.ny.gov
www.apa.ny.gov

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From:	Boese, David (APA)
To:	AldingerIII, Frederick W (APA)
Cc:	Purzycki, Alicia J (APA); Burth, John M (APA); Kelleher, Daniel F (APA); Petith, Stephanie L (APA)
Subject:	P2021-0276-20211220-DSB-M2-F-Hopmeier-Lewis-ST-Noise
Date:	Monday, December 20, 2021 11:56:48 AM
Attachments:	P2021-0276-20211220-DSB-M2-F-Hopmeier-Lewis-ST-Noise.docx

To all,
Please see the attached memo.
Thanks,

David Sam Boese
Assistant Engineer

NYS Adirondack Park Agency
PO Box 99
1133 NYS Route 86
Ray Brook, NY 12977

Work Cell: 518-390-1871 | david.boese@apa.ny.gov
www.apa.ny.gov

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KATHY HOCHUL
Governor

TERRY MARTINO
Executive Director

Intra-Agency Staff Consultation
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MEMORANDUM

TO: Fritz Aldinger

FROM: David Boese DSB

DATE: December 20th, 2021

RE: P2021-0276, Hopmeier, Lewis, Essex Co.

On December 15th, 2021 from approximately 10:00 am to 1:00 pm you, Dan Kelleher and I visited the above referenced site meeting with the applicant Michael Hopmeier, his real estate agent Bryan Dominick, landowners Jim and Deb Pulsifer, Town of Lewis Supervisor Jim Monty, employees Chasun Nickles, John Tibbits, and Bob Dillon, and surveyor John Demmings. The proposal involves the construction of a new commercial use weapons testing range within a Rural Land Use Area. The following is a summary of our site visit observations and discussions.

The applicant met Agency staff on a parcel adjacent to the proposed testing site to explain the project proposal. The applicant is the landowner of tax map parcel 38.1-1-29, a decommissioned Atlas Missile silo currently used an office and research facility. The proposed project site is within a forest management area at the base of the west face of Big Church Mountain adjacent to a parcel of the Taylor Pond Wild Forest. The proposed weapons testing site is owned by the Pulsifers and will be leased to the applicant. The applicant is a contractor of the US Army's Benét Laboratories, contracted to test the materials used in firearm or large cannon armament weapon barrels. The proposed weapons testing consists of firing solid steel rounds at soft target containers filled with sand. The impulse noise created by the proposed weapons testing would is up to 185 dB, although no continuous noise would be generated from the testing. The project site is within an existing logging clearing.

Staff, the applicant and his associates drove on existing gravel logging roads to the project site at the base of Big Church Mountain. The landowners explained the clearing was logged in 2019. The clearing is widest at the logging road entrance and is long and

narrow towards Big Church Mountain. The applicant explained that the proposed firing area is at the wide section while the target area is approximately 160-170 yards away towards Big Church Mountain. A course gravel pad area with a 4-6 inch depth is proposed at the firing location to stabilize the ground surface. The applicant explained that course gravel is prosed to allow for stormwater to infiltrate through the gravel and into the underlying soils. The landowners and applicant noted the gravel for the proposed gravel area will be sourced from a local sand and gravel mine and that the trucking of the gravel can be done entirely on the landowners logging roads. Staff noted it appears the face of Big Church Mountain may reflect sound generated from the proposed weapons testing towards the Jay Mountain Wilderness, which as measured within the Agency Lookup System is approximately 2 miles to the west at its closest point. The applicant asked staff what data would be required from a noise study, to which staff explained that a noise assessment for the proposed weapons testing will require review of noise impacts to the nearest receptors using the NYS DEC's Program Policy for Assessing and Mitigating Noise Impacts.

Staff returned with the applicant to the missile silo to further discuss the project. The applicant presented their draft response to the Agency's December 6th, 2021 first Notice of Incomplete Permit Application (NIPA). Staff explained and clarified each NIPA item the applicant had questioned. The applicant also requested staff provide comments on several of the applicants NIPA responses. Staff explained that any discussion of the provided NIPA response will also require a written submission to the Agency for desktop review. Staff also discussed that the project may be considered be of interest to the public and that the project materials may be subject to the New York State Freedom of Information Law (FOIL). The applicant explained that they do not want all the application and application materials subject to NYS FOIL, staff stated they would need to discuss with the Agency's legal staff whether any of the project materials are not subject to FOIL.

Staff explained that the revised site plan was lacking a clear depiction of the proposed firing area and target area. Staff also explained that topography and the existing limits of clearing must be included on the site plan. Staff also asked if safety signage could be included on the provided site plan, to which the applicant explained they could not provide the exact location of each sign throughout the project site. Staff explained that the exact location of each safety sign is not required, but a depiction of a ring of the signage area on a site plan must be provided. I recommend providing the applicant with the Agency's Site Plan Map Guidelines if a second NIPA is sent to the applicant. The applicant presented staff with his NYS DOL blasting certification. I also recommend providing the applicant with the NYS DEC Program Policy for Assessing and Mitigating Noise Impacts.

Staff reiterated that all the presented materials will be reviewed upon submission.

Please contact me if you have any questions.

DSB:dsb

ec: Alicia Purzycki
Dan Kelleher
John Burth

From:	Boese, David (APA)
To:	AldingerIII, Frederick W (APA)
Cc:	Purzycki, Alicia J (APA); Burth, John M (APA); O"Dell, Mary A (APA); McKean, Kelly E (APA); Regan, Kathleen D (APA); Petith, Stephanie L (APA)
Subject:	P2021-0276-20211201-DSB-AJP-M-F-Hopmeier-Lewis-ST-Noise
Date:	Thursday, December 2, 2021 1:45:01 PM
Attachments:	P2021-0276-20211201-DSB-AJP-M-F-Hopmeier-Lewis-ST-Noise.docx

---

To all,
Please see the attached memo.
Thanks,

David Sam Boese
Assistant Engineer

NYS Adirondack Park Agency
PO Box 99
1133 NYS Route 86
Ray Brook, NY 12977

Work Cell: 518-390-1871 | david.boese@apa.ny.gov
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Governor

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Executive Director

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MEMORANDUM

TO: Fritz Aldinger

FROM: David Boese DSB

DATE: December 2nd, 2021

RE: P2021-0276, Hopmeier, Lewis, Essex Co.

The proposal involves the construction of a new commercial use weapons testing range within a Rural Land Use Area.

As requested, I have reviewed the project application stamped as received by the Agency November 19th, 2021:

- 7-page report titled “Supplement for the Application for Commercial and/or Industrial Uses”, no preparer indicated, not dated;
- 12-page set of maps titled “Attachment D”, no preparer indicated, not dated.

The existing 197 acre site is mostly forested and appears to have been logged in the past and contains a 1,084 SF existing cabin with no running water. The provided application states the proposed weapons range is to be leased from the current landowner, although the lease area is not specified.

The provided report states the proposed test range consists of a leveled pad which appears to be between Fluery and Big Church Mountains with Big Church Mountain used as a backstop for testing non-toxic inert steel projectiles fired at a distance over 300 yards producing up to 180 dB of impulse. The Department of the Army Pamphlet 385-64 considers impulse exposure over 140 dB as hazardous. A 100 ft by 100 ft area (10,000 SF) is proposed to be graded level and surfaced with large and small crushed aggregate. Testing is anticipated over 5 years with approximately 30 shots per year, although the caliber of the shot is not provided. Approximately 3 tests per month are proposed, each test a series of shots over the course of two days on weekdays

between the hours of 10:00 am and 4:00 pm. Item 10 of the provided Application for Commercial and/or Industrial Uses states operations are proposed through all seasons. After each test debris, and residues are proposed to be cleaned and either transported off site or managed on site. The project site is approximately 800 ft from the existing cabin and is accessed via an existing logging road on the north end of the project parcel. Based on the Agency's Lookup System it appears there are streams and wetlands on the project parcel and on adjacent parcels.

Please provide the following:

1. Please clarify whether any lead or other materials may be used in the proposed testing area.
2. Please clarify if the lease area consists of a limited area or the entire tax map parcel.
3. Please provide a thorough noise evaluation for all proposed munitions to be fired on site including an evaluation of the nearest receptors utilizing the NYS DEC's Program Policy for Assessing and Mitigating Noise Impacts, including a noise mitigation plan as necessary.
4. The proposal indicates that the purpose is to support research for Benet Laboratories, a US Department of Army research and development facility. Please further evaluate 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. Otherwise, utilizing the US Army Corps of Engineers (USACOE) range design guide please provide a thorough design plan that includes all required design requirements including but not limited to the following:
    - A topographic survey of the project site including the entire lease area with firing and target locations and elevations.
    - Siting considerations, including the range support facilities and noise impulse contours from each firing position
    - Target protect design curves
    - All proposed signage for safety or other uses;
    - Proposed berms and walls if applicable;
    - Existing and proposed roads;
    - Parking areas;
    - Range line of sight.
5. Please provide a design report in compliance with the USACE Range Design Guide that clarifies the proposed range is adequately sized to ensure safety to human health and the environment and meets all applicable standards for range design.
6. Please provide an unexploded ordnance (UXO) plan.

7. Please clarify what the targets are proposed for testing, i.e. mobile or stationary targets.
8. Please provide any comments from NYS Police and US Department of Justice regarding the proposed militarized and/or demilitarized firearms and weapons testing facility
9. Please clarify if any improvements to the existing logging roads are proposed.
10. Please provide a stormwater plan for the proposed 100 ft by 100 ft area of disturbance and the blasting area.
11. Please identify the surface danger zone (SDZ) per Department of Army's PAM 385-63.
12. Please provide a range decommissioning plan and please clarify the proposed methods for disposing of debris and residues.

I recommend a site visit to evaluate the existing site conditions. I respectfully defer to Agency wetland biologists with respect to confirming the location of wetlands in proximity to the proposal.

Please contact me if you have any questions.

DSB:dsb

ec: Alicia Purzycki
John Burth
Mary O'Dell
Kelly McKean
Kathy Regan

From: AldingerIII, Frederick W (APA)
To: Michael Hopmeier
Subject: RE: Project Number 2021-0276, Local Government Notice Form, Town of Lewis
Date: Thursday, December 9, 2021 9:13:00 AM

Sorry I missed you yesterday. I was out of the office all day.
I'm in until 4:30 today and tomorrow.

From: Michael Hopmeier <hopmeier@unconventional-inc.com>
Sent: Thursday, December 9, 2021 9:01 AM
To: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>
Subject: Re: Project Number 2021-0276, Local Government Notice Form, Town of Lewis

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I'll call ASAP. Flying right now. Thanks for getting back to me, however.

From: Frederick.AldingerIII@apa.ny.gov
Sent: December 9, 2021 08:58
To: hopmeier@unconventional-inc.com
Subject: RE: Project Number 2021-0276, Local Government Notice Form, Town of Lewis

Received.
Thank you.
Fritz

From: Michael Hopmeier <hopmeier@unconventional-inc.com>
Sent: Wednesday, December 8, 2021 8:42 AM
To: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>
Cc: lsettle@unconventional-inc.com; supervisor@lewistownhall.com; lewiscodeoffice@gmail.com; tooblunder@yahoo.com
Subject: Project Number 2021-0276, Local Government Notice Form, Town of Lewis

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Fritz,

Please find attached the completed local government notice form, as requested.

Mike

Michael J. Hopmeier
President
Unconventional Concepts, Inc.

hopmeier@unconventional-inc.com
hopmeier@gnt.net

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Virginia Office
620 Herndon Parkway
Suite 120A
Herndon, VA 20170
703-870-7211

From: AldingerIII, Frederick W (APA)
To: Petith, Stephanie L (APA) (Stephanie.Petith@apa.ny.gov)
Subject: FW: P2021-0276
Date: Monday, December 6, 2021 8:45:00 AM
Attachments: P2021-0276-20211123-fwa-1stNIPA-JMB.docx

Please prepare and send NIPA due today.
John has reviewed.
Thanks
Fritz

From: Burth, John M (APA) <John.Burth@apa.ny.gov>
Sent: Friday, December 3, 2021 2:18 PM
To: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>
Subject: RE: P2021-0276

All set. SHR reviewed as well. Thanks.

John M. Burth
Environmental Program Specialist 3

NYS Adirondack Park Agency
PO Box 99
1133 NYS Route 86
Ray Brook, NY 12977

(518) 891-4050 | John.Burth@apa.ny.gov
www.apa.ny.gov

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From: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>
Sent: Thursday, December 2, 2021 3:50 PM
To: Burth, John M (APA) <John.Burth@apa.ny.gov>
Cc: Kelleher, Daniel F (APA) <Daniel.Kelleher@apa.ny.gov>
Subject: P2021-0276

Draft NIPA in your [redacted] for review.
Due by Monday 12/6

Thanks
fritz





[redacted]

From: Michael Hopmeier <hopmeier@unconventional-inc.com>
Sent: Friday, July 15, 2022 3:39 PM
To: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>
Cc: 'Matthew D. Norfolk' <mnorfolk@norfolkbeier.com>; lsettle@unconventional-inc.com; 'Bob Dillon' <kt2d.ny@gmail.com>; Stocklas, Jason C (DEC) <Jason.Stocklas@dec.ny.gov>; Mike Malone <malone@unconventional-inc.com>; tooblunder@yahoo.com
Subject: Information for 25 July meeting

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Fritz,

Rather then an agenda I thought it would be of more value to provide an annotated NIPA showing both our responses to your issues as well as clearly delineating our questions and concerns. I would request that the meeting on the 25th focus on addressing these issues we noted in the NIPA which will then form a basis for our formal response. I wish to ensure that we clearly understood your concerns or questions, that we had our points clarified, and be able to walk out of the meeting having either satisfied all of the issues specifically (though they would need to be memorialized in a written response) or have a clear path forward.

Given that we have specifically delineated these issues I would hope that we would be able to get definitive answers from your agency on those issues during the meeting so that we can move ahead in this process,

Thank you again for your time. I'm looking forward to seeing you in a week and a half. Have a good weekend,

Mike

Michael J. Hopmeier
President
Unconventional Concepts, Inc.

hopmeier@unconventional-inc.com
hopmeier@gnt.net

Unconventional Concepts, Inc.: A first strike survivable, thermonuclear launch capable small business.



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Fort Walton Beach, FL 32547
850-243-4411, Fax 850 243-5279

Virginia Office
620 Herndon Parkway
Suite 120A
Herndon, VA 20170
703-870-7211

From: Kelleher, Daniel F (APA)
To: AldingerIII, Frederick W (APA)
Subject: RE: P2021-0276 Ballistic Testing Range in Lewis
Date: Tuesday, November 30, 2021 11:36:00 AM

Thanks!

From: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>
Sent: Tuesday, November 30, 2021 11:36 AM
To: Kelleher, Daniel F (APA) <Daniel.Kelleher@apa.ny.gov>
Subject: RE: P2021-0276 Ballistic Testing Range in Lewis

Will do, I'll copy you when I send it to John for review.
Thanks Dan.

From: Kelleher, Daniel F (APA) <Daniel.Kelleher@apa.ny.gov>
Sent: Tuesday, November 30, 2021 11:33 AM
To: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>
Subject: RE: P2021-0276 Ballistic Testing Range in Lewis

Thanks for reaching out Fritz. I was Mike Hopmeier's point of first contact on this after receiving the J Letter. I don't necessarily have any questions but would love to review the NIPA before we send it out. Thanks for your help!

Dan

From: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>
Sent: Tuesday, November 30, 2021 11:16 AM
To: Kelleher, Daniel F (APA) <Daniel.Kelleher@apa.ny.gov>
Subject: P2021-0276 Ballistic Testing Range in Lewis

Dan,
I wanted to touch base with you on this project. I understand you have spoken with the project sponsor about it.
I am working on the NIPA for this, waiting to hear back from RASS on their review.
I didn't know if you had any questions/concerns related to this project? I attached the application materials in case you wanted to review.
Thanks
fritz

From:	AldingerIII, Frederick W (APA)
To:	Burth, John M (APA); Reynolds, Sarah H (APA); Purzycki, Alicia J (APA); Cooper, Christopher (APA)
Subject:	P2021-276 Hopmeier Shooting Range
Attachments:	P2021-0276-20220601-AJP-M-F-Hopmeier-Lewis-Noise.docx

Brief discussion of next step in response to applicant's response to NIPA.

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Join by meeting number

Meeting number (access code): 1610 84 2119

Meeting password: 89PhMMMqf9S

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If you are a host, click here <https://meetny.webex.com/meetny/j.php?MTID=m4df677769ad9fc4325f08da5e2a38172> to view host information.

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From: Aldenwerth, Frederick W (ADA)
To: Pszynicki, Alicia J (ADA); Baumgibbs, Sarah H (ADA)
Cc: Barth, John H (ADA); Boese, David (ADA)
Subject: P2021-0276 prerwauting meeting

Meeting to discuss response to NIPA prior to Webex w/ applicant on Friday 2/25.

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Join by meeting number

Meeting number (access code): 1612 83 1196

Meeting password: 2mZ5thCc46

Tap to join from a mobile device (attendees only)
1-510-549-0500,,1612831196## <tel:%2BI1-510-549-0500,,*01*1612831196%23%23*01*> USA Toll

Join by phone
1-510-549-0500 USA Toll
Global call-in numbers <https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fmeetny.webex.com%2Fmeetny%2Fglobalcallin.php%3FMTID%3Dmdb498fc1c54c97ad242f54fdb84ec5ca6&data=04%7C01%7CSarah.Reynolds%40dapa.ny.gov%7C93a1f2b3cb1b47030b3006bf9f2581a8df%7C96cb8ea79004d108ceb80cbc1c81ee7%7C0%7C0%7C637807282466355339%7CUnknown%7CTWFpbGZsb3dRey3WIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000&sdata=XnMYbn8HNvVgkeCvQdIFuQAKFHKMGfn6f5mGTFUrYQ4A%3D&reserved=0>

Join from a video system or application
Dial 1612831196@meetny.webex.com <sip:1612831196@meetny.webex.com>
You can also dial 173.243.2.68 and enter your meeting number.

Join using Microsoft Lync or Microsoft Skype for Business

Dial 1612831196.meetny@lync.webex.com <sip:1612831196.meetny@lync.webex.com>

If you are a host, click here <https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fmeetny.webex.com%2Fmeetny%2Fj.php%3FMTID%3Dmfa9ac33d3bea8dc373841dc430a26ed1&data=04%7C01%7CSarah.Reynolds%40dapa.ny.gov%7C93a1f2b3cb1b47030b3006bf9f2581a8df%7C96cb8ea79004d108ceb80cbc1c81ee7%7C0%7C0%7C637807282466355339%7CUnknown%7CTWFpbGZsb3dRey3WIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000&sdata=eOBkEJUz2upaOFvyxgi7yVmCsLpHUBbO8mdf8kTvhc%3D&reserved=0> to view host information.

Need help? Go to https://help.webex.com <https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fhelp.webex.com%2F&data=04%7C01%7CSarah.Reynolds%40dapa.ny.gov%7C93a1f2b3cb1b47030b3006bf9f2581a8df%7C96cb8ea79004d108ceb80cbc1c81ee7%7C0%7C0%7C637807282466355339%7CUnknown%7CTWFpbGZsb3dRey3WIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000&sdata=S8ODVpaw1X2EnILtfvUCpRocgC1XuBIpDgU95%2F2Vqf%3D&reserved=0>

From:	Purzycki, Alicia J (APA)
To:	AldingerIII, Frederick W (APA)
Cc:	Boese, David (APA); Burth, John M (APA); Ziemann, Aaron C (APA); Petith, Stephanie L (APA); Peck, Ashley (APA); Reynolds, Sarah H (APA)
Subject:	P2021-0276-20220224-AJP-M4-F-Hopmeier-Lewis-Noise
Date:	Thursday, February 24, 2022 12:18:46 PM
Attachments:	P2021-0276-20220224-AJP-M4-F-Hopmeier-Lewis-Noise.docx

All,
Sorry, I just realized I had the wrong site #, revised accordingly, thanks
Alicia

From:	Purzycki, Alicia J (APA)
To:	AldingerIII, Frederick W (APA)
Cc:	Boese, David (APA); Burth, John M (APA); Ziemann, Aaron C (APA); Petith, Stephanie L (APA); Peck, Ashley (APA); Reynolds, Sarah H (APA)
Subject:	P2021-0176-20220224-AJP-M4-F-Hopmeier-Lewis-Noise
Date:	Thursday, February 24, 2022 12:17:27 PM
Attachments:	P2021-0176-20220224-AJP-M4-F-Hopmeier-Lewis-Noise.docx

All,
Please see attached, thanks
Alicia

NEW YORK STATE OF OPPORTUNITY. | Adirondack Park Agency

KATHY HOCHUL
Governor

Intra-Agency Staff Consultation
Confidential

MEMORANDUM

TO: Fritz Aldinger

FROM: Alicia Purzycki, P.E. AJP

DATE: February 24, 2022

RE: P2021-0276, Hopmeier, Lewis, Essex Co.

The proposal involves the construction of a new commercial use weapons testing range within a Rural Land Use Area. The following is a summary of our site visit observations and discussions. Please refer Sam Boese's December 2nd, 2021 and December 20th, 2021 memorandums for additional information.

As requested, I have reviewed the 16-page narrative response prepared by Michael Hopmeier, dated February 10, 2022 submitted in response to the Agency's January 13, 2022 Second Notice of Incomplete Permit Application (NIPA), stamped as digitally received by the Agency February 11, 2022.

Based on my review, I offer the following:

- The provided response indicates that a to scale professionally prepared site plan is forthcoming. As previously requested in Sam Boese's January 10, 2022 memo, please provide. Also as previously requested, if the project will require the subdivision of land by sale or lease, please provide a subdivision site plan map, prepared by a NYS licensed professional showing the boundaries of each proposed lot and labeling each subdivision lot number and size.

- In my professional opinion, the provided response explanation as to why these munitions testing proposal cannot be performed outside the Adirondack Park is inadequate. However, in response to today's internal teleconference discussions, I respectfully defer to management on any further review.

- The provided noise assessment only evaluates the nearest off-site residential receptor dwelling which is the Pulisfer residence located 1.22 miles away with no

discussion with respect to ambient sound levels and characteristics at this receptor location or the sound pressure increase that represents a significant noise effect at this receptor location. As previously requested, utilizing NYSDEC's 2000 Program Policy, Assessing and Mitigating Noise Impacts (ny.gov) please provide a more complete noise assessment report that clearly identifies all potential adjacent and nearby noise receptors, as measured from the adjacent property lines as a conservative measure on a scaled site plan utilizing the proposed noise source of 185 dBa and provide a detailed evaluation of the potential noise impacts to these receptors with respect to ambient sound pressure level. The provided response states that no additional sound pressure level reduction methods are proposed. This is inadequate. Please provide an accompanying noise mitigation plan that includes sound pressure level reduction methods.

- The provided response states that the site security and safety operations plan is proprietary, and as such, the applicant will not provide it for Agency review. Please revise the site security and safety operations plan so that all sensitive and associated proprietary information is removed and provide this for Agency review of potential onsite noise impacts and associated mitigation measures with respect to potential offsite noise impacts.

Please contact me if you have any questions.

AJP:ajp

ec: Aaron Ziemann
Sam Boese
John Burth
Sarah Reynolds

From:	Burth, John M (APA)
To:	Stodola, Damion (APA)
Subject:	P2021-0276 Hopmeier
Date:	Thursday, July 3, 2025 11:34:00 AM
Attachments:	P2021-0276-5thNIPA-Final.pdf P2021-0276NIPAappeal-staff response memo.pdf

---

Priveleged and Confidential

Hi Damion – Attached is the 5th NIPA for P2021-0276, which includes 9 questions. The NIPA appeal response memo is also attached, which states that questions 3 and 5 have been satisfied. Thanks

John M. Burth
Deputy Director, Regulatory Programs

Adirondack Park Agency
P.O. Box 99
1133 State Route 86
Ray Brook, NY 12977

(518) 891-4050 | john.burth@apa.ny.gov
www.apa.ny.gov

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From: Plante, David (APA)
To: Reynolds, Sarah H (APA); Burth, John M (APA)
Cc: AldingerIII, Frederick W (APA)
Subject: RE: UCI Appeal of 5th NIPA
Date: Wednesday, May 15, 2024 12:12:59 PM
Attachments: Appeal_Reply.pdf
image001.png

Sarah and John,

Let me know if/when we add this to the website (and where in the order of materials it's most appropriate) and if I'm good to forward to the board members so that they have it in advance of the meeting tomorrow.

Thanks,

Dave

David J. Plante, AICP CEP
Deputy Director - Regulatory Programs

NYS Adirondack Park Agency
PO Box 99
1133 NYS Route 86
Ray Brook, NY 12977

(518) 891-4050 | david.plante@apa.ny.gov
www.apa.ny.gov

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From: Matthew D. Norfolk <mnorfolk@norfolkbeier.com>
Sent: Wednesday, May 15, 2024 12:10 PM
To: Plante, David (APA) <David.Plante@apa.ny.gov>
Cc: Burth, John M (APA) <John.Burth@apa.ny.gov>; Reynolds, Sarah H (APA) <Sarah.Reynolds@apa.ny.gov>; Mike Polacco <mpolacco@bowman.com>; Michael Hopmeier <hopmeier@unconventional-inc.com>; Lori Settle <lsettle@unconventional-inc.com>
Subject: FW: UCI Appeal of 5th NIPA

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Resending UCI's reply memorandum to Mr. Plante. First email was not sent using the correct email address.

Sincerely,

Matthew D. Norfolk, Esq.

NORFOLK BEIER PLLC

O: 518.302.8080
F: 518.302.7100
A: The Outpost Plaza
1936 Saranac Avenue, Ste.106
Lake Placid, NY 12946
E: mnorfolk@norfolkbeier.com

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From: Matthew D. Norfolk
Sent: Wednesday, May 15, 2024 12:01 PM
To: APASubmissions@apa.ny.gov; david.plante@apap.ny.gov; Reynolds, Sarah H (APA) <Sarah.Reynolds@apa.ny.gov>; Burth, John M (APA) (John.Burth@apa.ny.gov) <John.Burth@apa.ny.gov>
Cc: Kate Mazdzer <kmazdzer@norfolkbeier.com>; Michael Hopmeier <hopmeier@unconventional-inc.com>; Mike Polacco <mpolacco@bowman.com>; Madison Bonney <mbonney@norfolkbeier.com>; Lori Settle <lsettle@unconventional-inc.com>
Subject: UCI Appeal of 5th NIPA

Greetings:

Please find attached the reply memorandum in support of UCI's appeal of the 5th NIPA being submitted on behalf of Project Sponsor Michael Hopmeier.

If you require anything else from us, please advise.

Sincerely,

Matthew D. Norfolk, Esq.

NORFOLK BEIER PLLC

O: 518.302.8080
F: 518.302.7100
A: The Outpost Plaza
1936 Saranac Avenue, Ste.106
Lake Placid, NY 12946
E: mnorfolk@norfolkbeier.com

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From: Burth, John M (APA)
To: AldingerIII, Frederick W (APA)
Cc: Purzycki, Alicia J (APA)
Subject: RE: P2021-0276 response
Date: Thursday, July 3, 2025 11:31:45 AM

Hi Fritz – I am set with the letter. Please proofread and accept track changes if everything looks good to you then send the link to Jenny and Damion. Thanks.

John M. Burth
Deputy Director, Regulatory Programs

Adirondack Park Agency
P.O. Box 99
1133 State Route 86
Ray Brook, NY 12977

(518) 891-4050 | john.burth@apa.ny.gov
www.apa.ny.gov

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From: AldingerIII, Frederick W (APA) <Frederick.AldingerIII@apa.ny.gov>
Sent: Wednesday, July 2, 2025 11:19 AM
To: Burth, John M (APA) <John.Burth@apa.ny.gov>
Cc: Purzycki, Alicia J (APA) <Alicia.Purzycki@apa.ny.gov>
Subject: P2021-0276 response

Please review response here [redacted]
Thanks
fritz

From:	Purzycki, Alicia J (APA)
To:	AldingerIII, Frederick W (APA)
Cc:	Boese, David (APA); Cain, Lucas (APA); Burth, John M (APA); Lynch, Ariel D (APA); Petith, Stephanie L (APA); Korn, Devan F (APA)
Subject:	RE: P2021-0276
Date:	Tuesday, July 1, 2025 3:28:17 PM
Attachments:	P2021-0276-20250701-AJP-M7-F-Hopmeier-Lewis-Noise.docx

All,

Please see attached, thanks

Alicia

-----Original Task-----
Subject: P2021-0276
Priority: Normal

Start date: Mon 6/23/2025
Due date: Wed 7/2/2025

Status: Not Started
% Complete: 0%
Actual work: 0 hours

Requested by: AldingerIII, Frederick W (APA)

TMP 38.1-1-31 & 29, Town of Lewis, Essex County. Rural Use lands. Michael Hopmeier, applicant.
Project- commercial use, munitions testing facility.

Please review response to Agency's 5th NIPA.

Thanks

fritz

<< File: 5thNIPA_Response_Signed.pdf >>

NEW YORK STATE | Adirondack Park Agency

KATHY HOCHUL
Governor

BARBARA RICE
Executive Director

Intra-Agency Staff Consultation
Confidential

MEMORANDUM

TO: Fritz Aldinger

FROM: Alicia Purzycki, P.E. AJP

DATE: July 1, 2025

RE: P2021-0276, Hopmeier, Lewis, Essex Co.

The proposal involves the construction of a new commercial use military grade weapons testing range of a M109 155 mm howitzer within a Rural Land Use Area.

As requested, I have reviewed the materials digitally stamped as received by the Agency on June 20, 2025 including a 16-page narrative response in blue font prepared by Mathew Norfolk, Esq of Norfolk Beier PLLC dated April 16, 2025 in response to the Agency's January 2024 Fifth NIPA and associated Appeal to the Agency Board which was summarized in a May 8, 2024 memo to the Regulatory Programs Committee and affirmed by the Board members at the May 16, 2024 Agency Board meeting.

Based on my review, I offer the following:

- Question 1 of the January 2, 2024 Fifth NIPA: The written response states that the requested cross sections were provided as Figures 1 and 2, however none were provided.

- Question 9 of the January 2, 2024 Fifth NIPA: Absent the requested updated noise impact evaluation that includes all tabular, calculated, and conclusory information utilizing sound pressure levels expressed as both dB and dBA that is stamped by a NYS licensed professional engineer, it is unclear as to how the proposal's potential for impacts to Park resources can adequately be assessed.

Please contact me if you have any questions.

AJP:ajp

ec: Sam Boese
Lucas Cain
John Burth
Ariel Lynch
Devan Korn

Identify and produce all documents or communications relating to any APA staff analysis of the alleged "commercial, industrial, residential, recreational or other benefits" of the Project pursuant to APA Act § 809(10)(e).

Identify and produce all documents or communications relating to any APA staff analysis regarding the Project's potential adverse impact on the economic value of adjoining or nearby properties.

Date	Item Description	Privilege Grounds
4/9/2026	E-mail correspondence between Frederick Aldinger III, Grace Sullivan, Jennifer Hubbard, and Amara Mitchell	Attorney Client Communications
4/7/2026	E-mail correspondence between Frederick Aldinger III, Grace Sullivan, Jennifer Hubbard, Amara Mitchell, and John Burth	Attorney Client Communications
11/5/2025	E-mail correspondence between Elizabeth Schuyler, Frederick Aldinger III, John Burth, Jennifer Hubbard	Attorney Client Communications
11/5/2025	E-mail correspondence between Nicole Persaud, Frederick Aldinger III, John Burth, Jennifer Hubbard	Attorney Client Communications
10/27/2025	E-mail correspondence Frederick Aldinger III, John Burth, Nicole Persaud, Jennifer Hubbard	Attorney Client Communications
10/24/2025	E-mail correspondence Frederick Aldinger III and Jennifer Hubbard	Attorney Client Communications
10/24/2025	E-mail correspondence Frederick Aldinger III, John Burth, Nicole Persaud, Jennifer Hubbard	Attorney Client Communications
7/7/2025	E-mail correspondence between Frederick Aldinger III, Damion Stodola, Jennifer Hubbard, John Burth	Attorney Client Communications
7/3/2025	E-mail correspondence between Frederick AldingerIII, Damion Stodola, Jennifer Hubbard, John Burth	Attorney Client Communications
5/16/2024	E-mail correspondence between Alicia Purzycki, Sarah Reynolds, John Burth, Jennifer Hubbard, Frederick Aldinger III	Attorney Client Communications

5/15/2024	E-mail correspondence between Jennifer Hubbard and Sarah Reynolds	Attorney Work Product
5/15/2024	E-mail correspondence between Alicia Purzycki, Sarah Reynolds, Jennifer Hubbard, Frederick Aldinger III	Attorney Client Communications
5/14/2024	E-mail correspondence between Jennifer Hubbard and Sarah Reynolds	Attorney Work Product
5/9/2024	E-mail correspondence between Jennifer Hubbard and Sarah Reynolds	Attorney Work Product
5/8/2024	E-mail correspondence between Sarah Reynolds, Alicia Purzycki, Frederick Aldinger III and Jennifer Hubbard	Attorney Client Communications
5/7/2024	E-mail correspondence between Sarah Reynolds, Alicia Purzycki, Frederick Aldinger III, John Burth and Jennifer Hubbard	Attorney Client Communications
4/26/2024	E-mail correspondence between Frederick Aldinger III, Sarah Reynolds, Alicia Purzycki, and John Burth	Attorney Client Communications
4/25/2024	E-mail correspondence between Sarah Reynolds, Alicia Purzycki, John Burth, David Boese, and Frederick Aldinger III	Attorney Client Communications
4/17/2024	E-mail correspondence between Sarah Reynolds, Alicia Purzycki, John Burth, , and Frederick Aldinger III	Attorney Client Communications
4/10/2024	E-mail correspondence between Sarah Reynolds and Frederick Aldinger	Attorney Client Communications
4/8/2024	E-mail correspondence Sarah Reynolds, Alycia Purzycki, Frederick Aldinger III, John Burth	Attorney Client Communications

4/4/2024	E-mail correspondence Sarah Reynolds and Frederick Aldinger III	Attorney Work Product
3/20/2024	E-mail correspondence David Plante, Sarah Reynolds, John Burth, Frederick Aldinger III, Alicia Purzycki	Attorney Work Product
3/20/2024	Sarah Reynold's Notes	Attorney Work Product
3/20/2024	E-mail correspondence John Burth and Sarah Reynolds	Attorney Work Product
12/29/2023	E-mail correspondence Frederick Aldinger, Alicia Purzycki, John Burth, Sarah Reynolds, David Plante	Deliberative Process Privilege
8/16/2023	E-mail correspondence David Plante, Christopher Cooper, John Burth, Frederick Aldinger III, Alicia Purzycki	Attorney Client Communications
8/15/2023	E-mail correspondence David Plante, Christopher Cooper, John Burth, Frederick Aldinger III, Alicia Purzycki	Attorney Client Communications
3/16/2023	E-mail correspondence David Plante, Sarah Reynolds, John Burth, Frederick Aldinger III, Alicia Purzycki	Attorney Client Communications
9/26/2022	E-mail correspondence between Sarah Reynolds, Alicia Purzycki, Frederick Aldinger III, John Burth, Christopher Coooper, Stephanie Petith and Daniel Kelleher	Attorney Client Communications
7/18/2022	E-mail correspondence between Frederick Aldinger, Sarah Reynolds, Alicia Purzycki	Attorney Client Communications

6/15/2022	E-mail correspondence Sarah Reynolds, Frederick Aldinger III, Christopher Cooper, Robert Lore, John Burth, Alicia Purzycki, David Boese	Attorney Client Communications
6/6/2022	E-mail correspondence between Alicia Purzycki, Christopher Cooper, John Burth and Frederick Aldinger III	Attorney Client Communications
6/3/2022	E-mail correspondence between Alicia Purzycki, Christopher Cooper, John Burth and Frederick Aldinger III	Attorney Client Communications
2/28/2022	E-mail correspondence between Sarah Reynolds, Frederick Aldinger III, and John Burth	Attorney Client Communications
2/25/2022	E-mail correspondence between Sarah Reynolds, Frederick Aldinger III, Alicia Purzyicki, and John Burth	Attorney Client Communications
6/3/2022	E-mail correspondence between Alicia Purzycki, Christopher Cooper, John Burth and Frederick Aldinger III	Attorney Client Communications
2/23/2022	E-mail correspondence between Alicia Purzycki, John Burth, Sarah Reynolds	Deliberative Process Privilege
2/17/2022	E-mail correspondence between Frederick Aldinger III, John Burth, Sarah Reynolds	Attorney Client Communications
2/18/2022	E-mail correspondence between Frederick Aldinger III, Sarah Reynolds, David, Boese Alicia Purzycki, and John Burth	Deliberative Process Privilege

1/14/2022	E-mail correspondence between Alicia Purzycki, Sarah Reynolds, and John Burth	Deliberative Process Privilege
1/14/2022	E-mail correspondence between Alicia Purzycki, Sarah Reynolds, and John Burth	Deliberative Process Privilege
1/12/2022	E-mail Correspondence between Alicia Purzycki, John Burth and Sarah Reynolds	Attorney Client Communications
1/12/2022	E-mail Correspondence between Frederick Adlinger and Sarah Reynolds	Attorney Client Communications
1/10/2022	E-mail Correspondence between Alicia Purzycki, John Burth, Sarah Reynolds and David Boese	Attorney Client Communications
11/5/2025	E-mail correspondence between Frederick Aldinger III and Nicole Persaud	Attorney Client Communications
11/4/2025	E-mail correspondence between Frederick Aldinger III and Nicole Persaud	Attorney Client Communications
6/3/2026 (last revised)	Document Review Catalog authored by Grace Sullivan	Attorney Work Product
06/17/2026 (last revised)	Application Tracking Chart authored by Grace Sullivan	Attorney Work Product
12/4/2024	Issues Chart authored by Grace Sullivan	Attorney Work Product
6/15/2022	WebEx invite from Frederick Aldinger III to Sarah Reynolds, Alicia Purzycki, Chistopher Cooper and Robert Lore	Attorney Client Communications
10/24/2025	E-mail Correspondence between Alicia Purzycki and Frederick Aldinger III	Deliberative Process Privilege

9.2 Applicants (subfolder)

STATE OF NEW YORK
ADIRONDACK PARK AGENCY

In the Matter of the Application of

UNCONVENTIONAL CONCEPTS, INC. and MICHAEL HOPMEIER,

APA Project No. 2021-0276

APA Hearing Officer
David N. Greenwood

Applicants' First Set of Interrogatories

PLEASE TAKE NOTICE that Applicants, by and through their attorneys, Norfolk Beier PLLC, hereby demand that each Party separately answer under oath the interrogatories below, in accordance with the Second Revised Scheduling Order, dated March 13, 2026.

DEFINITIONS

A. "Document" or "Documents" means all writings, records, communications, electronically stored information (ESI), and tangible things, whether printed, typed, handwritten, recorded, or reproduced by any other mechanical process, including but not limited to: letters, emails, text messages, contracts, agreements, invoices, checks, receipts, photographs, recordings, memos, notes, reports, files, calendars, diaries, logs, account statements, computer files, and social media content. The term includes drafts, non-identical copies, and any attachments or enclosures.

B. "Communication" means any exchange of information, whether written, oral, or electronic, including but not limited to emails, text messages, telephone calls, voicemail, in-person conversations, letters, and memoranda.

C. "Person" means any natural person, corporation, partnership, limited liability company, association, government entity, or other legal or business entity.

D. "You" or "Your" refers to the Party to whom this demand is directed, including all agents, representatives, employees, attorneys, and anyone acting on their behalf.

E. "Relating to," "regarding," "concerning," or "pertaining to" means in whole or in part, constituting, containing, embodying, reflecting, identifying, stating, referring to, dealing with, or in any way relevant to the subject matter of the request.

F. "Identify":

i. When referring to a person, means to provide the person's full name, last known address, telephone number, and relationship to any party to this public hearing.

ii. When referring to a document, means to state its date, type, author(s), recipient(s), subject matter, and present location or custodian.

G. "Parties" refers to Applicants, Intervenors, and APA Staff in this public hearing, including any officers, directors, agents, employees, and attorneys acting on their behalf.

H. "And" or "or" shall mean "and/or" and shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the request any information that might otherwise be construed to be outside its scope.

I. "Project" means APA Project No. 2021-0276.

J. "Hearing" means the Adirondack Park Agency (APA) public hearing on the Project.

K. "Any" includes the word "all" and vice versa.

L. "Including" shall mean including, without limitation, the specific matter of documents described.

M. "State the basis," "detail all facts," "state all facts," explain in detail," "state in detail," or words of like meaning, when used with reference to a particular subject, allegation, claim, assertion, or contention, means to (a) state the facts and circumstances upon which it is based, in whole or in part, or which relate to or pertain to it; (b) identify all documents which

discuss, relate, or refer to it; and (c) identify all persons who have knowledge of and/or information concerning it including the circumstances under which they came to have such knowledge.

N. The singular of a noun or pronoun shall include within its meaning the plural form of the noun or pronoun and vice versa; the masculine form of a pronoun shall include within its meaning the feminine and neuter forms of the pronoun and vice versa; and the use of any tense of any verb shall include within its meaning all other tenses of the verb.

O. If any of the parties responding to this demand has possession, custody or control of the originals of the documents demanded, then the originals shall be produced. If the responding parties do not have the original of the documents demanded, produce one identical copy of each original. In addition, produce any and all non-identical copies and drafts of each original.

P. If copies and drafts exist of documents, the production of which has been demanded herein, produce and submit for inspection and copying each and every copy and draft which differs in any way from the original documents or from any other copy or draft. All documents in any way attached or accompanying a document which has been demanded herein should also be produced.

Q. If any documents covered by this demand are withheld from production, furnish a list of all such documents withheld, containing a complete description of each such document, as well as the date; author(s); signer(s); recipient(s) of copies; the name and title of every person known to have seen, or been told of the contents of said document; and state the ground or grounds upon which it is being withheld. If the refusal to produce any document is based upon a claim that the document is subject to a privilege, state as to such document the nature and basis of the claim of privilege.

R. This demand shall be deemed continuing to the full extent permitted under the applicable laws and rules. If any responsive documents come into your possession, custody or control after the service of your responses hereto, said additional documents shall be delivered to the undersigned as soon as possible thereafter.

S. All documents produced pursuant to this demand shall be produced in separate groups responsive to each separate demand and, to the extent possible, in the form and order in which they were kept until being produced.

T. If any document otherwise covered by this demand is no longer in the possession, custody or control of the party responding to this demand, the present custodian of said document shall be identified and the date of the transfer of possession, custody or control shall, to the extent possible, be set forth.

U. If any document otherwise covered by this demand has been destroyed, it shall be identified with all possible specificity as to subject matter, author, date of creation and circulation; and the date of, manner of, and reason for its destruction shall be provided, together with the name and title (if any) of the person(s) who destroyed it or authorized its destruction.

V. In responding to the document and information demands appearing below, furnish all documents and information available, including those in the possession of your agents, representatives, attorneys, accountants and employees and not merely such documents as you may have within your immediate control. If you are unable to respond in full to any particular document or information demand after exercising due diligence to obtain all the documents and information demanded, so state; furnish the documents and information that are available; and indicate in writing your inability to provide the rest of the documents and information that are responsive to

the demand, setting forth whatever information, knowledge or belief you have concerning the unavailable documents and information.

INTERROGATORIES

1. State all factual bases for Your opposition to the Project.

2. Identify all statutes, regulations, or legal standards You contend the Project violates.

3. Describe in detail each alleged environmental impact the Project will cause, including its basis and supporting evidence.

4. Identify all studies, reports, or data upon which You rely.

5. Describe any alternative designs, locations, or mitigation measures You propose.

6. Identify all Communications with government agencies concerning the Project.

7. State whether You contend the Project poses risks to public health or safety, and describe the basis for such contention.

8. Identify all experts consulted, whether or not they will testify.

9. Describe any prior proceedings in which You have opposed similar projects.

10. 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.

11. 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 staffperson of Your organization relating to the Project and Hearing.

PLEASE TAKE FURTHER NOTICE, that You are under a continuing obligation under to amend and supplement your responses to these demands as necessary to make them correct and complete**.**

Dated: Lake Placid, New York
April 8, 2026

Norfolk Beier PLLC



By: _____
Matthew D. Norfolk, Esq.
Shane R. Kelly, Esq.
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Attorneys for Applicants

To: Service List

In the Matter of the Application of

UNCONVENTIONAL CONCEPTS, INC.
AND MICHAEL HOPMEIER

APA Project No. 2021-0276

APA Hearing Staff Responses to Applicant's Interrogatories

1. **State all factual bases for Your opposition to the Project.**

APA hearing staff take no position as to whether the Project should be approved or denied.

2. **Identify all statutes, regulations, or legal standards You contend the Project violates.**

APA hearing staff do not presently allege that the Project violates any statute, regulation or legal standard. APA project review staff recommended that the Project proceed to a public hearing to develop a complete record upon which the Board may determine whether the proposed Project satisfies the permit approval criteria set forth in Executive Law §809(10)(a), (b), and (e).

3. **Describe in detail each alleged environmental impact the Project will cause, including its basis and supporting evidence.**

The materials submitted by the Applicant do not adequately evaluate potential impacts of the proposed Project. APA project review staff determined that additional analysis is necessary to assess the nature and extent of such impacts.

APA hearing staff anticipate that these issues will be addressed through independent expert reports and testimony. Any such materials will be provided to the parties in advance of the evidentiary portion of the hearing in accordance with applicable procedures.

4. **Identify all studies, reports, or data upon which You rely.**

APA hearing staff object to this interrogatory on the grounds that this interrogatory would be more appropriately framed as a request for production and is duplicative of several requests included in the Applicant's discovery demands.

Additionally, APA hearing staff object to this interrogatory on the grounds that it is repetitious and overly broad.

5. Describe any alternative designs, locations, or mitigation measures You propose.

APA hearing staff do not recommend any alternative designs, locations, or mitigation measures at this time.

6. Identify all Communications with government agencies concerning the Project.

APA hearing staff object to this interrogatory as the proper method for discovery of such materials is a request for production. However, at least 90 days prior to the evidentiary portion of the hearing, APA hearing staff will provide a copy of any written communications with government agencies which are not protected by privilege or otherwise exempt from disclosure.

7. State whether You contend the Project poses risks to public health or safety, and describe the basis for such contention.

APA hearing staff believe the proposed Project may present potential risks to public health and safety. APA project review staff requested additional information from the Applicant regarding measures to avoid or minimize such risks on multiple occasions.

APA hearing staff anticipate that identified experts will address potential public health and safety impacts in their reports and testimony, which will be made available to the Applicant and all other parties prior to the evidentiary portion of the hearing.

8. Identify all experts consulted, whether or not they will testify.

APA hearing staff provided the Applicant with a proposed witness list on April 2, 2026. This list identifies all experts who are expected to testify.

APA hearing staff considered other experts not identified on the witness list. APA hearing staff engaged in preliminary discussions with these individuals but did not retain them. APA hearing staff will provide additional information if ordered to do so, but do not believe such information is material or relevant at this time.

APA hearing staff reserve the right to withhold any information protected by privilege.

9. Describe any prior proceedings in which You have opposed similar projects.

No member of APA hearing staff has participated as an opponent in any prior proceeding involving similar projects.

10. 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.

The hearing officer is not a current or former member of the Adirondack Park Agency.

On behalf of the Adirondack Park Agency Hearing Staff, I affirm, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.



_____

Grace Sullivan
APA Hearing Staff - Attorney

Dated: April 29, 2026

STATE OF NEW YORK
ADIRONDACK PARK AGENCY

In the Matter of the Application of

RESPONSE TO APPLICANTS' INTERROGATORIES

UNCONVENTIONAL CONCEPTS, INC. and MICHAEL HOPMEIER

for a Permit pursuant to Section 809 of the Adirondack Park Agency Act and 9 NYCRR Parts 573 and 574

APA Project No. 2021-0276

Intervenor Adirondack Council, Inc. (the "Council"), through its attorneys Whiteman, Osterman & Hanna LLP, hereby responds and objects as follows to the Interrogatories (the "Interrogatory" or "Interrogatories") from Unconventional Concepts, Inc. and Michael Hopmeier (the "Applicants") pursuant to 9 NYCRR Part 580 and the Administrative Law Judge's March 13, 2026 Second Revised Scheduling Order (the "Scheduling Order").

GENERAL OBJECTIONS

The purpose of these general objections is to avoid restating them in their entirety in response to each Interrogatory. The Council reserves the right to assert additional objections or supplemental responses as future investigations and discovery may reveal. Thus, the Council states the following general objections to the Applicants' Interrogatories:

A. The Council shall respond to the Interrogatories as required by applicable rules, procedures, or orders, and the Council objects to any instruction or definition, which is intended to expand the scope thereof.

B. To the extent that the Applicants' Interrogatories seek the production of information that is privileged or protected from disclosure, same shall not be produced except as required under applicable rules, procedures, or orders. To the extent that any privileged or protected information

is inadvertently provided, such disclosure shall not be construed as a waiver of such privilege or protection.

C. Interrogatories which are unduly burdensome shall not be produced. For example, The Council objects to any demand for information to which Applicants have the same access as the Council.

D. The Council objects to Interrogatories which are not relevant to the subject matter involved in the pending application or not reasonably calculated to lead to the discovery of admissible evidence.

E. The Council objects to any Interrogatory to the extent that Applicants seek information not in its possession, custody or control.

F. The Council objects to any Interrogatory to the extent such requests call for legal conclusions.

G. The Council, by providing responses to Applicants' Interrogatories, does not waive or intend to waive and intends to preserve and does preserve:

(i) all objections as to competency, relevancy, materiality and admissibility;
(ii) all rights to object on any grounds as to the use of any of the responses herein during any subsequent proceedings, including this administrative hearing or any other action;
(iii) all objections as to vagueness, broadness and ambiguity;
(iv) all rights to object on any ground to any further discovery requests in this action; and
(v) all rights to amend and/or supplement these responses.

H. The Council objects to the Applicants' Interrogatories to the extent that they do not limit their scope to a finite period of time.

I. In producing any response to the Applicants' Interrogatories, the Council does not concede that such response is relevant to the subject matter involved in the pending administrative hearing, the claims or defenses of any party herein, or are reasonably calculated to lead to the

discovery of admissible evidence. The Council expressly reserves the right to object to the use of any response to the Applicants' Interrogatories at any point in this proceeding on any grounds.

J. The Council objects to Applicant's Interrogatories to the extent that they purport to require the Council to take positions on the Application before the Applicant has submitted complete, comprehensive Application materials. For example, one of the central issues regarding the Application is the extent and characteristics of noise and related environmental impacts of the Howitzer firings that Applicant proposes; yet it is not yet clear exactly what the Applicant projects these impacts will be, despite the numerous responses of the Applicant to the Notices of Incomplete Application issues by the APA.

K. The Council's responses to Applicants' Interrogatories are not intended to be exhaustive of all the evidence that exists on the subject; rather, the evidence supplied is that which the Council is presently capable of identifying. The Council reserves the right to supplement the responses on a rolling basis as it discovers additional information responsive to the Applicants' Interrogatories. In addition, any fact document or oral statement that the Council may cite in any prehearing submission that has not been previously included as part of the responses to the Applicants' Interrogatories will be deemed to have been incorporated into such responses as a supplement to the original responses.

L. In responding to the Applicants' Interrogatories, the Council does not waive any objections to any other discovery request involving or relating to the subject matter of the Applicants' Interrogatories.

M. Each of the foregoing objections shall be deemed incorporated herein in response to each of the specific paragraphs of the Applicants' Interrogatories.

RESPONSE TO INTERROGATORIES

1. State all factual bases for Your opposition to the Project.

RESPONSE: Respondents object to this Interrogatory on the grounds set forth above in the General Objections. The Council further objects as this Interrogatory is unduly burdensome, overly broad, vague, and ambiguous. Without waiving any of the foregoing objections, the Council has opposed the granting of the Application because the Applicant has thus far failed to meet its burden of demonstrating compliance with the applicable legal requirements for issuance of a permit.

2. Identify all statutes, regulations, or legal standards You contend the Project violates.

RESPONSE: The Council objects to this Interrogatory on the grounds set forth above in the General Objections. The Council further objects to this Interrogatory because it calls for legal conclusions. Without waiver of the foregoing objections, until the Applicant identifies the actual environmental impacts of the Project, it cannot be assessed whether the Project meets that applicable legal requirements for permit issuance.

3. Describe in detail each alleged environmental impact the Project will cause, including its basis and supporting evidence.

RESPONSE: The Council objects to this Interrogatory on the grounds set forth above in the General Objections. The Council further objects as this Interrogatory is unduly burdensome, overly broad, vague, and ambiguous. Without waiving the foregoing objections, see Responses to Interrogatories 1 and 2.

4. Identify all studies, reports, or data upon which You rely.

RESPONSE: The Council objects to this Interrogatory on the grounds set forth above in the General Objections. The Council further objects as this document request is premature at this stage of the hearing. The Council further objects as this Interrogatory is unduly burdensome,

overly broad, vague, and ambiguous. Without waiving the foregoing objections, the Council reserves the right to respond with its pre-filed testimony in this proceeding responding to Applicant's testimony which will presumably make its case for permit issuance.

5. Describe any alternative designs, locations, or mitigation measures You propose.

RESPONSE: The Council objects to this Interrogatory on the grounds set forth above in the General Objections. The Council further objects as this document request is premature at this stage of the hearing.

6. Identify all Communications with government agencies concerning the Project.

RESPONSE: The Council objects to this Interrogatory on the grounds set forth above in the General Objections. The Council further objects as this Interrogatory is unduly burdensome, overly broad, vague, and ambiguous. Without waiving the foregoing objections, the Council will be responding to Applicant's Demands for Production of Documents.

7. State whether You contend the Project poses risks to public health or safety, and describe the basis for such contention.

RESPONSE: The Council objects to this Interrogatory on the grounds set forth above in the General Objections. The Council further objects as this Interrogatory is unduly burdensome, overly broad, vague, and ambiguous. Without waiving the foregoing objections, the Council understands that the United States Department of Defense raised concerns regarding the risks to public safety of the Project and reserves the right to address public safety and public health concerns in its pre-filed testimony.

8. Identify all experts consulted, whether or not they will testify.

RESPONSE: The Council objects to this Interrogatory on the grounds set forth above in the General Objections and, in particular, on the ground that the Interrogatory seeks information that is neither relevant nor calculated to lead to the discovery of relevant evidence.

9. Describe any prior proceedings in which You have opposed similar projects.

RESPONSE: The Council objects to this Interrogatory on the grounds set forth above in the General Objections and on the particular ground noted in response to Interrogatory 8.

10. 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: The Council objects to this Interrogatory on the grounds set forth above in the General Objections and on the particular ground noted in response to Interrogatory 8.

11. 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: The Council objects to this Interrogatory on the grounds set forth above in the General Objections and on the particular ground noted in response to Interrogatory 8.

Whiteman Osterman & Hanna LLP
Attorneys for Adirondack Council, LLC



Paul Van Cott

Dated: April 29, 2026

TO: Applicants
Service List

STATE OF NEW YORK
ADIRONDACK PARK AGENCY

In the Matter of the Application of

UNCONVENTIONAL CONCEPTS, INC.
and MICHAEL HOPMEIER

For a Permit Pursuant to Section 809 of the
Adirondack Park Agency Act and
9 NYCRR Parts 573 and 574

RESPONSES OF INTERVENOR PROTECT THE ADIRONDACKS TO APPLICANTS' INTERROGATORIES

Project No. 2021-0276

Intervenor Protect the Adirondacks! Inc. ("PROTECT") hereby responds to the Applicants' Interrogatories dated April 8, 2026 by stating as follows:

GENERAL OBJECTIONS

PROTECT objects to the section of the Interrogatories entitled "Definitions" to the extent that the definitions impose or seek to impose obligations beyond those imposed by Article 31 of the Civil Practice Law and Rules ("CPLR"), the Adirondack Park Agency ("APA") regulations, the APA Final Project Order dated November 14, 2025, and rulings and orders of the Hearing Officer in this proceeding.

PROTECT objects to each and every definition in the section of the Interrogatories entitled "Definitions" as being overbroad, vague, ambiguous, unduly burdensome and not calculated to lead to the discovery of admissible evidence.

PROTECT objects to use of the terms "all" and "any" throughout the Interrogatories as being overbroad, ambiguous, vague, unduly burdensome and not calculated to lead to the discovery of admissible evidence.

PROTECT objects to each and every Interrogatory insofar as they seek production of documents as being duplicative of the Applicants' Demand for Production of Documents and Things and as being beyond the permissible scope of interrogatories.

PROTECT objects to each and every Interrogatory insofar as they seek production of documents protected from disclosure by attorney-client privilege or constitute attorney work product or material prepared in anticipation of litigation.

SPECIFIC OBJECTIONS

PROTECT objects to the Interrogatories' definition "A" of "document" insofar as it seeks drafts and non-identical copies as being overbroad, unduly burdensome and not calculated to lead to the discovery of admissible evidence.

PROTECT objects to the Interrogatories' definition "B" of "communication" insofar as it seeks "text messages, telephone calls, voicemail, [and] in-person conversations" as being either impossible to produce, overbroad, unduly burdensome and not calculated to lead to the discovery of admissible evidence, or both.

PROTECT objects to the Interrogatories' definition "G" of "parties" insofar as it seeks to include individuals and/or entities that have not been granted party status in this proceeding.

PROTECT objects to the Interrogatories' definition "M" of "state the basis," "detail all facts," "state all facts," "explain in detail," "state in detail," and "or words of like meaning" as being overbroad, vague, ambiguous, unduly burdensome, beyond the scope of permissible discovery and not calculated to lead to the discovery of admissible evidence.

PROTECT objects to the Interrogatories' definition "O" insofar as it seeks production of original documents instead of copies and seeks non-identical copies and drafts as being overbroad,

unduly burdensome, beyond the scope of permissible discovery and not calculated to lead to the discovery of admissible evidence.

PROTECT objects to the Interrogatories' definition "P" insofar as it seeks production of non-identical copies and drafts as being overbroad, unduly burdensome, beyond the scope of permissible discovery and not calculated to lead to the discovery of admissible evidence.

PROTECT objects to the Interrogatories' definition "Q" insofar as it seeks to impose an obligation to provide a list of withheld documents, a complete description of each such document, as well as the date; author(s); signer(s); recipient(s) of copies; the name and title of every person known to have seen, or been told of the contents of said document; and the ground or grounds upon which it is being withheld as imposing or seeking to impose obligations beyond those imposed by CPLR Article 31, the APA, the APA Final Project Order dated November 14, 2025, and rulings and orders of the Hearing Officer in this proceeding. PROTECT further objects to this definition as being overbroad, unduly burdensome, beyond the scope of permissible discovery and not calculated to lead to the discovery of admissible evidence.

PROTECT objects to the Interrogatories' definition "S" insofar as it seeks to impose obligations to produce documents in a manner and form beyond what is required by CPLR Article 31 and the APA regulations.

PROTECT objects to the Interrogatories' definition "T" insofar as it seeks information concerning documents no longer in PROTECT's possession, custody or control as being overbroad, unduly burdensome, beyond the scope of permissible discovery and not calculated to lead to the discovery of admissible evidence.

PROTECT objects to the Interrogatories' definition "U" insofar as it seeks information concerning documents that were "destroyed" as being overbroad, unduly burdensome, beyond the scope of permissible discovery and not calculated to lead to the discovery of admissible evidence.

PROTECT objects to the Interrogatories' definition "V" insofar as it seeks documents not in PROTECT's "immediate control" as being overbroad, vague, unduly burdensome, beyond the scope of permissible discovery and not calculated to lead to the discovery of admissible evidence.

RESPONSES TO INTERROGATORIES

1. State all factual bases for Your opposition to the Project.

Response: In addition to the foregoing objections, PROTECT objects to this interrogatory insofar as it seeks to impose obligations different from or in addition to those set forth in the Second Revised Scheduling Order. PROTECT further objects to this interrogatory insofar as it seeks to shift the burden of proof from the Applicants to the Intervenors in contravention of the APA Act and the APA regulations. PROTECT further objects to this interrogatory as being overbroad, vague, ambiguous, unduly burdensome, beyond the scope of permissible discovery and not calculated to lead to the discovery of admissible evidence.

Without waiver of the foregoing objections, PROTECT refers the Applicants to:

Without waiver of the foregoing objections, PROTECT refers the Applicants to the following:

(i) The Application, the Notices of Incomplete Application and the Applicants' responses thereto, and all other application documents available at https://acrobat.adobe.com/id/urn:aaid:sc:US:158fcf1c-d55f-470b-8e64-378f74256656;

(ii) PROTECT's comment letters dated May 13, 2024, October 30, 2025, and November 7, 2025, annexed to and made part of PROTECT's response to the Applicants' Demand for Production of Documents and Things;

(iii) PROTECT's Petition to Intervene in this proceeding dated December 17, 2025, annexed to and made part of PROTECT's response to the Applicants' Demand for Production of Documents and Things;

(iv) An article on PROTECT's website entitled, "Adirondack Park Agency releases draft order to send controversial weapons firing range to adjudicatory hearing," available at https://www.protectadks.org/adirondack-park-agency-releases-draft-order-to-send-controversial-weapons-firing-range-to-an-adjudicatory-hearing/;

(v) The affidavit of Colonel Paul Vincent Ciminelli, USA (Ret.), submitted as a public comment concerning the Project, a copy of which is annexed to and made part of PROTECT's response to the Applicants' Demand for Production of Documents and Things;

(vi) The December 2013 Department of Defense Noise Working Group Technical Bulletin entitled, An Overview of Blast Noise: Characteristics, Assessment and Mitigation, submitted as part of the public comments concerning the Project, a copy of which is annexed to and made part of PROTECT's response to the Applicants' Demand for Production of Documents and Things; and

(vii) All other public comments submitted in opposition to the Project, available at: https://apa.ny.gov/meeting/2025/11/files/reg-pro/P2021-0276/2-P2021-0276-PublicComment.pdf;

https://apa.ny.gov/files/permits/permit-hearing/PublicComments11.1_11.14.pdf; and https://apa.ny.gov/files/permits/permit-hearing/PublicComments11.1_11.14.pdf.

PROTECT further states that additional factual bases for opposition to the Project, if any, will be provided as part of the pre-filed testimony of its witnesses in this proceeding and/or the pre-filed testimony of witnesses for the other Intervenors.

2. Identify all statutes, regulations or legal standards You contend the Project violates.

Response: In addition to the foregoing objections, PROTECT objects to this interrogatory insofar as it seeks to impose obligations different from or in addition to those set forth in the Second Revised Scheduling Order. PROTECT further objects to this interrogatory insofar as it seeks to shift the burden of proof from the Applicants to the Intervenors in contravention of the APA Act and the APA regulations.

Without waiver of the foregoing objections, PROTECT refers the Applicant to (i) PROTECT's comment letters dated May 13, 2024, October 30, 2025, and November 7, 2025, annexed to and made part of PROTECT's response to the Applicants' Demand for Production of Documents and Things; and (ii) PROTECT's Petition to Intervene in this proceeding dated December 17, 2025, annexed to and made part of PROTECT's response to the Applicants' Demand for Production of Documents and Things. PROTECT further states that it contends that the Project violates and is inconsistent with the Adirondack Park Agency Act, Executive Law, Article 27, and 9 NYCRR § 574.5.

3. Describe in detail each alleged environmental impact the Project will cause, including its basis and supporting evidence.

Response: In addition to the foregoing objections, PROTECT objects to this interrogatory insofar as it seeks to impose obligations beyond those imposed by CPLR Article 31, the APA regulations, the APA Final Project Order dated November 14, 2025, the Second Revised Scheduling Order, and other rulings and orders of the Hearing Officer in this proceeding. PROTECT further objects to this interrogatory insofar as it seeks to shift the burden of proof from the Applicants to the Intervenors in contravention of the APA Act and the APA regulations. PROTECT further objects to this interrogatory as being overbroad, vague, ambiguous, unduly burdensome, irrelevant, beyond the scope of permissible discovery and not calculated to lead to the discovery of admissible evidence.

Without waiver of the foregoing objections, PROTECT refers the Applicant to:

(i) PROTECT's comment letters dated May 13, 2024, October 30, 2025, and November 7, 2025, annexed to and made part of PROTECT's response to the Applicants' Demand for Production of Documents and Things;

(ii) PROTECT's Petition to Intervene in this proceeding dated December 17, 2025, annexed to and made part of PROTECT's response to the Applicants' Demand for Production of Documents and Things; and

(iii) All public comments submitted in opposition to the Project, available at: https://apa.ny.gov/meeting/2025/11/files/reg-pro/P2021-0276/2-P2021-0276-PublicComment.pdf; https://apa.ny.gov/files/permits/permit-hearing/PublicComments11.1_11.14.pdf; and https://apa.ny.gov/files/permits/permit-hearing/PublicComments11.1_11.14.pdf.

PROTECT further states that additional environmental impacts caused by the Project, if any, and supporting bases and evidence therefor will be provided as part of the pre-filed testimony of its witnesses in this proceeding and/or the pre-filed testimony of witnesses for the other Intervenors.

4. Identify all studies, reports, or data upon which You rely.

Response: In addition to the foregoing objections, PROTECT objects to this interrogatory insofar as it seeks to impose obligations different from or in addition to those set forth in the Second Revised Scheduling Order. PROTECT further objects to this interrogatory insofar as it seeks to shift the burden of proof from the Applicants to the Intervenors in contravention of the APA Act and the APA regulations. PROTECT further objects to this interrogatory as being overbroad, vague, ambiguous, unduly burdensome, irrelevant, beyond the scope of permissible discovery and not calculated to lead to the discovery of admissible evidence.

Without waiver of the foregoing objections, PROTECT refers the Applicants to:

(i) the Application, the Notices of Incomplete Application and the Applicants' responses thereto, and to all other application documents available at https://acrobat.adobe.com/id/urn:aaid:sc:US:158fcf1c-d55f-470b-8e64-378f74256656.

(ii) All public comments submitted in opposition to the Project, available at: https://apa.ny.gov/meeting/2025/11/files/reg-pro/P2021-0276/2-P2021-0276-PublicComment.pdf; https://apa.ny.gov/files/permits/permit-hearing/PublicComments11.1_11.14.pdf; and https://apa.ny.gov/files/permits/permit-hearing/PublicComments11.1_11.14.pdf.

PROTECT further states that additional studies, reports or data, if any, relied upon by PROTECT will be provided as part of the pre-filed testimony of its witnesses in this proceeding and/or the pre-filed testimony of witnesses for the other Intervenors.

5. Describe any alternative designs, locations, or mitigation measures You propose.

. Response: In addition to the foregoing objections, PROTECT objects to this interrogatory insofar as it seeks to impose obligations beyond those imposed by CPLR Article 31, the APA regulations, the APA Final Project Order dated November 14, 2025, the Second Revised Scheduling Order, and other rulings and orders of the Hearing Officer in this proceeding. PROTECT further objects to this interrogatory insofar as it seeks to shift the burden of proof from the Applicants to the Intervenors in contravention of the APA Act and the APA regulations.

Without waiver of the foregoing objections, PROTECT states that it is not proposing any alternative designs, locations or mitigation measures.

6. Identify all Communications with government agencies concerning the Project.

Response: In addition to the foregoing objections, PROTECT objects to this interrogatory insofar as it seeks to impose obligations different from or in addition to those set forth in the Second Revised Scheduling Order. PROTECT further objects to this interrogatory as being overbroad, vague, ambiguous, unduly burdensome, beyond the scope of permissible discovery and not calculated to lead to the discovery of admissible evidence. PROTECT further objects to this interrogatory insofar as it seeks Communications to which PROTECT was not a party.

Without waiver of the foregoing objections, PROTECT refers the Applicant to:

(i) PROTECT's comment letters dated May 13, 2024, October 30, 2025, and November 7, 2025, annexed to and made part of PROTECT's response to the Applicants' Demand for Production of Documents and Things; and

(ii) PROTECT's Petition to Intervene in this proceeding dated December 17, 2025, annexed to and made part of PROTECT's response to the Applicants' Demand for Production of Documents and Things.

7. State whether You contend the Project poses risks to public health or safety, and describe the basis for such contention.

Response: In addition to the foregoing objections, PROTECT objects to this interrogatory insofar as it seeks to impose obligations different from or in addition to those set forth in the Second Revised Scheduling Order. PROTECT further objects to this interrogatory insofar as it seeks to shift the burden of proof from the Applicants to the Intervenors in contravention of the APA Act and the APA regulations.

Without waiver of the foregoing objections, PROTECT does contend that the Project poses risks to public health or safety and refers the Applicants to the following for the basis of that contention:

(i) the Application, the Notices of Incomplete Application and the Applicants' responses thereto, and to all other application documents available at https://acrobat.adobe.com/id/urn:aaid:sc:US:158fcf1c-d55f-470b-8e64-378f74256656.

(ii) PROTECT's comment letters dated May 13, 2024, October 30, 2025, and November 7, 2025, annexed to PROTECT's response to and made part of the Applicants' Demand for Production of Documents and Things;

(iii) PROTECT's Petition to Intervene in this proceeding dated December 17, 2025, annexed to and made part of PROTECT's response to the Applicants' Demand for Production of Documents and Things; and

(iv) All public comments submitted in opposition to the Project, available at: https://apa.ny.gov/meeting/2025/11/files/reg-pro/P2021-0276/2-P2021-0276-PublicComment.pdf; https://apa.ny.gov/files/permits/permit-hearing/PublicComments11.1_11.14.pdf; and https://apa.ny.gov/files/permits/permit-hearing/PublicComments11.1_11.14.pdf.

PROTECT further states that additional bases for this contention, if any, will be provided as part of the pre-filed testimony of its witnesses in this proceeding and/or the pre-filed testimony of witnesses for the other Intervenors.

8. Identify all experts consulted, whether or not they will testify.

Response: In addition to the foregoing objections, PROTECT objects to this interrogatory as seeking to impose obligations beyond those imposed by CPLR Article 31, the APA regulations, the APA Final Project Order dated November 14, 2025, and the Second Revised Scheduling Order. PROTECT further objects to this demand as being beyond the scope of permissible discovery and not calculated to lead to the discovery of admissible evidence.

Without waiver of the foregoing objections, PROTECT refers the Applicants to the Intervenors' Combined Witness List dated April 8, 2026.

9. Describe any prior proceedings in which You have opposed similar projects.

Response: In addition to the foregoing objections, PROTECT objects to this interrogatory as seeking to impose obligations beyond those imposed by CPLR Article 31, the APA regulations, the APA Final Project Order dated November 14, 2025, and the Second Revised Scheduling Order. PROTECT further objects to this interrogatory as being overbroad, vague, ambiguous, unduly

burdensome, beyond the scope of permissible discovery and not calculated to lead to the discovery of admissible evidence.

Without waiver of the foregoing objections, PROTECT states that it has not been a party to any prior proceeding involving a proposal to establish an artillery testing range in the Adirondack Park.

10. 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: In addition to the foregoing objections, PROTECT objects to this interrogatory as seeking to impose obligations beyond those imposed by CPLR Article 31, the APA regulations, and the APA Final Project Order dated November 14, 2025. PROTECT further objects to this interrogatory as being beyond the scope of permissible discovery and not calculated to lead to the discovery of admissible evidence.

Dated: April 29, 2026
Albany, New York



Christopher A. Amato, Esq.
Claudia K. Braymer, Esq.
Attorneys for Intervenor
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Telephone: (518) 860-3696
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executivedirector@protectadks.org

STATE OF NEW YORK
ADIRONDACK PARK AGENCY

In the Matter of the Application of UNCONVENTIONAL CONCEPTS, INC. and MICHAEL HOPMEIER	APA Project No. 2021-0276

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: _____

Todd D. Ommen
78 North Broadway
White Plains, NY 10603
(914) 422-4343
tommen@law.pace.edu

Attorney for Sierra Club Atlantic Chapter

TO:
Applicants
Service List

STATE OF NEW YORK

ADIRONDACK PARK AGENCY

In the Matter of the Application of

UNCONVENTIONAL CONCEPTS, INC.

and MICHAEL HOPMEIER

RESPONSES OF INTERVENOR

ADIRONDACK WILD

TO APPLICANT'S INTERROGATORIES

For a Permit Pursuant to Section 809 of the

Adirondack Park Agency Act and

9 NYCRR Parts 573 and 574

Project No. 2021-0276

Intervenor Adirondack Wild: Friends of the Forest Preserve hereby responds as follows to the Applicant's Interrogatories dated April 8, 2026:

APPLICANT INTERROGATORIES TO ADIRONDACK WILD

1. State all factual bases for Your opposition to the Project.
   Response: Adirondack Wild objects to answering this question due to it being overbroad, vague. and premature given the prehearing phase we are presently in. Notwithstanding our objection, Adirondack Wild refers the questioner to our *Petition to Intervene* to the Adirondack Park Agency dated Dec. 17, 2025, attached.

2. Identify all statutes, regulations, or legal standards You contend the Project violates.

Response: Adirondack Wild objects to answering this question due to it being overbroad, vague. and premature given the prehearing phase we are presently in. Notwithstanding our objection, this Interrogatory seeks information which would duplicate Adirondack Wild's written testimony, which has not been completed and will not be submitted until the date established by the Hearing Officer. Adirondack Wild will identify relevant statutes and regulations in its prefiled testimony. Adirondack Wild may further identify relevant statutes and regulations it believes are relevant, after review and examination of Applicant's prefiled testimony.

3. Describe in detail each alleged environmental impact the Project will cause, including its basis and supporting evidence.
Response: Adirondack Wild objects due to the question due to being overbroad, vague, and premature during the prehearing phase. Our objection notwithstanding, this interrogatory seeks information which would duplicate Adirondack Wild's written testimony, which has not been completed and will not be submitted until the date established by the Hearing Officer. Adirondack Wild will identify impacts to the environment in its written testimony. Adirondack Wild may identify additional environmental impacts after review and examination of Applicant's prefiled testimony.

4. Identify all studies, reports, or data upon which You rely.
Response: Adirondack Wild objects to the question due to its being overbroad, vague, and premature. Our objection notwithstanding, to date all the studies, reports, and data on which our future testimony may rely form parts of the Project application, APA Notices of Incomplete Application, and Applicant responses to the NIPAs. All the related studies, reports, and data are publicly available at the APA Hearing website. Adirondack Wild may identify other studies, reports and data in its written testimony,

5. Describe any alternative designs, locations, or mitigation measures You propose.
Response: Adirondack Wild has not identified alternative project designs or mitigation measures, which are the Applicant's duties, in consultation with Adirondack Park Agency project review staff.

6. Identify all Communications with government agencies concerning the Project.
Response: Our communications with government agencies have been limited to the APA Hearing Officer and APA Hearing Staff and, therefore, have been previously shared with the Applicant and all other parties to the Hearing and are currently posted at the APA Hearing website.

7. State whether You contend the Project poses risks to public health or safety, and describe the basis for such contention.
Response: Adirondack Wild objects to the question for being overbroad, vague, and premature. Although Adirondack Wild's concerns are generally related to those concerning the environment and Forest Preserve, it may identify public health and safety concerns in its prefiled testimony, and after review and examination of Applicant's testimony.

8. Identify all experts consulted, whether or not they will testify.
Response: We are presently consulting with:

Neil F. Woodworth
P.O. Box 32,
Wanakena, NY 13695

Elizabeth Thorndike
27 Maplewood Drive
Ithaca, NY 14850

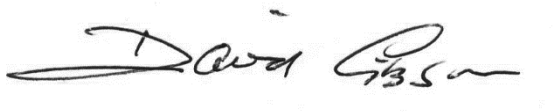
Richard Hoffman
179 Louse Hill Road
Greenwich, NY 12843

9. Describe any prior proceedings in which You have opposed similar projects.
Response: We have had concerns with and/or opposed many Adirondack Park Agency projects related to new land use and development. To our knowledge, none are even remotely similar to this Project concerning the Howitzer cannon testing.

10. 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: The Project Hearing Officer is not now and, to our knowledge, has never been a member of Adirondack Wild.

11. 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;
Response: N/A
(d) State whether there has been any Communication between Rush Holt, Jr. and any member, officer, employee, and staffperson of Your organization relating to the Project and Hearing.
Response: N/A

Submitted by:



David Gibson for Adirondack Wild: Friends of the Forest Preserve

April 29, 2026

STATE OF NEW YORK
ADIRONDACK PARK AGENCY

In the Matter of the Application of

UNCONVENTIONAL CONCEPTS, INC. and MICHAEL HOPMEIER,

APA Project No. 2021-0276

APA Hearing Officer
David N. Greenwood

Applicants' Demands for Production of Documents and Things

PLEASE TAKE NOTICE that Applicants, by and through their attorneys, Norfolk Beier PLLC, hereby demand that each Party separately produce and deliver documents and things as set forth hereinbelow to the law firm of Norfolk Beier PLLC, 55 Barn Road, Suite 201, Lake Placid, New York 12946, in accordance with the Second Revised Scheduling Order, dated March 13, 2026.

DEFINITIONS

A. "Document" or "Documents" means all writings, records, communications, electronically stored information (ESI), and tangible things, whether printed, typed, handwritten, recorded, or reproduced by any other mechanical process, including but not limited to: letters, emails, text messages, contracts, agreements, invoices, checks, receipts, photographs, recordings, memos, notes, reports, files, calendars, diaries, logs, account statements, computer files, and social media content. The term includes drafts, non-identical copies, and any attachments or enclosures.

B. "Communication" means any exchange of information, whether written, oral, or electronic, including but not limited to emails, text messages, telephone calls, voicemail, in-person conversations, letters, and memoranda.

C. "Person" means any natural Person, corporation, partnership, limited liability company, association, government entity, or other legal or business entity.

D. "You" or "Your" refers to the Party to whom this demand is directed, including all agents, representatives, employees, attorneys, and anyone acting on their behalf.

E. "Relating to," "regarding," "concerning," or "pertaining to" means in whole or in part, constituting, containing, embodying, reflecting, identifying, stating, referring to, dealing with, or in any way relevant to the subject matter of the request.

F. "Project" means APA Project No. 2021-0276.

G. "Hearing" means the Adirondack Park Agency (APA) public hearing on the Project.

H. "Identify":

i. When referring to a Person, means to provide the Person's full name, last known address, telephone number, and relationship to any party to this public hearing.

ii. When referring to a document, means to state its date, type, author(s), recipient(s), subject matter, and present location or custodian.

I. "Parties" refers to Applicants, Intervenors, and APA Staff in this public hearing, including any officers, directors, agents, employees, and attorneys acting on their behalf.

J. "And" or "or" shall mean "and/or" and shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the request any information that might otherwise be construed to be outside its scope.

K. "Any" includes the word "all" and vice versa.

L. "Including" shall mean including, without limitation, the specific matter of Documents described.

M. "State the basis," "detail all facts," "state all facts," explain in detail," "state in detail," or words of like meaning, when used with reference to a particular subject, allegation, claim, assertion, or contention, means to (a) state the facts and circumstances upon which it is

based, in whole or in part, or which relate to or pertain to it; (b) identify all Documents which discuss, relate, or refer to it; and (c) identify all Persons who have knowledge of and/or information concerning it including the circumstances under which they came to have such knowledge.

N. The singular of a noun or pronoun shall include within its meaning the plural form of the noun or pronoun and vice versa; the masculine form of a pronoun shall include within its meaning the feminine and neuter forms of the pronoun and vice versa; and the use of any tense of any verb shall include within its meaning all other tenses of the verb.

O. If any of the parties responding to this demand has possession, custody or control of the originals of the Documents demanded, then the originals shall be produced. If the responding parties do not have the original of the Documents demanded, produce one identical copy of each original. In addition, produce any and all non-identical copies and drafts of each original.

P. If copies and drafts exist of Documents, the production of which has been demanded herein, produce and submit for inspection and copying each and every copy and draft which differs in any way from the original Documents or from any other copy or draft. All Documents in any way attached or accompanying a document which has been demanded herein should also be produced.

Q. If any Documents covered by this demand are withheld from production, furnish a list of all such Documents withheld, containing a complete description of each such document, as well as the date; author(s); signer(s); recipient(s) of copies; the name and title of every Person known to have seen, or been told of the contents of said document; and state the ground or grounds upon which it is being withheld. If the refusal to produce any document is based upon a claim that

the document is subject to a privilege, state as to such document the nature and basis of the claim of privilege.

R. This demand shall be deemed continuing to the full extent permitted under the applicable laws and rules. If any responsive Documents come into Your possession, custody or control after the service of Your responses hereto, said additional Documents shall be delivered to the undersigned as soon as possible thereafter.

S. All Documents produced pursuant to this demand shall be produced in separate groups responsive to each separate demand and, to the extent possible, in the form and order in which they were kept until being produced.

T. If any document otherwise covered by this demand is no longer in the possession, custody or control of the party responding to this demand, the present custodian of said document shall be identified and the date of the transfer of possession, custody or control shall, to the extent possible, be set forth.

U. If any document otherwise covered by this demand has been destroyed, it shall be identified with all possible specificity as to subject matter, author, date of creation and circulation; and the date of, manner of, and reason for its destruction shall be provided, together with the name and title (if any) of the Person(s) who destroyed it or authorized its destruction.

V. In responding to the document and information demands appearing below, furnish all Documents and information available, including those in the possession of Your agents, representatives, attorneys, accountants and employees and not merely such Documents as You may have within Your immediate control. If You are unable to respond in full to any particular document or information demand after exercising due diligence to obtain all the Documents and information demanded, so state; furnish the Documents and information that are available; and

indicate in writing Your inability to provide the rest of the Documents and information that are responsive to the demand, setting forth whatever information, knowledge or belief You have concerning the unavailable Documents and information.

DOCUMENTS AND THINGS DEMANDED

1. All Documents supporting any contention that the Project will result in adverse environmental impacts.

2. All expert reports, opinions, or analyses prepared or relied upon regarding the Project and for presentation of evidence in the Hearing.

3. All Communications (including but not limited emails) between You and any third party relating to the Project or this Hearing.

4. All Documents relating to any studies, modeling, or data used to evaluate environmental impacts of the Project.

5. All Documents supporting any claim that the Project fails to comply with applicable statutes, regulations, or permit criteria.

6. All Documents relating to alternative projects or mitigation measures You contend are preferable.

7. All Documents You intend to rely upon at the Hearing.

8. All Documents reflecting funding sources, sponsorship, or financial support related to Your participation in this proceeding.

9. All Documents reflecting current and past membership in Your organization, including lists of names of current and past members from 1990 to present.

10. The following are to be responded to by Adirondack Council only:

(a) All Documents reflecting current and past membership in Your organization, of Rush Holt, Jr. from 1990 to present.

(b) All Communications between Rush Holt, Jr. and any member, officer, employee, and staffperson of Your organization relating to the Project and Hearing.

PLEASE TAKE FURTHER NOTICE, that You are under a continuing obligation under to amend and supplement Your responses to these demands as necessary to make them correct and complete**.**

Dated: Lake Placid, New York
April 8, 2026

Norfolk Beier PLLC

By: _____

Matthew D. Norfolk, Esq.
Shane R. Kelly, Esq.
55 Barn Road, Ste. 201
Lake Placid, New York 12946
518.302.8080
mnorfolk@norfolkbeier.com
skelly@norfolkbeier.com
Attorneys for Applicants

To: Service List

In the Matter of the Application of

UNCONVENTIONAL CONCEPTS, INC.
AND MICHAEL HOPMEIER

APA Project No. 2021-0276

APA Hearing Staff Responses to Applicant's Discovery Demands

1. **All Documents supporting any contention that the Project will result in adverse environmental impacts.**

APA hearing staff will provide all responsive documents not exempt from disclosure at least 90 days prior to the start of the evidentiary portion of the hearing, excluding any expert reports which will be provided at least 45 days prior to the evidentiary portion of the hearing.

All expert reports, opinions, or analyses prepared or relied upon regarding the Project and for presentation of evidence in the Hearing.

APA hearing staff will provide any such reports, opinions, or analyses not exempt from disclosure at least 45 days prior to the evidentiary portion of the hearing which has not yet been scheduled.

2. **All Communications (including but not limited emails) between You and any third party relating to the Project or this Hearing.**

APA hearing staff object to this request on the grounds that it is overly broad, not reasonably calculated to lead to the discovery of material and relevant evidence, and seeks information protected by applicable privileges, including but not limited to attorney-client privilege and attorney work product.

The request is overly broad in scope and time, encompassing extensive communications over multiple years. Additionally, the request includes communications with the Applicant which need not be reproduced and communications from members of the public which are available for review on the hearing webpage.

To the extent the Applicant seeks communications between APA hearing staff and identified individuals, the APA hearing staff would respond to such requests, so long as the Applicant could demonstrate the materiality and relevance of such communications and such communications were not protected by privilege.

APA hearing staff also object to this request on the grounds that it is not material or relevant to the Applicant's claims. The purpose of the adjudicatory hearing is to determine whether the proposed project meets the Agency's regulatory and statutory approval criteria. It is unclear how communications between the APA hearing staff and "any third party" would support the Applicant's claim that the project "is consistent with the Adirondack Park Land Use and Development Plan"

(Executive Law §809(10)(a)), "is compatible with the character description and purposes, policies and objectives of the [Rural] land use area wherein it is proposed to be located" (§809(10)(b)), and that the project would not have "an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the park or upon the ability of the public to provide supporting facilities and services made necessary by the project, taking into account the commercial, industrial, residential, recreational or other benefits that might be derived from the project" (§809(10)(e)). The request as currently framed does not articulate a clear connection to those issues.

Finally, if the Applicant submits a modified request, or the Administrative Law Judge compels disclosure under the current framing, the APA hearing staff reserve the right to withhold all privileged communications which are exempt from disclosure.

3. **All Documents relating to any studies, modeling, or data used to evaluate environmental impacts of the Project.**

The APA hearing staff is reviewing its records and will produce all documents which are responsive and not exempt from disclosure at least 90 days prior to the start of the evidentiary portion of the hearing which has not yet been scheduled.

4. **All Documents supporting any claim that the Project fails to comply with applicable statutes, regulations, or permit criteria.**

APA hearing staff object to this request on the grounds that it is overly broad, unduly burdensome, and duplicative of Applicant's other requests.

APA hearing staff further object to this request to the extent it seeks materials protected by privilege.

5. **All Documents relating to alternative projects or mitigation measures You contend are preferable.**

No such documents exist.

6. **All Documents You intend to rely upon at the Hearing.**

APA hearing staff will provide pre-filed testimony and accompanying exhibits within the timeframe specified in the Second Revised Scheduling Order, or in any subsequently issued scheduling order.

7. **All Documents reflecting funding sources, sponsorship, or financial support related to Your participation in this proceeding.**

This request directed towards all "parties" as defined in the Applicant's Demands is not appropriately directed towards the Adirondack Park Agency and is not applicable to APA hearing staff. The Adirondack Park Agency is a New York State Agency that does not receive outside funding, sponsorship, or financial support for participation in this proceeding. As such, no such record exists.

APA hearing staff further object to this request as it is not relevant to the Applicant's claim in these proceedings, the purpose of which is to seek an Agency permit. The intervening parties' funding sources, sponsorship, or financial support is wholly irrelevant to the question of whether the proposed project meets the Agency's permit approval criteria.

APA hearing staff's role in this proceeding is to develop a complete administrative record for the Agency Board to rely upon in reviewing the proposed project. As such, APA hearing staff strongly object to the disclosure of materials which would muddy the record and to the litigation of any claims beyond the scope of the hearing.

8. **All Documents reflecting current and past membership in Your organization, including lists of names of current and past members from 1990 to present.**

APA hearing staff object to this request as the disclosure of such information is not material or relevant to whether the proposed project meets the statutory and regulatory approval criteria. APA hearing staff reiterate their objection to the disclosure of materials and issues which are beyond the scope of this hearing.

Respectfully Submitted,



Grace Sullivan
APA Hearing Staff - Attorney

STATE OF NEW YORK

ADIRONDACK PARK AGENCY

In the Matter of the Application of

UNCONVENTIONAL CONCEPTS, INC.	RESPONSES OF INTERVENOR
and MICHAEL HOPMEIER	ADIRONDACK WILD
	TO APPLICANTS' DEMAND
For a Permit Pursuant to Section 809 of the	FOR PRODUCTION OF DOCUMENTS
Adirondack Park Agency Act and	
9 NYCRR Parts 573 and 574	Project No. 2021-0276

Intervenor Adirondack Wild: Friends of the Forest Preserve responds to the Applicants' Demand for Production of Documents and Things dated April 8, 2026 as follows:

DOCUMENTS AND THINGS DEMANDED

1. All Documents supporting any contention that the Project will result in adverse environmental impacts.

Response: Adirondack Wild objects to this demand as being overbroad, vague, beyond the scope of permissible discovery and not pertinent to the discovery of admissible evidence concerning the Hearing issues. Also, the demand seeks an unlimited universe of documents not in the possession or control of Adirondack Wild.

Without waiver of these objections, Adirondack Wild points to the following:

a. Our comment to the APA and request to proceed to public hearing, Oct. 30, 2025, attached.
b. Our petition to intervene in the Hearing, dated Dec. 17, 2025, attached.
c. Our response to the APA concerning UCI's objection to our party status, dated Jan. 26, 2026, attached.
d. An update on the hearing dated April 1, 2026 to inform our members about the hearing issues, hearing schedule and status, attached.
e. Adirondack Park Agency Notices of Incomplete Application, NIPAs 1-6, available at the APA Hearing website, www.apa.ny.gov.
f. Public comments available at the aforementioned APA Hearing website.
g. Slide Presentation to Proceed to Adjudicatory Hearing by APA staff, November 13, 2025, featured on the APA website.

2. All expert reports, opinions, or analyses prepared or relied upon regarding the Project and for presentation of evidence in the Hearing.

Response: Adirondack Wild objects to this demand as being premature during this prehearing period, and overbroad. In the prehearing period, Adirondack Wild has not yet prepared, or relied upon other expert reports, opinions, or analyses for presentation of evidence at the Hearing.

3. All Communications (including but not limited emails) between You and any third party relating to the Project or this Hearing.

Response: Adirondack Wild objects to this demand as being overbroad, vague, and not pertinent to the discovery of admissible evidence concerning the Hearing issues. Without waiving our objection, at the request of North Country Public Radio (NCPR) we were interviewed about why the Applicant was appealing to the APA to deny Adirondack Wild's intervenor status. The interview took place on Feb. 19, 2026. Despite a search, we are unable to locate that interview at www.ncpr.org.

4. All Documents relating to any studies, modeling, or data used to evaluate environmental impacts of the Project.

Response: Adirondack Wild objects to this demand as being overbroad, vague, and premature during prehearing phase. Without waiving our objection, we point to the Project Application, including Project Notices for Incomplete Application, and related Hearing documents and Public Comments listed at the aforementioned APA website.

5. All Documents supporting any claim that the Project fails to comply with applicable statutes, regulations, or permit criteria.

Response: Adirondack Wild objects to this demand as being overbroad, vague, and premature during prehearing phase. Adirondack Wild will identify relevant documents supporting our testimony on a schedule determined by the Hearing Officer.

6. All Documents relating to alternative projects or mitigation measures You contend are preferable.

Response: Adirondack Wild objects to this demand as being overbroad, vague, and premature during prehearing phase. Adirondack Wild will identify relevant documents supporting our testimony on a schedule determined by the Hearing Officer.

7. All Documents You intend to rely upon at the Hearing.

Response: Adirondack Wild objects to this demand as being overbroad, vague, and premature during prehearing phase. Adirondack Wild will identify relevant documents supporting our testimony on a schedule determined by the Hearing Officer.

8. All Documents reflecting funding sources, sponsorship, or financial support related to Your participation in this proceeding.

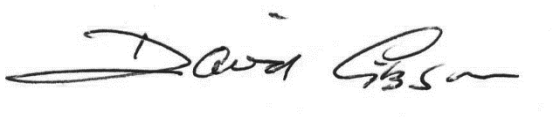
Response: Adirondack Wild objects to this demand as being overbroad, vague, beyond the scope of permissible discovery and not pertinent to the discovery of admissible evidence concerning the Hearing issues. Our supporters' information is privileged, confidential, and has no bearing on or relationship to the Hearing issues and the presentation and examination of Hearing evidence.

9. All Documents reflecting current and past membership in Your organization, including lists of names of current and past members from 1990 to present.

Response: Adirondack Wild objects to this demand as being overbroad, vague, beyond the scope of permissible discovery and not pertinent to the discovery of admissible evidence concerning the Hearing issues. Our members' information is privileged, confidential, and has no bearing on or relationship to the Hearing issues and the presentation and examination of Hearing evidence.

10. The following are to be responded to by Adirondack Council only:
(a) All Documents reflecting current and past membership in Your organization, of Rush Holt, Jr. from 1990 to present.
(b) All Communications between Rush Holt, Jr. and any member, officer, employee, and staffperson of Your organization relating to the Project and Hearing.
Response: N/A

Submitted by:



David Gibson, Managing Partner
Adirondack Wild: Friends of the Forest Preserve

April 29, 2026

STATE OF NEW YORK

ADIRONDACK PARK AGENCY

In the Matter of the Application of

UNCONVENTIONAL CONCEPTS, INC.	RESPONSES OF INTERVENOR
and MICHAEL HOPMEIER	ADIRONDACK WILD
	TO APPLICANTS' DEMAND
For a Permit Pursuant to Section 809 of the	FOR PRODUCTION OF DOCUMENTS
Adirondack Park Agency Act and	
9 NYCRR Parts 573 and 574	Project No. 2021-0276

Intervenor Adirondack Wild: Friends of the Forest Preserve responds to the Applicants' Demand for Production of Documents and Things dated April 8, 2026 as follows:

DOCUMENTS AND THINGS DEMANDED

1. All Documents supporting any contention that the Project will result in adverse environmental impacts.

Response: Adirondack Wild objects to this demand as being overbroad, vague, beyond the scope of permissible discovery and not pertinent to the discovery of admissible evidence concerning the Hearing issues. Also, the demand seeks an unlimited universe of documents not in the possession or control of Adirondack Wild.

Without waiver of these objections, Adirondack Wild points to the following:

a. Our comment to the APA and request to proceed to public hearing, Oct. 30, 2025, attached.
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f. Public comments available at the aforementioned APA Hearing website.
g. Slide Presentation to Proceed to Adjudicatory Hearing by APA staff, November 13, 2025, featured on the APA website.

2. All expert reports, opinions, or analyses prepared or relied upon regarding the Project and for presentation of evidence in the Hearing.

Response: Adirondack Wild objects to this demand as being premature during this prehearing period, and overbroad. In the prehearing period, Adirondack Wild has not yet prepared, or relied upon other expert reports, opinions, or analyses for presentation of evidence at the Hearing.

3. All Communications (including but not limited emails) between You and any third party relating to the Project or this Hearing.

Response: Adirondack Wild objects to this demand as being overbroad, vague, and not pertinent to the discovery of admissible evidence concerning the Hearing issues. Without waiving our objection, at the request of North Country Public Radio (NCPR) we were interviewed about why the Applicant was appealing to the APA to deny Adirondack Wild's intervenor status. The interview took place on Feb. 19, 2026. Despite a search, we are unable to locate that interview at www.ncpr.org.

4. All Documents relating to any studies, modeling, or data used to evaluate environmental impacts of the Project.

Response: Adirondack Wild objects to this demand as being overbroad, vague, and premature during prehearing phase. Without waiving our objection, we point to the Project Application, including Project Notices for Incomplete Application, and related Hearing documents and Public Comments listed at the aforementioned APA website.

5. All Documents supporting any claim that the Project fails to comply with applicable statutes, regulations, or permit criteria.

Response: Adirondack Wild objects to this demand as being overbroad, vague, and premature during prehearing phase. Adirondack Wild will identify relevant documents supporting our testimony on a schedule determined by the Hearing Officer.

6. All Documents relating to alternative projects or mitigation measures You contend are preferable.

Response: Adirondack Wild objects to this demand as being overbroad, vague, and premature during prehearing phase. Adirondack Wild will identify relevant documents supporting our testimony on a schedule determined by the Hearing Officer.

7. All Documents You intend to rely upon at the Hearing.

Response: Adirondack Wild objects to this demand as being overbroad, vague, and premature during prehearing phase. Adirondack Wild will identify relevant documents supporting our testimony on a schedule determined by the Hearing Officer.

8. All Documents reflecting funding sources, sponsorship, or financial support related to Your participation in this proceeding.

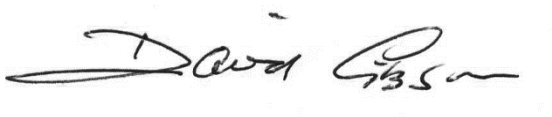
Response: Adirondack Wild objects to this demand as being overbroad, vague, beyond the scope of permissible discovery and not pertinent to the discovery of admissible evidence concerning the Hearing issues. Our supporters' information is privileged, confidential, and has no bearing on or relationship to the Hearing issues and the presentation and examination of Hearing evidence.

9. All Documents reflecting current and past membership in Your organization, including lists of names of current and past members from 1990 to present.

Response: Adirondack Wild objects to this demand as being overbroad, vague, beyond the scope of permissible discovery and not pertinent to the discovery of admissible evidence concerning the Hearing issues. Our members' information is privileged, confidential, and has no bearing on or relationship to the Hearing issues and the presentation and examination of Hearing evidence.

10. The following are to be responded to by Adirondack Council only:
(a) All Documents reflecting current and past membership in Your organization, of Rush Holt, Jr. from 1990 to present.
(b) All Communications between Rush Holt, Jr. and any member, officer, employee, and staffperson of Your organization relating to the Project and Hearing.
Response: N/A

Submitted by:



David Gibson, Managing Partner
Adirondack Wild: Friends of the Forest Preserve

April 29, 2026

STATE OF NEW YORK
ADIRONDACK PARK AGENCY

In the Matter of the Application of

RESPONSE TO APPLICANTS' DOCUMENT DEMANDS

UNCONVENTIONAL CONCEPTS, INC. and MICHAEL HOPMEIER

for a Permit pursuant to Section 809 of the Adirondack Park Agency Act and 9 NYCRR Parts 573 and 574

APA Project No. 2021-0276

Intervenor Adirondack Council, Inc. (the "Council"), through its attorneys, Whiteman, Osterman & Hanna LLP, hereby responds as follows to the Demands for Documents and Things (the "Demands") from Unconventional Concepts, Inc. and Michael Hopmeier (the "Applicants") pursuant to 9 NYCRR Part 580 and the Administrative Law Judge's March 13, 2026 Second Revised Scheduling Order (the "Scheduling Order").

GENERAL OBJECTIONS TO DOCUMENT REQUESTS

The purpose of these general objections is to avoid restating them in their entirety in response to each demand for production of documents. The Council reserves the right to assert additional objections or supplemental responses as future investigations and discovery may reveal. Thus, the Council states the following general objections to the Applicants' Demand:

A. The Council shall respond to the Demands as required by applicable rules, procedures, or orders, and the Council objects to any instruction or definition, which is intended to expand the scope thereof.

B. To the extent that the Applicants' Demands seek the production of information that is privileged or protected from disclosure, same shall not be produced except as required under

applicable rules, procedures, or orders. To the extent that any privileged or protected information is inadvertently provided, such disclosure shall not be construed as a waiver of such privilege or protection.

C. Demands which are unduly burdensome shall not be produced. For example, The Councils object to any demand for production of documents to which Applicants has the same access as The Council.

D. The Council objects to Demands which are not relevant to the subject matter involved in the pending application or not reasonably calculated to lead to the discovery of admissible evidence.

E. The Council objects to discovery sought which may cause undue burden or expense.

F. The Council objects to any discovery requests to the extent that Applicants seek information not in its possession, custody or control.

G. The Council objects to any requests to the extent such requests call for legal conclusions.

H. The Council, by providing responses to Applicants' Demands, does not waive or intend to waive and intends to preserve and does preserve:

(i) all objections as to competency, relevancy, materiality and admissibility;
(ii) all rights to object on any grounds as to the use of any of the responses herein during any subsequent proceedings, including this administrative hearing or any other action;
(iii) all objections as to vagueness, broadness and ambiguity;
(iv) all rights to object on any ground to any further discovery requests in this action; and
(v) all rights to amend and/or supplement these responses.

I. The Council objects to the Applicants' Demands to the extent that they do not limit its scope to a finite period of time.

J. In producing documents in response to the Applicants' Demands, the Council does not concede that such documents are relevant to the subject matter involved in the pending administrative hearing, the claims or defenses of any party herein, or are reasonably calculated to lead to the discovery of admissible evidence. The Council expressly reserves the right to object to the use of any documents produced in response to the Applicants' Demands at any point in this proceeding on any grounds.

K. The Council's responses to Applicants' Demands is not intended to be exhaustive of all the evidence that exists on the subject; rather, the evidence supplied is that which the Council is presently capable of identifying. The Council reserves the right to supplement the production on a rolling basis as it discovers additional documents responsive to the Applicants' Demands. In addition, any fact document or oral statement that the Council may cite in any prehearing submission that has not been previously included as part of the responses to the Applicants' Demands will be deemed to have been incorporated into such responses as a supplement to the original responses.

L. In producing documents responsive to the Applicants' Demands, the Council does not waive any objections to any other discovery request involving or relating to the subject matter of the Applicants' Demands.

M. Each of the foregoing objections shall be deemed incorporated herein in response to each of the specific paragraphs of the Applicants' Demands.

SPECIFIC OBJECTIONS AND RESPONSES TO APPLICANTS' DEMAND

1. All Documents supporting any contention that the Project will result in adverse environmental impacts.

RESPONSE: The Council objects to this document request on the grounds set forth in the General Objections. The Council further objects as this document request is premature at this stage of the hearing.

2. All expert reports, opinions, or analyses prepared or relied upon regarding the Project and for presentation of evidence in the Hearing.

RESPONSE: The Council objects to this document request on the grounds set forth in the General Objections. The Council further objects as this document request is premature at this stage of this hearing. Subject to and without waiving any of the above objections, the Council will conduct a reasonable search for documents to identify and produce in response to this request.

3. All Communications (including but not limited emails) between You and any third party relating to the Project or this Hearing.

RESPONSE: The Council objects to this document request on the grounds set forth in the General Objections. Subject to and without waiving any of the above objections, the Council will conduct a reasonable search for documents to identify and produce in response to this request.

4. All Documents relating to any studies, modeling, or data used to evaluate environmental impacts of the Project.

RESPONSE: The Council objects to this document request on the grounds set forth in the General Objections. The Council further objects as this document request seeks documents that are in Applicants' possession. Subject to and without waiving any of the

above objections, The Council will conduct a reasonable search for documents to identify and produce in response to this request.

5. All Documents supporting any claim that the Project fails to comply with applicable statutes, regulations, or permit criteria.

RESPONSE: The Council objects to this document request on the grounds set forth in the General Objections. The Council further objects as this document request is premature at this stage of the hearing.

6. All Documents relating to alternative projects or mitigation measures You contend are preferable.

RESPONSE: The Council objects to this document request on the grounds set forth in the General Objections. The Council further objects as this document request is premature at this stage of the hearing.

7. All Documents You intend to rely upon at the Hearing.

RESPONSE: The Council objects to this document request on the grounds set forth in the General Objections. The Council further objects as this document request is premature at this stage of the hearing.

8. All Documents reflecting funding sources, sponsorship, or financial support related to Your participation in this proceeding.

RESPONSE: The Council objects to this document request on the grounds set forth in the General Objections.

9. All Documents reflecting current and past membership in Your organization, including lists of names of current and past members from 1990 to present.

RESPONSE: The Council objects to this document request on the grounds set forth in the General Objections.

10. The following are to be responded to by Adirondack Council only:

(a) All Documents reflecting current and past membership in Your organization, of Rush Holt, Jr. from 1990 to present.

(b) All Communications between Rush Holt, Jr. and any member, officer, employee, and staff person of Your organization relating to the Project and Hearing.

RESPONSE: The Council objects to this document request on the grounds set forth in the General Objections.

Whiteman Osterman & Hanna LLP
Attorneys for Adirondack Council, LLC



Paul Van Cott

Dated: April 29, 2026

TO: Applicants
Service List

STATE OF NEW YORK
ADIRONDACK PARK AGENCY

In the Matter of the Application of

UNCONVENTIONAL CONCEPTS, INC.
and MICHAEL HOPMEIER

For a Permit Pursuant to Section 809 of the
Adirondack Park Agency Act and
9 NYCRR Parts 573 and 574

RESPONSES OF INTERVENOR PROTECT THE ADIRONDACKS TO APPLICANTS' DEMAND FOR PRODUCTION

Project No. 2021-0276

Intervenor Protect the Adirondacks! Inc. ("PROTECT") hereby responds to the Applicants' Demand for Production of Documents and Things dated April 8, 2026 ("Demand") by stating as follows:

GENERAL OBJECTIONS

PROTECT objects to the section of the Demand entitled "Definitions" to the extent that the definitions impose or seek to impose obligations beyond those imposed by Article 31 of the Civil Practice Law and Rules ("CPLR"), the Adirondack Park Agency ("APA") regulations, the APA Final Project Order dated November 14, 2025, and rulings and orders of the Hearing Officer in this proceeding.

PROTECT objects to each and every definition in the section of the Demand entitled "Definitions" as being overbroad, vague, ambiguous, unduly burdensome and not calculated to lead to the discovery of admissible evidence.

PROTECT objects to use of the terms "all" and "any" throughout the Demand as being overbroad, ambiguous, vague, unduly burdensome, beyond the scope of permissible discovery and not calculated to lead to the discovery of admissible evidence.

PROTECT objects to each and every Demand insofar as they seek production of documents protected from disclosure by attorney-client privilege or constitute attorney work product or material prepared in anticipation of litigation.

SPECIFIC OBJECTIONS

PROTECT objects to the Demand's definition "A" of "document" insofar as it seeks production of drafts and non-identical copies as being overbroad, unduly burdensome and not calculated to lead to the discovery of admissible evidence.

PROTECT objects to the Demand's definition "B" of "communication" insofar as it seeks "text messages, telephone calls, voicemail, [and] in-person conversations" as being either impossible to produce, overbroad, unduly burdensome and not calculated to lead to the discovery of admissible evidence, or both.

PROTECT objects to the Demand's definition "H" of "identify" insofar as it seeks the telephone number of individuals as being a violation of privacy, overbroad, beyond the scope of permissible discovery and not calculated to lead to the discovery of admissible evidence.

PROTECT objects to the Demand's definition "I" of "parties" insofar as it seeks to include individuals and/or entities that have not been granted party status in this proceeding.

PROTECT objects to the Demand's definition "M" of "state the basis," "detail all facts," "state all facts," "explain in detail," "state in detail," and "or words of like meaning" as being overbroad, vague, ambiguous, unduly burdensome, beyond the scope of permissible discovery and not calculated to lead to the discovery of admissible evidence.

PROTECT objects to the Demand's definition "O" insofar as it seeks production of original documents instead of copies and seeks production of non-identical copies and drafts as being

overbroad, unduly burdensome, beyond the scope of permissible discovery and not calculated to lead to the discovery of admissible evidence.

PROTECT objects to the Demand's definition "P" insofar as it seeks production of non-identical copies and drafts as being overbroad, unduly burdensome, beyond the scope of permissible discovery and not calculated to lead to the discovery of admissible evidence.

PROTECT objects to the Demand's definition "Q" insofar as it seeks to impose an obligation to provide a list of withheld documents, a complete description of each such document, as well as the date; author(s); signer(s); recipient(s) of copies; the name and title of every person known to have seen, or been told of the contents of said document; and the ground or grounds upon which it is being withheld as imposing or seeking to impose obligations beyond those imposed by CPLR Article 31, the APA, the APA Final Project Order dated November 14, 2025, and rulings and orders of the Hearing Officer in this proceeding. PROTECT further objects to this definition as being overbroad, unduly burdensome, beyond the scope of permissible discovery and not calculated to lead to the discovery of admissible evidence.

PROTECT objects to the Demand's definition "S" insofar as it seeks to impose obligations to produce documents in a manner and form beyond what is required by CPLR Article 31 and the APA regulations.

PROTECT objects to the Demand's definition "T" insofar as it seeks information concerning documents no longer in PROTECT's possession, custody or control as being overbroad, unduly burdensome, beyond the scope of permissible discovery and not calculated to lead to the discovery of admissible evidence.

PROTECT objects to the Demand's definition "U" insofar as it seeks information concerning documents that were "destroyed" as being overbroad, unduly burdensome, beyond the scope of permissible discovery and not calculated to lead to the discovery of admissible evidence.

PROTECT objects to the Demand's definition "V" insofar as it seeks documents not in PROTECT's "immediate control" as being overbroad, vague, unduly burdensome, beyond the scope of permissible discovery and not calculated to lead to the discovery of admissible evidence.

RESPONSES TO DEMANDS

1. All Documents supporting any contention that the Project will result in adverse environmental impacts.

Response: In addition to the foregoing objections, PROTECT objects to this demand insofar as it seeks to impose obligations different from or in addition to those set forth in the Second Revised Scheduling Order. PROTECT further objects to this demand as being overbroad, vague, ambiguous, unduly burdensome, beyond the scope of permissible discovery and not calculated to lead to the discovery of admissible evidence. PROTECT further objects to this demand insofar as it seeks documents not in the possession, custody or control of PROTECT.

Without waiver of the foregoing objections, PROTECT refers the Applicants to the following:

(i) The Application, the Notices of Incomplete Application and the Applicants' responses thereto, and all other application documents available at https://acrobat.adobe.com/id/urn:aaid:sc:US:158fcf1c-d55f-470b-8e64-378f74256656;

(ii) PROTECT's comment letters dated May 13, 2024, October 30, 2025, and November 7, 2025, annexed to and made part of this response;

(iii) PROTECT's Petition to Intervene in this proceeding dated December 17, 2025, annexed to and made part of this response;

(iv) An article on PROTECT's website entitled, "Adirondack Park Agency releases draft order to send controversial weapons firing range to adjudicatory hearing," available at https://www.protectadks.org/adirondack-park-agency-releases-draft-order-to-send-controversial-weapons-firing-range-to-an-adjudicatory-hearing/;

(v) The affidavit of Colonel Paul Vincent Ciminelli, USA (Ret.), submitted as a public comment concerning the Project, a copy of which is annexed to and made part of this response;

(vi) The December 2013 Department of Defense Noise Working Group Technical Bulletin entitled, An Overview of Blast Noise: Characteristics, Assessment and Mitigation, submitted as part of the public comments concerning the Project, a copy of which is annexed to and made part of this response; and

(vii) All other public comments submitted to APA in opposition to the Project, available at: https://apa.ny.gov/meeting/2025/11/files/reg-pro/P2021-0276/2-P2021-0276-PublicComment.pdf; https://apa.ny.gov/files/permits/permit-hearing/PublicComments11.1_11.14.pdf; and https://apa.ny.gov/files/permits/permit-hearing/PublicComments11.1_11.14.pdf.

PROTECT further states that additional documents responsive to this demand, if any, will be provided as part of the pre-filed testimony of its witnesses in this proceeding and/or the pre-filed testimony of witnesses for the other Intervenors.

2. All expert reports, opinions, or analyses prepared or relied upon regarding the Project and for presentation of evidence in the Hearing.

Response: In addition to the foregoing objections, PROTECT objects to this demand insofar as it seeks to impose obligations different from or in addition to those set forth in the Second Revised Scheduling Order. PROTECT further objects to this demand insofar as it seeks expert reports, opinions, or analyses not in the possession, custody or control of PROTECT.

Without waiver of the foregoing objections, PROTECT refers the Applicants to expert reports, opinions or analyses included in the Application, available at https://acrobat.adobe.com/id/urn:aaid:sc:US:158fcf1c-d55f-470b-8e64-378f74256656.

PROTECT further states that additional documents responsive to this demand, if any, will be provided as part of the pre-filed testimony of its witnesses in this proceeding and/or the pre-filed testimony of witnesses for the other Intervenors.

3. All Communications (including but not limited emails) between You and any third party relating to the Project or this Hearing.

Response: In addition to the foregoing objections, PROTECT objects to this demand insofar as it seeks to impose obligations beyond those imposed by CPLR Article 31, the APA regulations, the APA Final Project Order dated November 14, 2025, and rulings and orders of the Hearing Officer in this proceeding. PROTECT further objects to this demand as being overbroad, vague, ambiguous, unduly burdensome, irrelevant, beyond the scope of permissible discovery and not calculated to lead to the discovery of admissible evidence.

4. All Documents relating to any studies, modeling, or data used to evaluate environmental impacts of the Project.

Response: In addition to the foregoing objections, PROTECT objects to this demand insofar as it seeks to impose obligations different from or in addition to those set forth in the Second Revised Scheduling Order. PROTECT further objects to this demand insofar as it seeks expert reports, opinions, or analyses not in the possession, custody or control of PROTECT.

Without waiver of the foregoing objections, PROTECT refers the Applicants to the Application, the Notices of Incomplete Application and the Applicants' responses thereto, and to all other application documents available at https://acrobat.adobe.com/id/urn:aaid:sc:US:158fcf1c-d55f-470b-8e64-378f74256656. PROTECT further states that additional documents responsive to this demand, if any, will be provided as part of the pre-filed testimony of its witnesses in this proceeding and/or the pre-filed testimony of witnesses for the other Intervenors.

5. All Documents supporting any claim that the Project fails to comply with applicable statutes, regulations, or permit criteria.

Response: In addition to the foregoing objections, PROTECT objects to this demand insofar as it seeks to impose obligations different from or in addition to those set forth in the Second Revised Scheduling Order. PROTECT further objects to this demand as being overbroad, vague, ambiguous, unduly burdensome, beyond the scope of permissible discovery and not calculated to lead to the discovery of admissible evidence. PROTECT further objects to this demand insofar as it seeks documents not in the possession, custody or control of PROTECT.

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(v) The affidavit of Colonel Paul Vincent Ciminelli, USA (Ret.), submitted as a public comment concerning the Project, annexed to and made part of this response;

(vi) The December 2013 Department of Defense Noise Working Group Technical Bulletin entitled, An Overview of Blast Noise: Characteristics, Assessment and Mitigation, submitted as part of the public comments concerning the Project, annexed to and made part of this response; and

(vii) The Department of Environmental Conservation Program Policy DEP-00-1, Assessing and Mitigating Noise Impacts, dated October 6, 2000, revised February 2, 2001, available at: https://extapps.dec.ny.gov/docs/permits_ej_operations_pdf/noise2000.pdf; and

(viii) All other public comments submitted in opposition to the Project, available at: https://apa.ny.gov/meeting/2025/11/files/reg-pro/P2021-0276/2-P2021-0276-PublicComment.pdf; https://apa.ny.gov/files/permits/permit-hearing/PublicComments11.1_11.14.pdf; and https://apa.ny.gov/files/permits/permit-hearing/PublicComments11.1_11.14.pdf.

PROTECT further states that additional documents responsive to this demand, if any, will be provided as part of the pre-filed testimony of its witnesses in this proceeding and/or the pre-filed testimony of witnesses for the other Intervenors.

6. All Documents relating to alternative projects or mitigation measures You contend are preferable.

Response: In addition to the foregoing objections, PROTECT objects to this demand insofar as it seeks to impose obligations different from or in addition to those set forth in the Second Revised Scheduling Order. PROTECT further objects to this demand as being overbroad, vague, ambiguous, unduly burdensome, beyond the scope of permissible discovery and not calculated to lead to the discovery of admissible evidence. PROTECT further objects to this demand insofar as it seeks documents not in the possession, custody or control of PROTECT.

Without waiver of the foregoing objections, PROTECT states that it has no documents in its possession, custody or control responsive to this demand.

7. All Documents You intend to rely upon at the Hearing.

Response: In addition to the foregoing objections, PROTECT objects to this demand insofar as it seeks to impose obligations different from or in addition to those set forth in the Second Revised Scheduling Order. PROTECT further objects to this demand as being overbroad, vague,

ambiguous, unduly burdensome, beyond the scope of permissible discovery and not calculated to lead to the discovery of admissible evidence. PROTECT further objects to this demand insofar as it seeks documents not in the possession, custody or control of PROTECT.

Without waiver of the foregoing objections, PROTECT refers the Applicants to the Application, the Notices of Incomplete Application and the Applicants' responses thereto, and to all other application documents available at https://acrobat.adobe.com/id/urn:aaid:sc:US:158fcf1c-d55f-470b-8e64-378f74256656. PROTECT further states that additional documents responsive to this demand, if any, will be provided as part of the pre-filed testimony of its witnesses in this proceeding and/or the pre-filed testimony of witnesses for the other Intervenors.

8. All Documents reflecting funding sources, sponsorship, or financial support related to Your participation in this proceeding.

Response: In addition to the foregoing objections, PROTECT objects to this demand as seeking to impose obligations beyond those imposed by CPLR Article 31, the APA regulations, the APA Final Project Order dated November 14, 2025, and rulings and orders of the Hearing Officer in this proceeding. PROTECT further objects to this demand as being overbroad, vague, ambiguous, irrelevant, beyond the scope of permissible discovery, and not calculated to lead to the discovery of admissible evidence.

9. All Documents reflecting current and past membership in Your organization, including lists of names of current and past members from 1990 to present.

Response: In addition to the foregoing objections, PROTECT objects to this demand as seeking to impose obligations beyond those imposed by CPLR Article 31, the APA regulations, the APA Final Project Order dated November 14, 2025, and rulings and orders of the Hearing

Officer in this proceeding. PROTECT further objects to this demand as being unduly burdensome, overbroad, vague, ambiguous, irrelevant, beyond the scope of permissible discovery, and not calculated to lead to the discovery of admissible evidence.

Dated: April 29, 2026
Albany, New York

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Claudia K. Braymer, Esq.
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Christopher Amato, Esq.
Conservation Director and Counsel

May 13, 2024

John Ernst, Chair
Board Members
Adirondack Park Agency
PO Box 99
1133 NYS Route 86
Ray Brook NY 12977

Re: Appeal of Fifth Notice of Incomplete Application by Ballistics Testing Facility; Michael Hopmeier of Unconventional Concepts, Inc.

Dear Chairman Ernst and APA Board Members:

We submit these comments to urge you to uphold the Fifth Notice of Incomplete Permit Application (NIPA) issued by the Adirondack Park Agency (APA) to Project Sponsor Michael Hopmeier of Unconventional Concepts, Inc. regarding the proposed ballistics testing range located at 195 Hale Hill Lane in the Town of Lewis, Essex County. The proposed ballistics testing range involves firing test shots from "a M109A3GN 155mm field howitzer up to 2 times per day up to 3 days in a row, for an average of 30 times per year for 5 years". Letter from Fritz Aldinger to Matthew Norfolk, Esq. dated August 16, 2023, page 2.

The project is proposed to take place in land classified as "Rural Use" "where natural recourse limitations and public considerations necessitate fairly stringent development considerations" and where only "a low level of development" may be permissible so long as it is "compatible with the protection of the relatively intolerant natural resources and the preservation of open space". APA Act § 805(3)(f). The site of the proposed project is adjacent to the Taylor Pond Wild Forest, and not far from the Jay Mountain Wilderness.

The 5th NIPA dated January 2, 2024 outlines important "questions [that] must be addressed in order to review" the application, and "some of the information requested" previously still needs to be submitted. NIPA page 1. The 5th NIPA requires basic, critical information about the howitzer that will be on the

site, its precise location, associated source of noise information, proposed noise mitigation (including a proposed berm), an evaluation of other noise mitigation measures (including enclosures and silencers), and noise modeling and analysis information. The 5th NIPA also requires information depicting "all state land boundaries, the southwest corner of the nearest state land parcel located approximately 300 feet from the northeast corner of the firing pad, the nearest dwellings . . . receptor locations M1-M4, and the closest point of the proposed gravel pad or the noise source, whichever is closer, to each receptor". NIPA page 3.

The 5th NIPA (page 4) states that the "approximate noise level of 127 dB does not appear to be in character with the recorded ambient noise level of approximately 37.2 dBA, which per NYSDEC's noise policy, is most similar to wilderness noise levels at approximately 35 dBA". Notably, the Department of Environmental Conservation (DEC) Policy: Assessing and Mitigating Noise Impacts dated February 2, 2001 (Noise Policy) (pages 13-14) states that increases of 3-6 dB have the "potential for adverse noise impacts" when sensitive receptors are present, "increases of more than 6 dB" require closer analysis of potential adverse impacts, and an "increase of 10 dB(A) deserves consideration of avoidance and mitigation measures in most cases". Additionally, the DEC Noise Policy (page 20) states that a decisionmaker "[in] determining the potential for an adverse noise impact, [must] consider not only ambient noise levels, but also the existing land use, and whether or not an increased noise level or the introduction of a discernable sound, that is out of character with existing sounds, will be considered annoying or obtrusive".

Here, the potential for adverse impacts, from noise levels that far exceed a 10 dB increase and from other impacts to sensitive natural resources, must be closely scrutinized by APA. Contrary to the Project Sponsor's objections, the information requested in the 5th NIPA is necessary for APA to review the adverse impacts of the proposed project on the "the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the park". APA Act § 809(10)(e). The 5th NIPA should be upheld, and the Project Sponsor should be required to provide the information requested therein.

Thank you for your consideration of these comments.

Sincerely,



Claudia Braymer
Deputy Director

Board of Directors

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Barbara Rottier
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Vice-Chairs

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Staff

Claudia K. Braymer, Esq.
Executive Director

Christopher Amato, Esq.
Conservation Director and Counsel

Peter Bauer
Fundraising Coordinator

Via Email

October 30, 2025

Frederick Aldinger
Adirondack Park Agency
P.O. Box 99
Ray Brook, NY 12977

Re: Michael Hopmeier
Unconventional Concepts, Inc.
Proposed Military Ballistic Testing Range
Hale Hill Lane, Town of Lewis, Essex County
APA Project 2021-0276

Dear Mr. Aldinger:

Protect the Adirondacks (PROTECT) appreciates the opportunity to submit comments on the above-referenced application by Unconventional Concepts, Inc. ("UCI"), which seeks approval to construct and operate an artillery firing range on a 197-acre parcel of land classified as Rural Use on the Adirondack Park Land Use and Development Plan Map.

A military-grade artillery firing range that produces excessively loud noise has no place in the Adirondack Park. The proposed project involves the firing of a 155mm howitzer cannon—characterized by the Norwegian defense agency as "one of the noisiest weapons" in the Norwegian arsenal—up to 30 times per year over a five-year period. UCI proposes to fire this acoustically intrusive artillery in close proximity to scores of private residences, within 350 feet of the Taylor Pond Wild Forest, and in close proximity to the Jay Mountain Wilderness, and the Hurricane Mountain Wilderness. Incredibly, UCI proposes that Big Church Mountain be used as a "backstop" to capture artillery shells fired by the howitzer.

The application must be denied. As discussed below, the proposed project is directly at odds with the purpose of the Adirondack Park and is also inconsistent with the statutory purposes and policies applicable to Rural Use areas.

Moreover, the application is significantly deficient in several respects: it fails to provide baseline ecological information about the project site necessary for a complete review of the project's environmental impacts; it mischaracterizes the natural resources present on the project site; its analysis of noise impacts from the firing of major artillery is incomplete and deeply flawed; and its claims of the project's economic benefits are unfounded and exaggerated.

Consequently, the Adirondack Park Agency (APA) should deny the application. At the very least, APA should hold an adjudicatory hearing on the significant and substantive issues raised regarding the numerous deficiencies in the application and the incompatibility of the project with the purposes and goals of the Adirondack Park.

The Proposed Project

As proposed, a portable 155mm howitzer will be fired from a 100-foot by 100-foot crushed gravel pad, sending steel projectiles into a target area. The firing range will be longer than three football fields (330 yards). The howitzer will be fired up to 30 times per year on weekdays between the hours of 10 a.m. and 4 p.m. There may be as many as 10 hours of firings in a single week, and the testing is anticipated to continue for five years.

The project site is forested, includes streams and wetlands, and includes Little Church and Big Church mountains. The application states that the site has been chosen "because it provides easy access to mountains, *which will act as a projectile backstop*," and that "[t]he current intent is that *test shots will impact the mountain at the end of the [firing] range."* Application ("Applic.") at 24; (emphasis added).

There are 42 residences located within two miles of the project site. The site is also located in close proximity to sensitive Forest Preserve lands, including the Jay Mountain Wilderness Area (approximately 2.5 miles away), and the Hurricane Mountain Wilderness Area (approximately 4 miles away). The project site is also within two miles of four parcels of the Taylor Pond Wild Forest, with the closest parcel adjoining the project site and located approximately 350 feet from the proposed artillery firing pad.

The Project is Inappropriate for the Adirondack Park

The siting of a military-grade artillery firing range is, on its face, inconsistent with the character of the Adirondack Park, which "is abundant in natural resources and open space unique to New York and the eastern United States." Executive Law § 801. The proposed project is utterly out of character with "[t]he wild forest, water, wildlife and aesthetic resources of the park and its open space character." *Id*. Furthermore, an artillery firing range does not "complement[] the forest preserve holdings" or provide "supporting facilities necessary to the proper use and enjoyment of the unique wild forest atmosphere of the park." *Id*. Indeed, it is difficult to imagine a use more directly at odds with the Adirondack Park's wild forest atmosphere.

The inappropriateness of locating the proposed project within Park boundaries is underscored by the fact that a military-grade artillery firing range is not listed as either a primary or secondary compatible use for Rural Use (or for any land classification). *See* Executive Law § 805(3)(f)(4).

The proposed project is therefore a presumptively incompatible use for Rural Use areas. *Id*. § 805(3)(a).

Although the proposed project is styled as a "commercial use," which is listed as a secondary compatible use in Rural Use areas, it is not a commercial use contemplated by the APA Act because it does not involve the sale or rental of goods, services or commodities and will not provide recreation facilities or activities. *See* Executive Law § 802(17) (defining "commercial use" as "any use involving the sale or rental or distribution of goods, services or commodities, either retail or wholesale, or the provision of recreation facilities or activities for a fee other than any such uses specifically listed on any of the classification of compatible uses lists."). The proposed project should therefore not be considered compatible with a Rural Use area.

In any event, the incompatibility of the proposed project with the Rural Use classification is made clear by the APA Act. A Rural Use area is one "where natural resource limitations and public considerations necessitate fairly stringent development constraints . . . [and is] characterize[d] by substantial acreages of one or more of the following: fairly shallow soils, relatively severe slopes, significant ecotones, critical wildlife habitats, proximity to scenic vistas or key public lands." Executive Law § 805(3)(f)(1). In addition, Rural Use areas "are characterized by a low level of development and variety of rural uses that are generally compatible with the protection of the relatively intolerant natural resources and the preservation of open space . . [and] provide the essential open space atmosphere that characterizes the park." *Id*. A weapon firing range involving the booming discharge of artillery shells into the side of a mountain will not protect natural resources and will destroy the open space atmosphere that is "essential and basic to the unique character of" the Adirondack Park. *Id*. § 805(3)(f)(2).

The Application is Deficient and Inaccurate

The application is seriously deficient because it lacks essential information regarding the site's natural resources and project impacts. Specifically:

- No vernal pool survey: There is no evidence that a survey was conducted to identify vernal pools, which are critical seasonal habitats for amphibians and other sensitive species.
- No comprehensive natural resource inventory: The application does not include a thorough, on-site inventory to assess habitat quality, species presence, or other key ecological characteristics of the site. This is a particularly significant omission given that there are rare plant and animal species in proximity to the project site. *See* Applic. Attachment D at 10.
- No assessment of impacts on Wilderness areas: The application fails to acknowledge the proximity of the project site to the Jay Mountain Wilderness Area and Hurricane Mountain Wilderness Area, and does not address the project's potential impacts to these sensitive protected areas.
- Inadequate forest cover data: While the application states that the site is forested, it fails to acknowledge that the area has experienced substantial timber harvesting, other than a passing reference to the property being enrolled in the Real Property Tax Law § 480-a

program. There is no information on the current extent of forest cover or how many trees are expected to be removed during development.

Without these baseline data, APA cannot fully, accurately, or lawfully assess the environmental impacts of the proposed project, as required by the Adirondack Park Agency Act and its implementing regulations.

In addition, the application contains internally inconsistent, inaccurate and misleading claims. For example, UCI repeatedly claims that there are no ponds, permanent or intermittent streams or wetlands on the project site. *See* Applic. at 6, 17, 24. However, its own Environmental Resource Map shows ponds, wetlands and streams on the project site. Applic. Attachment D at 3 and 4. UCI also claims that clearing will consist only of brushing and removal of a "limited" (unspecified) number of trees. However, the application's aerial photograph shows the firing range to be completely forested. Applic. Attachment L. This underscores the unreliability of the natural resource information provided by the applicant.

UCI also claims in one part of the application that it has no plans to expand its operations over the next five years. Applic. at 4. Yet elsewhere UCI states that the proposed project "is part of an ongoing strategic plan at UCI's ADK facility to build and expand . . . a wide array of research and development programs including environmental research, telecommunications, and national security." Applic. at 27-28. UCI's future plans for the site must be included as part of this application to avoid impermissible segmentation of APA's environmental review.

Finally, UCI misrepresents the economic benefits of the project, claiming that it will result in "hiring of personnel with advanced technical and research backgrounds" who will "contribute to the local and regional economy." Applic. at 27. But this claim is at odds with UCI's statement that operations at the site will be limited to 30 hours per year, and that the project will create no construction jobs and no full-time or part-time seasonal or year-round employment. Applic. at 5. Thus, there appear to be no economic benefits to the community from this project.

The Applicant Has Failed to Provide Requested Information

UCI has failed to provide information requested by APA staff, including:

- A revised noise source level at or in proximity to the howitzer muzzle noise source (not 820 feet away);
- Empirical sound pressure level calculations for each of the receptor locations and an impact assessment utilizing those calculations;
- A revised noise impact analysis that includes varying wind direction and speed and atmospheric inversions; and
- The maximum charge for the artillery that will be fired.

Without this information, APA cannot conduct the comprehensive review mandated by law.

The Noise Analysis is Flawed and Demonstrates Unacceptable Impacts

UCI has submitted a study that purports to characterize the noise impacts from the proposed artillery firing range. Bowman Consulting, Sound Study (Nov. 2024) ("Sound Study"). The Sound Study is deeply flawed because it is based on inadequate ambient noise monitoring and—as UCI itself concedes—the study's assumptions and results have changed multiple times during the application process. But even the flawed study shows that the noise impacts from the project will be significant and severe enough to require denial of the application.

A. The Sound Study is Flawed

The Sound Study's evaluation of noise impacts is based on comparing anticipated noise levels from the firing of a 150mm howitzer with existing ambient noise levels measured at five locations. However, ambient noise monitoring was conducted for only two days under atypical conditions and at locations influenced by nearby industrial, highway and snowmobile noise—thereby severely understating the true impacts.

Ambient noise monitoring was conducted on two consecutive days in December (December 20 and 21, 2022). Five monitoring locations were utilized: M1 (a residential receptor more than a mile from the firing site); M2 (a residential receptor approximately two miles from the firing site); M3 (a location next to NYS Route 9); M4 (a location in the Taylor Pond Wild Forest approximately one mile from the firing site); and M5 (a location in the Taylor Pond Wild Forest 510 feet from the firing site). Sound Study at 2-6; Figure 3.

However, the monitoring locations chosen and the limited duration of the monitoring cause the project's noise impacts to be underestimated. The M1 residential receptor is located close to the Pulsifer Mill; the M2 residential receptor is close to the NYCO mine; and M3 is located along NYS Route 9. Sound Study, Figure 3. Thus, the ambient noise levels at these three receptors are elevated by existing industrial activity and truck traffic and are not representative of the quieter ambient noise levels that prevail in this rural and largely undeveloped region.

The M4 and M5 Wild Forest receptors are similarly unrepresentative because the monitoring occurred on two days in December immediately following a large snowfall and, as the Sound Study acknowledges, were affected by noise from snowmobiles. Sound Study at 5-6. This is confirmed by the fact that the ambient noise levels monitored at the M4 and M5 receptors were, with one exception, several decibels above the 35 dB level that the Department of Environmental Conservation ("DEC") reports for wilderness areas. *See* Sound Study, Tables 4b, 4c at 13; DEC Program Policy DEP-00-1, Assessing and Mitigating Noise Impacts (2001) ("DEC Noise Policy") at 20.

Because the ambient sound levels were gathered from locations with uncharacteristically higher noise levels, the assessment of noise impacts from the firing range is skewed downward. Collecting ambient noise data from areas more representative of the relatively quiet environment in that area would demonstrate that the noise from a howitzer firing will be highly intrusive. Thus, the Sound Study underestimates the project's noise impacts and its conclusion that those impacts will not be significant is based on cherry-picked, unrepresentative ambient conditions.

The unreliability of the Sound Study is further underscored by the constantly shifting information submitted about the project's noise impacts. For example, UCI has variously identified the noise level from the firing of the howitzer as 166.1 dB, 176 dB, 180 dB, 180.8 dB, 183 dB and 185 dB—discrepancies which UCI concedes. *See* UCI's Response to 5th NIPA, dated June 9, 2025, at 2. UCI has also repeatedly changed the distance from the firing source to the modeled receptors, with the changes ranging from 1,815 feet to 5,955 feet for M1; from 3,025 feet to 9,925 feet for M2; from 2,355 feet to 7,726 feet for M3; from 1,496 feet to 5,200 feet for M4; and from 169 feet to 554 for M5. *Id*. at 3. The calculated sound pressure levels have also altered significantly, from 67 dB(A) to 90 dB(A) for M1; from 71 dB(A) to 85.6 dB(A) for M2; from 73 dB(A) to 87.8 dB(A) for M3; from 79 dB(A) to 91.7 dB(A) for M4; and from 100 dB(A) to 110.7 dB(A) for M5. *See* UCI's Response to 5th NIPA, dated June 9, 2025, at 6. In sum, UCI's noise impact analysis is a moving target, and the constantly changing information submitted provides APA with no rational basis for evaluating the project's noise impacts.

In addition, UCI's attempt to claim reductions in noise impacts from the purported construction of a "sound mitigation berm" is unsupported. UCI initially stated that "[t]he location of the Firing Pad is [the sole] mitigation measure" because "[t]here are no other practicable means to mitigate noise from a noise source such as the one being tested." UCI's First Response to 4th NIPA, dated July 31, 2023, at 5. UCI subsequently changed course, claiming that a sound mitigation berm would be constructed, but no plans or specifications for such a berm have been submitted. UCI's Second Response to 4th NIPA, dated December 14, 2023, at 1. Moreover, given the applicant's initial admission, plus basic common sense that a 13-foot high dirt berm on one side of the firing range and at a lower elevation than the firing pad cannot fully muffle the noise from firing a 155mm howitzer cannon, the sound mitigation berm is not realistic mitigation. Consequently, the lower noise impact values in the Sound Study that assume the presence of a sound mitigation berm are unsupported and should be disregarded.

Finally, the Sound Study is fatally flawed because it fails to assess the noise impacts to either the Jay Mountain Wilderness Area, which is approximately 2.5 miles from the firing range, or the Hurricane Mountain Wilderness Area, which is approximately 4 miles away. UCI offers no explanation or justification for ignoring noise impacts to these highly sensitive areas.

B. <u>The Sound Study Shows Unacceptable Noise Impacts</u>

Putting aside the Sound Study's significant errors and omissions, even that flawed analysis shows that the project's noise impacts are significant and unacceptable. The Sound Study characterizes the blast from firing the howitzer as an "impulse" sound, a noise source that DEC characterizes as "very annoying." Sound Study at 12; DEC Noise Policy at 11. Furthermore, the Sound Study assumes that the noise from firing the 150mm howitzer will be 180.8 decibels (dB) at the source. Applic. at 28; Sound Study at 6. This is well above the 130 dB level that DEC characterizes as "painfully loud." DEC Noise Policy at 19.

Moreover, the increase in noise levels from firing the howitzer—even based on UCI's skewed ambient monitoring data—are well outside levels deemed acceptable by the DEC Noise Policy. For example, the Sound Study shows the increase in noise levels at the M5 Wild Forest receptor

will range from 22.5 to 25 dB, an increase that DEC characterizes as "very objectionable to intolerable." Sound Study Tables 4b and 4c at 10; DEC Noise Policy at 15.

In addition, the noise level at both the M5 receptor and the closest portion of the Taylor Pond Wild Forest is modeled to range from 124 dB to127 dB (even with the phantom sound mitigation berm)—slightly below the 130 dB level deemed by DEC to be "painfully loud." Without the berm, the noise levels range from 130 dB to 132 dB, both above DEC's "painfully loud" threshold *See* UCI's Response to 5th NIPA, dated June 9, 2025, at 14; DEC Noise Policy at 19. Thus, the project's noise impacts to Forest Preserve lands are significant and unacceptable.

Conclusion

For the reasons set forth above, PROTECT respectfully urges APA to deny UCI's application. In the alternative, APA should hold an adjudicatory hearing to address the numerous deficiencies in the application and the incompatibility of the project with the purposes and goals of the Adirondack Park. These steps are essential to ensuring that APA fulfills its statutory mandate to protect the natural resources of the Adirondack Park.

On behalf of the Board of Directors of PROTECT, please accept our gratitude for the opportunity to share our comments on this conceptual design.

Sincerely,



Christopher Amato
Conservation Director and Counsel

Board of Directors

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Charlie Olsen
Peter O'Shea
Philip Terrie

Staff

Claudia K. Braymer, Esq.
Executive Director

Christopher Amato, Esq.
Conservation Director and Counsel

Peter Bauer
Fundraising Coordinator

Via Email

November 7, 2025

Chairman Mark Hall and Members
Adirondack Park Agency
P.O. Box 99
1133 NYS Route 86
Ray Brook, NY 12977

Re: Michael Hopmeier
Unconventional Concepts, Inc.
Proposed Military Ballistic Testing Range
Hale Hill Lane, Town of Lewis, Essex County
APA Project 2021-0276

Dear Chair Hall and Adirondack Park Agency Members:

Protect the Adirondacks (PROTECT) has reviewed the proposed Order presented by staff to the Board regarding the above-referenced application by Unconventional Concepts, Inc. ("UCI"), which seeks approval to construct and operate a howitzer firing range on a 197-acre parcel of land classified as Rural Use on the Adirondack Park Land Use and Development Plan Map. While the applicant has claimed that this proposed project will support military preparedness, there is no evidence to support such a claim, and the applicant has stated in a letter dated November 6, 2025 that this should be reviewed as "a request to use firearms in the park".

In addition to our public comment letter regarding the application, we would like to take this opportunity prior to the Adirondack Park Agency ("APA") Board meeting on November 13-14, 2025 to urge the Board to adopt the staff's recommendation to order this proposed project to undergo an adjudicatory hearing, with the addition of one issue. We suggest that the Board add as one of the issues for adjudication the applicant's claim that this project is critical for the national security of the United States.

As we commented in our October 30, 2025 letter to staff, a "military weapons testing range has no place in the Adirondack Park". Firing an excessively loud 155mm howitzer cannon in close proximity to residences, within 350 feet of the Taylor Pond Wild Forest, and in close proximity to

the Jay Mountain Wilderness, and the Hurricane Mountain Wilderness is incompatible with the statutory goals for the Adirondack Park and is also inconsistent with the purposes and policies applicable to Rural Use areas.

We agree with the proposed Order's Findings stating that the criteria for holding an adjudicatory hearing have been met. We also support the proposed Order stating that three issues need to be considered at the hearing, summarized as follows:

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

As noted above, we suggest that the Board identify as an issue for adjudication the applicant's claim that this project is essential for the national security of the United States.

We note that without an adjudicatory hearing, this Board cannot make the findings required by the Adirondack Park Agency Act. The application contains inaccurate and misleading information, fails to include comprehensive natural resources information, and fails to provide complete information as requested by APA staff. Without all of this information, APA cannot fully, accurately, or lawfully assess the environmental impacts of the proposed project, as required by the Adirondack Park Agency Act and its implementing regulations.

Conclusion

PROTECT respectfully requests that APA deny UCI's application to site a weapons firing range in the Adirondack Park. To do so, APA must hold an adjudicatory hearing to comply with the APA Act's procedural requirements.

Respectfully submitted,

Claudia K. Braymer

Claudia Braymer
Executive Director

PROTECT THE ADIRONDACKS!

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Charlie Olsen
Peter O'Shea
Philip Terrie

Staff

Claudia K. Braymer, Esq.
Executive Director

Christopher Amato, Esq.
Conservation Director and Counsel

Peter Bauer
Fundraising Coordinator

Via Email

December 17, 2025

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 of Unconventional Concepts, Inc. and Michael Hopmeier
APA Project No. 2021-0276

Dear Judge Greenwood:

Attached please find the Petition to Intervene by Protect the Adirondacks! Inc. in the above-referenced proceeding.

Respectfully submitted,



Christopher A. Amato, Esq.
Conservation Director and Counsel

Cc: Grace Sullivan, Esq.
Matthew Norfolk, Esq.

Protect the Adirondacks
PO Box 48, North Creek, NY 12853 518.251.2700
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STATE OF NEW YORK
ADIRONDACK PARK AGENCY

In the Matter of the Application of

UNCONVENTIONAL CONCEPTS, INC. and MICHAEL HOPMEIER

PETITION TO INTERVENE

For a Permit Pursuant to Section 809 of the Adirondack Park Agency Act and 9 NYCRR Parts 573 and 574

Project No. 2021-0276

Protect the Adirondacks! Inc. ("PROTECT") respectfully submits this Petition pursuant to Executive Law § 812 and 9 NYCRR § 580.7 for permission to intervene as a full party in the above-referenced proceeding.

I. Introduction

This proceeding involves the application by Unconventional Concepts, Inc. and Michael Hopmeier to establish an artillery testing range on two parcels of land classified Rural Use by the Adirondack Park Land Use and Development Plan Map: an approximately 8-acre parcel located at 87 Hale Hill Lane, and an approximately 197-acre parcel located at 195 Hale Hill Lane. Both parcels are in the Town of Lewis, Essex County ("the Application").

As proposed in the Application, a portable 155mm howitzer will be fired from a 100-foot by 100-foot crushed gravel pad, sending steel projectiles into a target area ("Project"). The firing range will be longer than three football fields (330 yards). The howitzer will be fired up to 30 times per year on weekdays between the hours of 10 a.m. and 4 p.m. There may be as many as 10 hours of firings in a single week, and the testing is anticipated to continue for five years.

The Project site is forested, includes streams and wetlands, and includes Little Church and Big Church mountains. There are 44 residences located within two miles of the Project site. The site is also located in close proximity to sensitive Forest Preserve lands, including the Jay Mountain Wilderness Area (approximately two miles away), and the Hurricane Mountain Wilderness Area (approximately four miles away). The Project site is also within two miles of four parcels of the Taylor Pond Wild Forest, with the closest parcel located approximately 300 feet from the proposed artillery firing pad.

PROTECT is a non-profit organization dedicated to the protection and preservation of the natural resources and communities in the Adirondack Park and has a long history of advocacy before the Adirondack Park Agency ("APA"). PROTECT submitted detailed comments to APA concerning the Application, pointing out significant flaws and deficiencies in the analysis of the Project's potential impacts and identifying reasons why the Application fails to meet the statutory and regulatory criteria for approval. As set forth in detail below, PROTECT meets the regulatory criteria for intervention and should therefore be granted full party status.

II. Nature and Purpose of the Organization (9 NYCRR § 580.7(a)(1))

PROTECT is a New York not-for-profit corporation managed by a Board of Directors. 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.[1] PROTECT uses advocacy, independent public oversight, grassroots organizing, education, scientific research, and legal action to advance its mission. Its offices are located in the Adirondack Park at 105 Oven Mountain Road, Johnsburg, New York. A copy of PROTECT's by-laws is annexed to this Petition as **Exhibit A**.

[1] PROTECT's mission statement is available here.

PROTECT has approximately 2,000 members and supporters who share a common desire to protect the environmental health and legacy of the Adirondack Park. Many of PROTECT's members reside or own property within the Park, and 70 of PROTECT's members live in Essex County. PROTECT's members are also regular users of and visitors to the Forest Preserve who recreate in and enjoy the natural resources and scenic treasures of the Adirondack Park, including the Jay Mountain Wilderness Area, the Hurricane Mountain Wilderness Area and the Taylor Pond Wild Forest. PROTECT and its members are committed to ensuring that public and private lands in the Adirondack Park are managed in a coordinated and complementary manner as envisioned and required by the New York State Constitution, the Adirondack Park State Land Master Plan, applicable Unit Management Plans and the Adirondack Park Agency Act ("APA Act").

PROTECT was formed in 2009 by consolidating two predecessor organizations: the Association for the Protection of the Adirondacks, founded in 1902, the oldest non-profit Adirondack Park advocacy group; and Residents' Committee to Protect the Adirondacks, Inc., an environmental advocacy organization founded in 1990. PROTECT's staff includes an Executive Director, a Conservation Director and Counsel, and a Fundraising Coordinator.

A high proportion of PROTECT's membership dues directly support projects that help protect the Adirondack Park's six million acres. Through independent public oversight, advocacy, education, grassroots organizing, water quality monitoring, research, and legal action, PROTECT and its members work to protect, preserve, and enhance the wilderness character, ecological integrity, and scenic resources of the Adirondack Park, and to promote appropriate recreational uses in the Forest Preserve.

One of PROTECT's priorities is to ensure that APA's regulation of private lands in the Adirondack Park complies with all applicable statutory and regulatory requirements. To that end,

PROTECT routinely monitors APA's review of permit and variance applications; submits Freedom of Information Law requests for records pertaining to private land projects under review by APA; submits comment letters on proposed projects; and attends the monthly meetings of the APA Board.

In addition to advocacy on key issues related to the management of private and public lands in the Adirondack Park, PROTECT is a member of DEC's Forest Preserve Advisory Committee, the Forest Preserve Trails Stewardship Working Group, and the DEC Visitor Use Management Plan Stakeholders Group.

PROTECT's website is also actively maintained as a repository of public information about major issues facing the Adirondack Park; the history and protection of the Forest Preserve; key legislation affecting the Park; major private lands development projects and PROTECT's comments to APA on those projects; and trail guides to 100 hikes in the Park.

PROTECT's members and volunteers are also engaged in projects to educate the public and State agencies about environmental conditions and trends in the Adirondack Park. For example, PROTECT has published reports: (i) identifying opportunities for motor-less recreation on 200 of the largest lakes and ponds in the Adirondack Park; (ii) documenting impacts to natural resources in the Forest Preserve from the use of all-terrain vehicles; (iii) assessing private land development trends in the Adirondack Park; (iv) documenting economic and population trends in the Park; (v) reviewing protected lands in New York State to establish the additional acreage of lands needing protection in order to meet the State's goal of protecting 30 percent of lands and inland waters by 2030; and identifying locations for accessible paddling opportunities in the Adirondack Park.

Although PROTECT relies in most cases on direct advocacy before APA and DEC staff and leadership to achieve its goals, it does on occasion resort to court action when appropriate and necessary to ensure that the agencies comply with the APA Act, the Forever Wild clause of the New York State Constitution, the Adirondack Park State Land Master Plan, and applicable Unit Management Plans. Most recently, PROTECT was successful before the New York Court of Appeals in its suit challenging DEC's unlawful construction on Forest Preserve lands of miles of extra-wide snowmobile trails requiring the cutting of thousands of trees in violation of the Forever Wild clause of the New York State Constitution. *Protect the Adirondacks! Inc. v. N.Y.S. Dep't of Envtl. Conservation*., 37 NY3d 73 (2021).

III. Capacity to Participate (9 NYCRR § 580.7(a)(2))

As noted above, PROTECT has a long history of advocacy before APA concerning both private land and Forest Preserve issues. PROTECT has also on occasion filed legal challenges to APA's approval of private land projects, as well as APA's approval of Forest Preserve management actions by the Department of Environmental Conservation ("DEC").

PROTECT has submitted detailed comments on the following recent private land development applications: proposed subdivisions in the Town of Chester, Warren County (APA Project No. 2025-0129) and the Town of Bolton, Warren County (APA Project No. 2025-0195); a proposed amendment to the Adirondack Park Land Use and Development Plan Map in the Town of Lake Luzerne, Warren County (MA 2025-01); the proposed expansion of an RV park in the Town of Mayfield, Fulton County (APA Project No. 2024-0270); a proposed forest clearcut in the Town of Indian Lake, Hamilton County (APA Project No. 2025-0104); and a proposed solar energy facility in the Town of Ausable, Clinton County (APA Project No. 2025-0015). PROTECT also submitted comments and expert reports addressing visual impacts and engineering of a

remedial waste pile in connection with the application by Barton Mines Corporation, LLC to expand its mining operation in the Town of Johnsburg, Warren County (APA Project No. 2021-0245). In addition, PROTECT participated as a full party in the last adjudicatory hearing held by APA involving the proposed Adirondack Club and Resort in the Town of Tupper Lake, Franklin County.

PROTECT has also filed the following recent legal challenges to actions undertaken or approved by APA: *Adirondack White Lake Assn. et al. v. Adirondack Park Agency* (Sup. Ct. Oneida Co. Index No. EFCA2022-000556); *Protect the Adirondacks! Inc. v. N.Y. Dept. of Envtl. Conservation et al.* (Sup. Ct. Albany Co. Index No. 900663-23); *Protect the Adirondacks! Inc. v. Adirondack Park Agency* (Sup. Ct. Warren Co. Index No. EF2023-71671); *Protect the Adirondacks! Inc. v. N.Y. Dept. of Envtl. Conservation et al.* (Sup. Ct. Albany Co. Index No. 902978-24).

Thus, PROTECT has the capacity to fully participate in this adjudicatory proceeding and to provide information or expertise on matters likely to be considered at the hearing.

IV. Prior Legal or Administrative Proceedings (9 NYCRR § 580.7(a)(3))

Please see Petitioner's response in Point III, *supra*. Further, as noted above, PROTECT participated as a party in the most recent adjudicatory hearing held by APA, and filed a legal challenge to APA's approval of the project following the hearing. *Protect the Adirondacks! Inc. v. Adirondack Park Agency* 38 Misc 3d 1235(A) (Sup. Ct. Albany Co. 2013, *aff'd in part, petition dismissed by* 121 AD3d 63 (3d Dept 2014), *leave to appeal dismissed, leave to appeal denied*, 24 NY3d 1065.

V. Evidence to be Presented (9 NYCRR § 580.7(a)(4))

The APA Order directing that the Application be sent to an adjudicatory hearing identified three issues for adjudication. PROTECT intends to submit testimony on all three issues, each of which–compatibility with the Adirondack Park, compatibility with Rural Use areas, and undue adverse impacts on the resources of the Adirondack Park – is each 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.

PROTECT has made every effort to expeditiously identify and retain witnesses to testify on the issues to be adjudicated. To the extent possible at this early juncture, PROTECT is including the names of witnesses who are likely to provide testimony and the subject matter of their testimony. However, discussions with prospective fact and expert witnesses are ongoing, and PROTECT wishes to reserve the ability to supplement or modify its witness list to the extent permitted by any scheduling order.

Issue #1: Whether the proposed howitzer testing range is compatible with the Adirondack Park land use and development plan, including, but not limited to, whether the howitzer testing range is compatible with the purpose of insuring overall conservation, protection, preservation, development and use of the unique scenic, wildlife, recreational, open space, ecological, and natural resources of the Adirondack Park. [APA Act § 809(10)(a)].

The incompatibility of the proposed Project with the Rural Use classification is made clear by the APA Act. A Rural Use area is one "where natural resource limitations and public considerations necessitate fairly stringent development constraints . . . [and is] characterize[d] by substantial acreages of one or more of the following: fairly shallow soils, relatively severe slopes, significant ecotones, critical wildlife habitats, proximity to scenic vistas or key public lands."

Executive Law § 805(3)(f)(1). In addition, Rural Use areas "are characterized by a low level of development and variety of rural uses that are generally compatible with the protection of the relatively intolerant natural resources and the preservation of open space . . [and] provide the essential open space atmosphere that characterizes the park." *Id*. A military testing range involving the intrusively loud discharge of artillery shells into the side of a mountain will not protect natural resources and will seriously compromise the open space atmosphere that is "essential and basic to the unique character of" the Adirondack Park. *Id*. § 805(3)(f)(2).

PROTECT intends to provide expert testimony regarding the history and characteristics of the Adirondack Park generally, why the proposed Project conflicts with the purposes and policies of the APA Act, and whether the howitzer firing range is compatible with the purpose of insuring overall conservation, protection, preservation, development and use of the unique scenic, wildlife, recreational, open space, ecological, and natural resources of the Adirondack Park. We anticipate that Philip Terrie, Ph.D., will provide testimony on this issue, and that one or more retired United State military personnel may provide testimony on alternatives to the proposed Project. PROTECT also intends to provide testimony from Barbara Rottier, Esq., former APA Associate Counsel, regarding the characteristics of Rural Use areas and why the proposed project is inconsistent with that classification. PROTECT also intends to provide testimony from Kurt Fristrup, Ph.D., on the Project's potential adverse noise impacts on neighboring Forest Preserve units. PROTECT further intends to provide testimony from witnesses residing in the Town of Lewis concerning the characteristics and community character of the area.

Issue #2: Whether the proposed howitzer testing range is a compatible use within the Rural Use land area classification, and whether it is compatible with the character description and purposes, policies and objectives of the Rural Use land area classification, including but not limited

to whether the proposed use should be considered a "commercial use;" and if not, whether the proposed howitzer testing range is a compatible use. [APA Act § 809(10)(b)].

The inappropriateness of locating the proposed Project within Park boundaries is underscored by the fact that a military artillery firing range is not listed as either a primary or secondary compatible use for Rural Use (or for any land classification). *See* Executive Law § 805(3)(f)(4). The proposed Project is therefore a presumptively incompatible use for Rural Use areas. *Id*. § 805(3)(a).

Furthermore, the proposed Project does not meet the APA Act's definition of "commercial use," because it does not involve the sale or rental of goods, services or commodities and does not provide recreation facilities or activities. *See* Executive Law § 802(17) (defining "commercial use" as "any use involving the sale or rental or distribution of goods, services or commodities, either retail or wholesale, or the provision of recreation facilities or activities for a fee other than any such uses specifically listed on any of the classification of compatible uses lists."). The proposed project is therefore not compatible with a Rural Use area.

PROTECT intends to provide expert testimony from Barbara Rottier, Esq., former APA Associate Counsel, on the compatible use and commercial use issues.

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 park [APA Act § 809(10)(e)], considering the development considerations contained in APA Act § 805(4) and 9 NYCRR 574.5, including, but not limited to the following:

i. Whether the howitzer testing range involves any potential discharges, residues, or other pollutants that may affect water resources, land resources, or air resources. [APA Act § 805(4)(a)(1) – (3)]

ii. Whether the howitzer testing range would have an undue adverse impact to land resources within the park, such as soils, forest and open space resources, including the quality and availability of nearby lands for outdoor recreational purposes. [APA Act § 805(4)(a)(1) and (2)]

iii. Whether there is a reliable, comprehensive and accurate projection of the noise that will be produced by the howitzer testing range and whether such noise will have an undue adverse impact upon the Park's resources. [APA Act § 805(4)(a)(1)]

iv. Whether noise mitigation exists or whether they are practical to implement that would avoid undue impact to the Park's resources. [APA Act § 805(4)(a)(1)]

v. Whether the howitzer testing range will create undue ecological impacts or disruption to native or migrating wildlife and their habitats at or near the howitzer testing range, considering species' sensitivities. [APA Act § 805(4)(a)(5) and (6)]

vi. Whether the howitzer testing range could have health and safety impacts relating to the operation, storage, and transport of military equipment. [APA Act § 805(4)(c)(2)(a)]

vii. Whether the howitzer testing range could impact nearby Wilderness and Wild Forest areas. [APA Act § 805(4)(c)(2)(a)]

viii. Whether the howitzer testing range would have economic impact on adjoining and nearby land uses, such as property values. [APA Act § 805(4)(c)(2)(a)].

PROTECT intends to provide expert testimony on several of the sub-issues identified above, including: whether the howitzer firing range involves any potential discharges, residues, or other pollutants that may affect water resources, land resources, or air resources; whether there is a reliable, comprehensive and accurate projection of the noise that will be produced by the howitzer

firing range and whether such noise will have an undue adverse impact upon the Park's resources; whether the howitzer firing range will create undue ecological impacts or disruption to native or migrating wildlife and their habitats at or near the howitzer firing range, considering species' sensitivities; whether the howitzer firing range could have public health and safety impacts relating to the operation, storage, and transport of military equipment; and to what extent the howitzer firing range will adversely impact nearby Wilderness and Wild Forest areas.

PROTECT anticipates providing testimony from RSG, Inc., an environmental consulting firm, on issues #3(ii) and (iii); testimony from Maria Sagot, Ph.D., on issue #3(v); testimony from Kurt Fristrup, Ph.D., on issues #3(ii) and (vii); and testimony from Aaron Forum and/or Alan Rizzo, experts in field artillery, on issues #3(i) and (vi). PROTECT is engaged in the process of identifying and securing other potential witnesses to testify on the other sub-issues identified for issue #3.

PROTECT also intends to make an offer of proof on one additional issue to be adjudicated:

Compliance Issues: PROTECT intends to make an offer of proof showing that the applicant has conducted activities at and surrounding the Project site that are not authorized by and violate the APA Act and the applicant's existing APA permit, APA Permit 2023-0111. The offer of proof will show that the Applicant's compliance history is relevant to whether the Applicant can reasonably be expected to comply with permit conditions in the event the Project is approved by APA.

VI. Interest of PROTECT in This Proceeding (9 NYCRR § 580.7(a)(5))

As demonstrated above in Petitioner's responses in Points II and III, *supra*, PROTECT has an interest that will be affected by APA's decision concerning the proposed Project. As 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, PROTECT and its members (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.

This is the first adjudicatory hearing held by APA in over 14 years. PROTECT has an interest in participating in this historic event by providing testimony and evidence to support and enhance the APA Board's review of and decision-making on the Project.

WHEREFORE, Petitioner Protect the Adirondacks requests permission to participate as a full party in this proceeding.

Respectfully submitted,



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EXHIBIT A

BY-LAWS
Protect the Adirondacks! Inc.

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ARTICLE I
Name and Seal

Section 1 Name
The Corporate name is: **Protect the Adirondacks! Inc.** It shall herein be referred to as the "Corporation".

Section 2 Seal
The seal of the Corporation shall be the White Pine Seal of the former Association for the Protection of the Adirondacks with the name updated.

ARTICLE II
Office and Corporate Books

Section 1 Office
The principal office of the Corporation shall be located at 105 Oven Mountain Road, Johnsburg, NY (mailing address PO Box 48, North Creek, NY 12853). The Corporation may also have offices at such other places within or without this state as the Board of Directors may from time to time determine and the business of the Corporation may require.

Section 2 Corporate Books and Records
There shall be maintained and kept current at an office of the Corporation correct books of account setting forth the assets and liabilities of the Corporation and containing statements describing the activities and transactions of the Corporation including a minute book, which shall contain a copy of the Certificate of Consolidation, a copy of these By-Laws, a copy of the letter from the Internal Revenue Service declaring the Corporation to be a tax-exempt organization and the minutes of all meetings of the members of the Corporation and its Board of Directors.

ARTICLE III
Mission and Vision Statements

Section 1 Mission Statement
Protect the Adirondacks! Inc. is a non-profit, grassroots membership organization dedicated to the protection and stewardship of the public and private lands of the Adirondack Park, and to building the health and diversity of its natural and human communities for the benefit of current and future generations.

Section 2 Vision Statement
We look to a future in which the wild character, ecological integrity, and mutual well-being of the natural and human communities of the Adirondack Park are sustained by an underpinning of laws, policies, and programs that:

- Permanently protect the Park's wildlands, native flora and fauna, waters, soils and air, and the open space and scenic character of the Park;
- Defend the "Forever Wild" clause, Article XIV of the New York Constitution, and ensure that the Forest Preserve is managed accordingly.
- Defend and expand the network of classified Wilderness lands of the Park.
- Ensure that the Park's private lands are sustainably managed to conserve their productivity, economic viability, and open-space character.
- Promote the development of local communities that are strong, diverse, and vital.

- Promote the Adirondack Park as a global model of landscape-scale conservation in which strong protection of large, interconnected public wildlands are integrated with sustainably managed, economically viable, private farms and forests that are linked to healthy, diverse rural communities.
- Protect, preserve, and enhance the wilderness character, ecological integrity, scenic resources, and appropriate recreational uses of the New York State Forest Preserve.
- Conserve the wild, natural, open-space character and the viability of the private farms and forests of the Adirondack Park.
- Undertake educational, research, scientific, investigative, philanthropic and charitable activities, grassroots organization, legal action, public advocacy, and work with the public and other organizations to achieve its mission.

ARTICLE IV
Membership

Section 1 Qualification of Members
The membership shall consist of persons who are interested in and who support the objectives of this Corporation.

Section 2 Membership Classes
There shall be one class of members except that pre-existing life memberships shall be honored.

Section 3 Admission of Members
Upon payment of annual dues, members shall have the right to vote at all meetings of members, and to participate in the benefits of the Corporation.

Section 4 Dues
The Board of Directors shall from time to time establish a schedule of annual membership dues.

ARTICLE V
Board of Directors

Section 1 Board of Directors
The business and affairs of the Corporation shall be managed and conducted by a Board of Directors consisting of not fewer than twelve (12) nor more than thirty (30) Directors, all of whom shall be members of the Corporation. Not fewer than one-third of the Directors shall be domiciled within the Adirondack Park. The Directors may appoint Honorary Directors who shall not have a vote.

Section 2 Nominations and Vacancies
The Board Governance Committee shall annually recommend to the Corporation a slate of candidates to serve as Directors in place of those whose terms are expiring and to fill such vacancies as may exist. The person so elected shall serve the remainder of the appointed term, until elected by the members at the next annual meeting. The recommendations of the Committee shall be reported to the Chair not less than thirty (30) days prior to the Annual Meeting and shall be sent to all Members of the Corporation with the Notice of the Annual Meeting.

Section 3 Election
3.1 One-third of the number of Directors shall be elected each year for a term of three years by the members of the Corporation at its Annual Meeting.

3.2 Directors must be members of the Corporation who are not in the employ, full or part-time, of the Corporation.

Section 4 Powers and Duties of the Board of Directors
The Board of Directors shall have power and the duty to:

- Determine the direction, policies and activities of the Corporation;
- Adopt an annual budget, authorize capital expenditures, approve banking relationships, make provision for bonding of the Treasurer and provide for an independent annual audit;
- Elect new Directors to the Board, and elect its Chair from its own;
- Appoint the Executive Director and all ~~other~~ necessary committees, and authorize additional staff positions;
- Appoint legal counsel, and employ such other assistants, including accounting and investment counsel as it may deem useful, and to regulate their compensation;
- As appropriate, authorize committees or individuals to represent the Corporation before any legislative body, or other organization, public or private, respecting any matter in which the Corporation shall be interested;
- Authorize litigation that will further the mission of the Corporation;
- Maintain and manage the real property owned by the Corporation;
- Confer with Union College on the development and maintenance of the Protect the Adirondacks! historic Adirondack collection presently on permanent loan to the Kelly Adirondack Research Center of Union College;
- Report to the Annual Meeting of the Corporation of its activities and proceedings during the preceding year;
- Convene in Executive Session with the vote of the majority of Directors present.

Section 5 Policy
Only the Board of Directors at regular or special meetings shall determine Corporation policies, unless otherwise specified in these By-laws. Committees and individuals representing the Corporation shall present positions consistent with the broad policy of the Corporation as declared by specific action taken by the Board.

Section 6 Duties of the Members of the Board of Directors
Members of the Board of Directors shall:

- Regularly attend Director Meetings;
- Support the officers and the Executive Director in pursuing the Corporation's Mission and programs;
- Help develop the Corporation's capacities, including personal financial support commensurate with individual resources;
- Actively seek new members for the Corporation;
- Adhere to the Corporation's Conflict of Interest Policy in accord with applicable law;
- Voluntarily serve on committees to assist in the work and management of the Corporation.

Section 7 Removal
The Board of Directors may act, in its discretion, and by a vote of not less than two-thirds of the Directors present at a duly constituted meeting of the Board of Directors, to remove from office any elected Director for cause.

ARTICLE VI
Officers

Section 1 Elected Officers
1.1 The elected Officers of the Corporation shall be a Chair, two Vice Chairs, a Secretary, a Treasurer, plus one "at large" Officer member to serve on the Executive Committee, and such other officers as the Board shall appoint. No fewer than one-third (1/3) of the Officers must be domiciled within the Adirondack Park.

1.2 Election
The Chair shall be nominated by the Board from their own with the advice of the Board Governance Committee and elected by the Board of Directors and serve a two year term. Other Officers shall be nominated by the Chair with the advice of the Board Governance Committee, and elected by the Directors from their own number for a term of two years, also to serve until their successors are elected. The Board has the authority to nominate Board Members to Officer positions that were not nominated by the Board Governance Committee.

Section 2 Executive Director
2.1 The Executive Director shall be an officer of the Corporation and an ex officio member of all Board committees except the Board Governance Committee without vote.

2.2 The Executive Director shall be an employee-at-will of the Corporation and shall serve at the pleasure of the Board of Directors.

Section 3 Officer Responsibilities
3.1 Chair
- The Chair is directly accountable to the Corporation's membership and Board of Directors for implementing the programs and policies of the Corporation and together with the Secretary, or other duly elected officer, shall sign all contracts and obligations of the Corporation;
- The Chair shall preside at all meetings of the Corporation and its Board of Directors, and serve as Chair of the Executive Committee;
- The Chair shall be an ex officio member with vote of all Board committees except the Board Governance Committee;
- The Chair shall be the chief executive officer of the Corporation.
- The Chair shall designate which Vice-Chair shall be "Primary" and which "Secondary."

3.2 Vice Chairs
- The Vice Chairs shall perform such duties as may be assigned by the Chair;
- The Primary Vice Chair shall, in the absence or inability of the Chair, perform the duties of the Chair, and when so acting shall have all the powers and perform the duties of the Chair.
- The Secondary Vice-Chair shall have the same powers should the Primary Vice-Chair be unable to perform.

3.3 Secretary

- The Secretary shall keep the minutes of all meetings of the members, Board and Executive Committee. Minutes shall provide a full description of issues discussed and decisions reached, including any actions required.
- The Secretary shall have custody of the seal of the Corporation, and affix and attest the same to documents when duly authorized by the Board;
- The Secretary shall ensure that notice is duly given of all meetings of the Membership and the Board of Directors;
- The Secretary shall perform such other duties as may be assigned by the Chair.

3.4 Treasurer

- The Treasurer shall have oversight of the financial affairs of the Corporation, and shall provide periodic reports to the Executive Committee and Board of Directors;
- The Treasurer shall ensure an independent audit of the Corporation's records is commissioned and presented on an annual basis to the Board;
- The Treasurer shall perform such other duties as may be assigned by the Chair.

Section 4 Executive Director

The Executive Director shall be the principal operating officer of the Corporation, charged with the duty of carrying out the purposes and objectives of the Corporation and other directives under the supervision of the Chair and shall serve at the pleasure of the Board. The Executive Director has the authority to recruit and hire staff authorized through the budget process by the Board. The Chair, with the advice and consent of the Officers and/or Board, shall establish annual performance goals and objectives with the Executive Director, which shall be in writing and presented to the Board of Directors and Executive Director. The Chair and the Officers shall establish an evaluation form, based on the performance goals and objectives, to be completed annually by each member of the Executive Committee. The Chair and Primary Vice-Chair shall conduct an annual review of such completed evaluations, discuss performance based on the evaluations with the Executive Director and report the results to the Board of Directors.

Section 5 Election of Officers

Election of Officers shall be by majority of the Board at a meeting of the Board of Directors.

Section 6 Removal or Resignation, Filling of Vacancies

6.1 Removal

An elected Officer may be removed from office by the Board for cause, by a vote of two-thirds of the total number of Directors on the Board.

6.2 Resignation

Any Officer or Director may resign at any time by giving written notice to the Board, the Chair or the Secretary of the Corporation. Unless otherwise specified in the notice, the resignation shall take effect upon receipt thereof by the Board, the Chair or the Secretary. Acceptance of the resignation shall not be necessary to make it effective.

6.3 Vacancies

Any vacancy among the Officers or Directors may be filled by election or appointment at any meeting of the Board for the balance of the term of the office falling vacant. The Board shall seek the advice of the Board Governance Committee in seeking nominees to fill the vacancy.

ARTICLE VII
Committees

Section 1 Standing Committees
The Executive Committee shall be the sole standing committee of the Board of Directors.

Section 2 Permanent, Program and Special Committees

2.1 Permanent Committees
The permanent committees shall consist of the following:

- **2.1.1** Board Governance
- **2.1.2** Conservation Advocacy (CAC)
- **2.1.3** Development & Membership
- **2.1.4** Audit Committee

2.2 Committees Chairs
The Chair shall appoint the Chairs of the Committees, except the Board Governance Committee, subject to the approval of the Board. Each Permanent Committee in consultation with the Board Chair shall develop a charter defining its purpose and function and determine the number of its members.

2.3 Special Committees
The Chair may establish and determine the charter of and provide for the appointment of members of such additional committees for specific purposes, projects and programs as may be deemed advisable subject to approval by the Board of Directors.

Section 3 Committee Membership Qualifications
Persons serving on Committees must be members of the Corporation.

Section 4 Executive Committee

4.1 Membership
Membership of the Executive Committee shall consist of the six elected officers of the Corporation (the Chair, two Vice-Chairs, Secretary, and Treasurer) and one at-large Director/Officer elected from the Board of Directors, all to serve two-year terms. Not fewer than one-third (1/3) of the members of the Executive Committee must be domiciled within the Adirondack Park. The Chair shall be the Chairperson of the Executive Committee.

4.2 Responsibilities
The Executive Committee shall act for the Board when necessary between meetings of the Board of Directors and in the best interests of the Corporation in accordance with the Certificate of Consolidation, and By-Laws of the Corporation. The Committee shall promptly report its actions to the Board.

Section 5 Board Governance Committee

5.1 Membership
The Chair, with the approval of the Board of Directors, shall appoint a Board Governance Committee, which shall elect its own Chair.

5.2 Responsibilities
The duties of the committee shall be to address the following activities and report and make recommendations to the Board:

- Review governance documents and procedures to ensure they are lawful, purposeful, and adhered to;
- Review all offices and advise on nomination of officers;
- Search for needed talents for the Board of Directors; nominate candidates for election or reelection to be voted upon at the ensuing annual meeting; and nominate candidates to serve as Honorary Directors.
- Facilitate a periodic evaluation of Board Directors.

Section 6 Conservation Advocacy Committee (CAC)

6.1 Membership
Any Board Director may serve on this Committee. With approval of the Committee chair(s), members of the Corporation may serve with voting rights.

6.2 Responsibilities
The CAC, guided by the Executive Director, follows the progress of current public policy and conservation initiatives and any issues regarding the Adirondack Park and Forest Preserve. The CAC is authorized to develop recommended actions to the Board of Directors in furtherance of the Corporation's Mission and Vision. The Board may authorize the CAC to act on its behalf on any issue it so chooses. Delegation of issues shall be identified in a separate document approved by the Board. The CAC Chair or the designated Secretary shall prepare minutes in advance of the next Board meeting. Minutes shall provide a full description of issues discussed and the results of any decisions, along with any initiatives that require Board action.

Section 7 Development and Membership Committee

7.1 Membership
The Chair, with the approval of the Board of Directors, shall appoint a Development and Membership Committee. With approval of the Committee Chair(s), members of the Corporation may serve with voting rights

7.2 Responsibilities
To devise strategies and enlist the Board of Directors in pursuing initiatives to:
- Fundraise and otherwise enhance the Corporation's fiscal capacities;
- Enlarge and retain an engaged Corporate membership.

ARTICLE VIII
Finances

Section 1 Fiscal Year
The fiscal year of the Corporation shall commence on July 1 of each year and end on June 30 of the succeeding year.

Section 2 Depositories
Funds of the Corporation, including securities, may be deposited from time to time to the credit of the Corporation with depositories approved by the Board of Directors.

Section 3 Signatories
All checks, drafts or other orders for the payment of money, notes, acceptances or other evidence of indebtedness issued in the name of the Corporation, shall be signed by the

designated individual or individuals, actual or facsimile, in the manner which shall be determined by the Board of Directors.

Section 4 Audit
The financial statements and records of the Corporation shall be audited each year by an independent certified public accountant.

Section 5 Compensation
Directors and Officers other than the Executive Director shall serve without compensation but reasonable expenses may be paid. No employee of the Corporation shall receive any funds from the Corporation or any pecuniary profit from the operations thereof, except reasonable compensation for services actually rendered to the Corporation and reimbursement for expenses incurred in the performance of such services.

Section 6 Investments
The funds of the Corporation may be retained in whole or in part in cash or be invested and reinvested from time to time in such property, real, personal or otherwise, including stocks, bonds or other securities, as the Board of Directors may deem desirable.

ARTICLE IX
Indemnification

The Corporation shall, to the fullest extent now or hereafter permitted by and in accordance with the standards and procedures provided for by the Not-for-Profit Corporation Law of New York and any amendments thereto, indemnify any person made, or threatened to be made, a party to any criminal or civil action or proceeding arising from the performance of his or her duties as a Director, Officer, employee of the Corporation, against judgments, fines, amounts paid in settlement and reasonable expenses, including attorneys' fees. The Board shall purchase insurance for such purpose.

ARTICLE X
Corporate Status

The Corporation is a non-stock, non-profit corporation, organized and operated exclusively for charitable, conservation, and education purposes. Specific restrictions apply to the distribution and use of Corporation funds as defined in the Certificate of Consolidation.

ARTICLE XI
Meetings

Section 1 Meetings of the Membership

1.1 Annual Meetings
The Annual Meeting of the Corporation shall be held during the months of June, July, August or September on such date and at such time and place as the Board of Directors may designate.

1.2 Notice
Notice of meetings of the membership shall be given to members by first class mail, or electronic mail not fewer than thirty (30) days prior to such meeting.

1.3 Special Meetings

- May be called by the Chair;
- Must be called upon request of majority of the members of the Board of Directors;
- Must be called if a petition so requesting is signed by at least ten percent of the members of the Corporation;
- Notice of a special meeting shall be given in the time and manner provided in subsection 1.2 above;
- Notice of a special meeting shall also state the purpose or purposes for which the meeting is called. No other business but that specified in the notice may be transacted at a special meeting without the unanimous consent of those present.

1.4 Voting Rights and Proxies

At all meetings of the membership, each member shall be entitled to cast his or her vote in person. The Board may in its discretion allow a vote by official written proxy ballot which must bear the member's signature.

1.5 Quorum

A quorum for the transaction of business at any meeting of the membership shall be constituted by the presence of thirty (30) members, or one-tenth of the total membership, whichever is lesser, in person or by proxy. However, a lesser number may adjourn the meeting for a period of not more than ten weeks from the date originally scheduled. The secretary shall cause a notice of the rescheduled date of the meeting to be sent to those members who were not present at the meeting originally called.

1.6 Majority

All matters brought to vote shall be decided by a simple majority vote of the members present in person or by proxy except for such matters for which a greater vote is required by the laws of the State of New York, the Corporation's By-Laws or Certificate of Consolidation.

Section 2 Meetings of the Board of Directors

2.1 Regular Meetings

Meetings may be held at any place within or without the State of New York and at such times as the board may from time to time fix, but normally every third month or four (4) times per annum and a fifth such meeting shall be held during each Annual Meeting of the Members for the purpose of electing officers.

2.2 Notice of Meetings

Not less than seven (7) prior written notice, which may be by electronic mail, shall be given to all members of the Board of Directors of the time and place of meetings. Notice shall include an agenda and relevant informational materials.

2.3 Special Meetings

Special meetings of the Board of Directors may be called at any time by the Chair or, in case of the Chair's absence or inability to act, by a vice Chair, or by signed statement of two-thirds of the Board, upon at least five (5) days' prior written notice to each member of the board, at such time and place as it may determine. Notice of a special meeting shall state the purpose or purposes for which the meeting is called. No other business but that specified in the notice may be transacted at a special meeting without the unanimous consent of those present.

2.4 Quorum

A quorum for the transaction of business at any meeting of the Board of Directors shall be constituted by the presence, in person, of one half of the Directors. In the absence of a quorum, the Directors present may reschedule the meeting.

2.5 Majority
Unless otherwise provided herein, all matters brought to vote shall be decided by majority vote of the Directors present.

Section 3 Meetings of the Executive Committee.

- The Chair may convene the Executive Committee as necessary at times between regular meetings of the Board, upon notice to all members of the Committee.
- All actions of the Executive Committee shall be by majority vote of the entire Committee.
- All actions of the Executive Committee shall be reported at the next meeting of the Board of Directors and entered into the minutes thereof.

Section 4 Rules of Order
The rules contained in Roberts Rules of Order, revised, shall govern the Corporation in all cases to which they are applicable, and in which they are not inconsistent with the By-Laws or special rules of order of this Corporation.

Section 5 Action by Consent
Any action required or permitted to be taken by the Board of Directors or Executive Committee may be taken without a meeting if all members of the Board of Directors or Executive Committee consent in writing to the resolution authorizing the action.

Section 6 Action by Conference Call
Board of Directors or Executive Committee meetings may be held with one or more members participating by means of a conference telephone or similar communications equipment allowing persons participating in the meeting to hear each other at the same time.

Section 7 Limit on Action in Absence of a Quorum
At any duly called meeting of either the Board of Directors or the Executive Committee at which a quorum shall not be present, no action shall be taken except upon the signed, written unanimous consent of by every member of the Board of Directors or the Executive Committee as the case applies, after each of them shall have subscribed his or her name signifying his or her approval and consent to a statement setting forth the specific action to be taken.

ARTICLE XII
Construction

If there be any conflict between the provisions of the Certificate of Consolidation, and these By-Laws of the Corporation, the provisions of the Certificate of Consolidation shall govern.

ARTICLE XIII
Amendments

The Certificate of Consolidation and By-Laws may be amended in the following manner:

- Any proposed amendment must be approved at a regular or special meeting of the Board of Directors, at which a quorum is present, by a two-thirds vote of the Board members present and voting at such meeting.
- Any amendment so approved shall be submitted to the membership for a vote following procedures established by the Board of Directors.
- A majority of the membership voting in person or by proxy is required to approve the amendment.
- In the event that the Board of Directors shall fail to approve any proposed amendment to the Certificate of Consolidation or By-Laws submitted to it, the proposed amendment must be submitted to the membership for vote if a petition is filed in support of said amendment carrying the signatures of not less than ten percent of the membership of the Corporation. The same procedure must be followed as if such amendment had been approved by the Board of Directors.

Adopted by Board of Directors on May 4, 2024
Approved by the membership on July 20, 2024

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DNWG

DEPARTMENT OF DEFENSE
NOISE WORKING GROUP

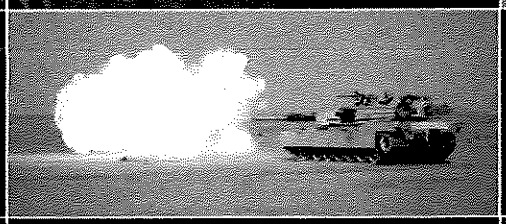
TECHNICAL BULLETIN

An Overview of Blast Noise: Characteristics, Assessment and Mitigation

December 2013

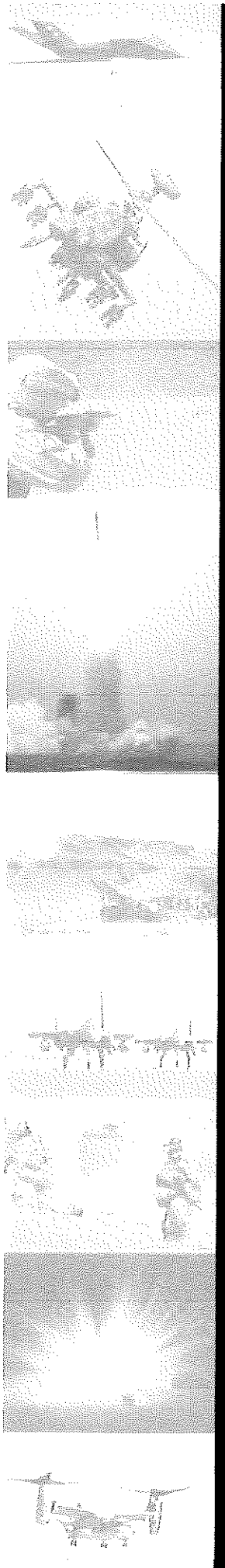
Noise from large weapons (artillery, tank) and explosives can travel long distances and still be loud enough to cause negative community reactions. A broad understanding of the characteristics, assessment methods, and noise management and mitigation strategies for blast noise will enable better planning and community communication/outreach to minimize training restrictions due to noise issues.







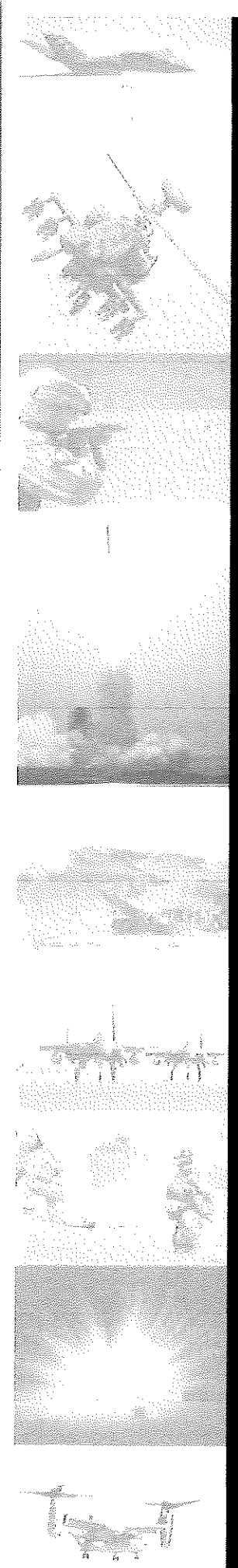




This bulletin, "An overview of blast noise: characteristics, assessment, and mitigation," is one of a series of technical bulletins issued by the Department of Defense (DoD) Noise Working Group (DNWG) under the initiative to educate and train DoD military, civilian, and contractor personnel, and the public, on noise issues.

For military noise management, blast noise is defined as noise generated by large caliber weapons (20mm and greater) and explosive charges. Blast noise is becoming more prevalent on military installations due to changes in the training doctrine and troops returning from overseas to home bases. In recent years, the number of troops receiving Improvised Explosive Device (IED) training has increased. Often, this training must be conducted at local installations due to time and fiscal constraints. Additionally, over the past few years, most installations have experienced a decline in large caliber weapons firing due to troop deployments. Once troops return, training levels should return to pre-deployment levels.

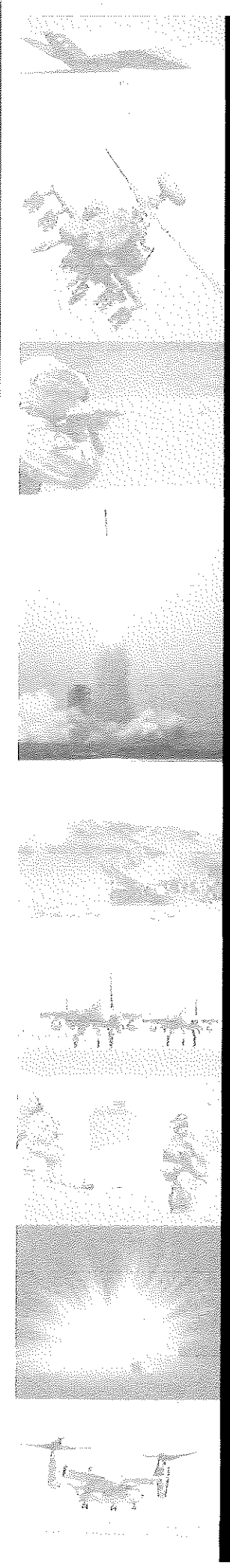
Noise from large weapons (artillery, tank) and explosives can travel long distances, and still be loud enough to cause negative community reactions. A broad understanding of the characteristics, assessment methods, and noise management and mitigation strategies for blast noise will enable better planning and community communication and outreach to minimize training restrictions due to noise issues.



BACKGROUND

The DoD Noise Working Group (DNWG) recognized that there is a dearth of compiled information regarding the unique characteristics, propagation tendencies, assessment methods, and management and mitigation methods for blast noise. As more military installations produce blast noise as part of their training mission, a succinct compilation of this information, written at a layman level, has become a necessity.

The purpose of this technical bulletin is to provide military installations with a single document that compiles the practical elements of blast noise management. This will be accomplished by providing an overview of the unique characteristics of blast noise, describing the methods used for assessing blast noise, and providing descriptions of known noise mitigation techniques and noise management strategies.



DISCUSSION

This section will cover three main topics:

1) The unique characteristics of blast noise and their implications for propagation.
2) Noise assessment methods for blast noise, including threshold criteria and prediction tools.
3) Mitigation, management, and control of blast noise.

Blast Noise Characteristics:
Noise from live-fire training with ground-based systems (such as artillery or tank) is loud, intermittent, short in duration, and rich in low frequency energy. These sounds can travel long distances, often ten miles or more, and remain loud enough to be disturbing. The spectral (i.e. frequency content or "pitch") and temporal characteristics change over distance due to interactions with the surrounding environment, including the atmosphere, ground, and vegetation. In fact, noise from artillery can be likened to thunder: when lightning is near, one hears a sharp crack; when it is a moderate distance away, the thunder booms; and when distant, it has a rumbling, rolling quality. This section describes these effects in more detail.

Blast noise from military training operations is fundamentally different from more common noise sources, such as industrial or transportation noise. There are six major differences between these sounds, as shown in **Table 1.**

Characteristic	Blast Noise	Transportation Noise
Duration	Very short	Continuous or greater than 1 second duration
Frequency Content	Broadband, may contain significant low frequency content	Broadband, higher frequencies. May have tonal content
Loudness	Very loud	Moderately loud
Frequency of occurrence	Intermittent	Continuous or frequent
Visibility of noise source	Often far away, hard to determine direction, and unseen	Often visible, direction of source can often be determined
Directivity of source	Typically stationary. Source directivity can be significant	Typically moving. Source directivity is less profound over the duration of the signal

Table 1. Comparison of characteristics of blast noise and transportation noise.

These differences influence how far the sounds can propagate and how they are perceived by individuals and communities. In this section, each of these unique characteristics and the implications on propagation and perception will be described.

Duration: The duration of a single event blast from military training is typically only a few milliseconds. As it travels farther from the point of origin, the duration increases, much like thunder. Due to the abrupt onset of the signal, it can be quite startling to individuals. Because the signal is so short, it is highly sensitive to the instantaneous atmosphere at each point that it passes

through, causing a large amount of variability even when the weather does not appear to be changing.

Frequency Content: The frequency content of the signals is quite important. Signals from military blast noise are broadband, meaning that they have energy present over a very broad range of frequencies. For large weapons, such as artillery, there is a large amount of energy present at low frequencies, around 30-50 Hertz (Hz), which is near the lower end of the range of human hearing. Lower frequencies correspond to longer wavelengths. At 30 Hz, the wavelength of the sound is approximately 11 meters (m) or 36 feet. Higher frequencies have much shorter wavelengths. For example, speech is centered around 1000 Hz, which has a wavelength of approximately 34 centimeters or 13 inches. These shorter wavelengths are more likely to scatter off of or be absorbed by objects with which they interact, whereas the longer wavelengths tend to diffract (wrap or bend) around smaller objects. The atmosphere also absorbs sound, with the amount of absorption increasing with frequency. For example, at 1 kilometer or 0.6 mile, signals at 30 Hz will have lost approximately (~) 1 decibel (dB) due to atmospheric absorption, signals at 1000 Hz will have lost ~2.5 dB, and signals at 10,000 Hz will have lost ~18 dB. For reference, people typically cannot perceive a change of less than 3 dB, and an increase/decrease of 10 dB is perceived as a doubling/halving of loudness. This, along with the ability to bend around most objects, explains why low frequencies travel much longer distances than higher frequencies.

Related to frequency content is the concept of frequency weighting. Frequency weightings are sound level adjustments applied to the spectral representation of a sound. These weightings are based on the response of human ears to moderate level (A-weighting) or high level (C-weighting) sounds. For most industrial and transportation applications, A-weighting is used. For military blast noise assessments, C-weighting is used. A-weighting applies progressively higher reductions to lower frequencies, mimicking the reduced sensitivity of human ears to low frequency sounds. However, in order to more accurately capture the low frequency energy present in blast noise, and to account for the higher levels present, C-weighting, with its much slower roll-off at lower frequencies, is more appropriated for military blast noise. The standardized weightings as a function of frequency are shown below.

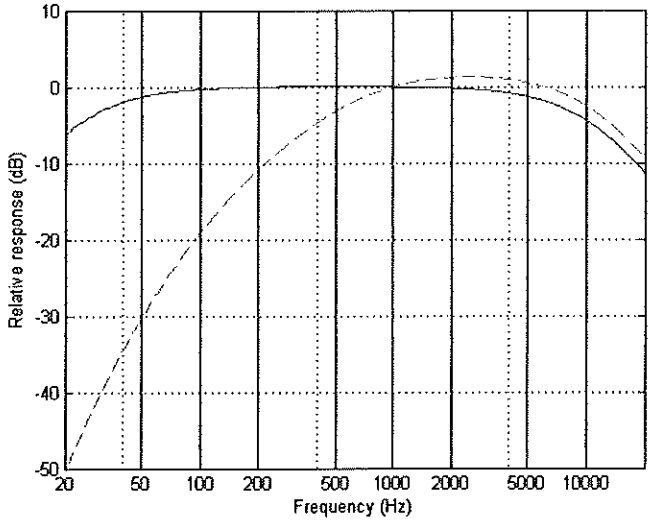
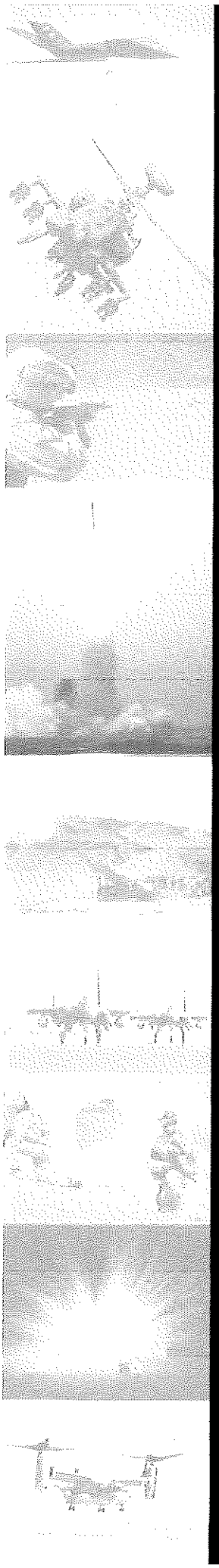


Figure 1: Frequency weightings. The red dashed line is A-weighting, the blue solid line is C-weighting.



Loudness: Blast noise from military training is loud. In the direct vicinity of the source, the levels are high enough that hearing protection is required to prevent hearing loss. Levels 2 km away from the demolition of 5 lbs of Composition C4 (a good surrogate for the largest artillery pieces in terms of loudness and general spectral characteristics) can be as high as 120 dB peak if propagation conditions are favorable. A peak level is defined as the loudest instantaneous sound level received over some time period. In this case, the time period is the duration of the signal. This is loud enough to startle people or animals, and on occasion rattle windows.

Frequency of occurrence: Live-fire training noise is intermittent. It can occur at any time of the day or night, at any time of the year, depending on the training requirement. But the noise is not constant, even on the busiest installations. Because the signals are infrequent, they are perceived differently from other more common noise sources. This influences the use of appropriate assessment metrics.

Directivity: Large weapons (greater size than 50 caliber (cal.)) often exhibit strong directivity in the acoustic signature. It is not uncommon for a weapon to be up to 15 dB louder in front of the muzzle than behind. Most sound sources have some directivity associated with them. For example, a person speaking exhibits strong directivity. A person is much easier to hear (louder) when facing you and speaking than when facing away from you and speaking. That is because the sound is projected outward from the mouth.

Long-range Sound Propagation (in general):
Long-range sound propagation through the atmosphere is most strongly influenced by three main factors: refraction, reflection, and scattering. Refraction is the bending of sound waves due to variations in temperature and wind within the atmosphere. Reflection is typically considered with respect to large surfaces, such as the ground or cliff faces. Scattering due to smaller objects, such as trees and buildings, as well as scattering from atmospheric turbulence are also considered.

Refraction: Refraction of sound waves works on the same principle as light refracting in water. Think of placing a spoon in a clear glass filled with water. Peering through the glass, it appears as though the spoon bends at the surface of the water. In fact, only the light is bending because the refractive properties of water are different than that of air. For acoustic waves, refraction is controlled by the gradient of the vertical sound speed profile. The speed of sound in the atmosphere is dependent upon temperature and wind speed in the direction of propagation. Both temperature and wind vary with height, depending on the time of day and other atmospheric conditions. Sound waves will bend towards the direction of lower sound speeds.

In general, there are three major refraction conditions: upward refracting, downward refracting, and upward, then downward, refracting. In an upward refracting condition, the sound waves tend to bend upwards into the upper atmosphere, creating a shadow zone near the ground where very little sound is heard. In a downward refracting condition, the sound waves tend to bend downwards back towards the ground and sound can travel for long distances near the ground. In an upward, then downward, refracting condition, the sound refracts up, creating a shadow zone, and then back down, sometimes very strongly, creating a situation where listeners closer to the source may not hear the sound but listeners farther away may hear the sound loudly. The following paragraphs describe each of these conditions in more detail.

Upward refraction occurs when the sound speed decreases with height. This can occur in a temperature lapse condition or an upwind propagation condition. In a temperature lapse, the temperature decreases with height. This is a common daytime condition, where the air near the

ground is being warmed by the sun. In an upwind propagation direction, the sound propagation of interest is in the opposite direction than the wind is blowing (upwind). In this case the wind speed, which increases with height, is subtracted from the temperature-dependent sound speed profile. When the sound is predominantly refracted upwards, the sound levels near the ground are very low. This is called a shadow zone. While mixing and randomness in the atmosphere will fill in the shadow zone to some degree, the levels near the ground are much lower than in other conditions. **Figure 2** illustrates an idealized example of upward refraction.

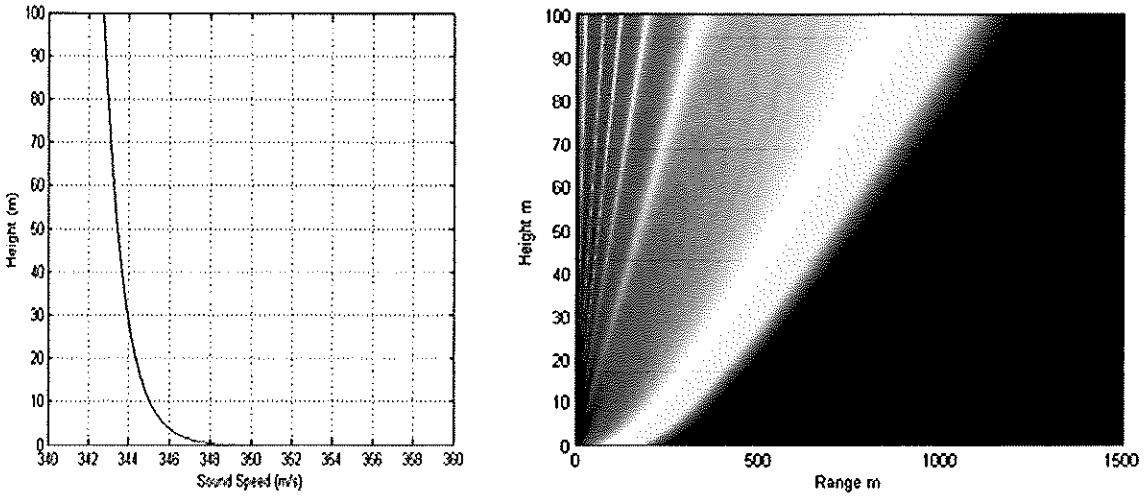


Figure 2. Upward Refraction condition. On the left, the sound speed decreases with height. On the right, red indicates high levels, deep blue indicates low levels.

Downward refraction occurs when the effective sound speed increases with height. This can occur in a temperature inversion condition or a downwind condition. In a temperature inversion situation, the temperature increases with height. This is a common nighttime condition, where the air is cooler near the ground as the ground releases heat stored during the day. This cooling spreads upwards with time. In a downwind propagation direction, the sound propagation of interest is in the same direction that the wind is blowing (downwind). In this case the wind speed, which increases with height, is added to the temperature-dependent sound speed profile. When the sound is predominantly refracted towards the ground, the sound can propagate for long distances along the ground surface. This case can occur at night, during cloudy and foggy days, and low cloud ceilings. **Figure 3** illustrates an idealized example of downward refraction.

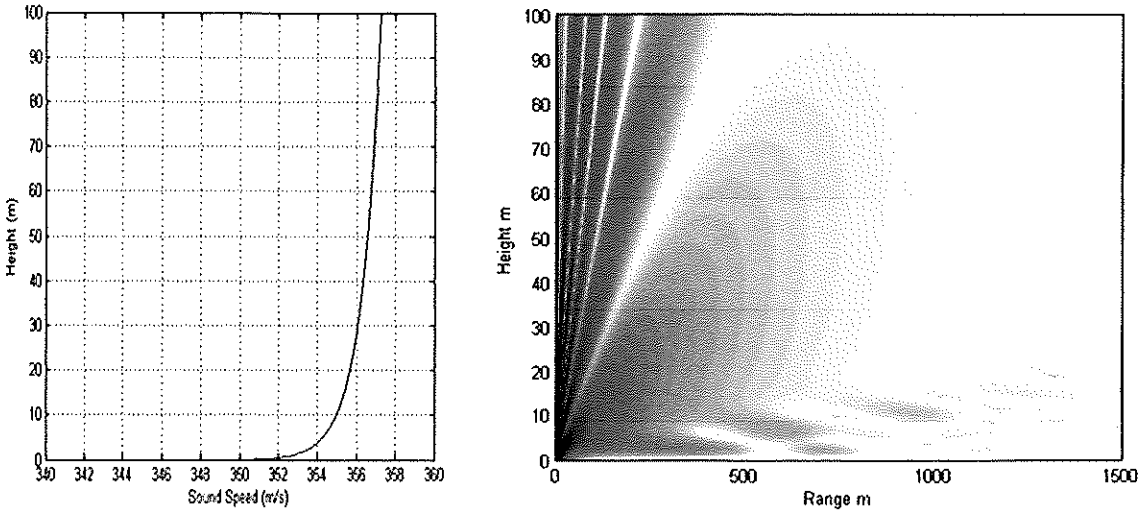


Figure 3. Downward Refraction condition. On the left, the sound speed increases with height. On the right, red indicates high levels, deep blue indicates low levels.

An upward, then downward, refracting case occurs when the sound speed profile first decreases with height and then increases. This is a common occurrence early in the day, and the effect depends strongly upon the height of the inversion layer, defined as the height at which the temperature gradient changes from decreasing with height (lapse) to increasing with height (inversion). In this condition, the sound will first refract upwards. When it reaches the inversion height, it will be refracted downwards. This can lead to cases where there may be little sound (shadow zone) near the source, but strong signal further away. **Figure 4** illustrates an idealized example of an upward, then downward, refracting case.

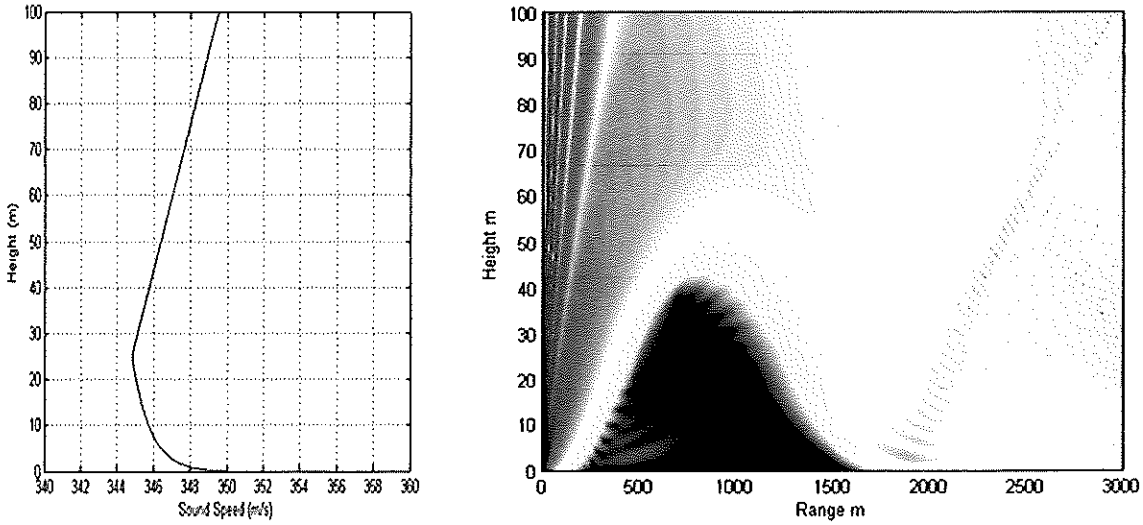


Figure 4. Upward, then downward, Refraction condition. On the left, the sound speed first decreases and then increases with height. On the right, red indicates high levels, deep blue indicates low levels.

Reflection: Acoustic waves will reflect from large surfaces that they come into contact with. Sometimes these reflections are like perfect bounces and sometimes the reflections result in some loss of energy. Think of dribbling a basketball. If you are on a basketball court with a nice smooth,

solid surface, the ball behaves as expected. The ball will bounce back to about the same height it was dropped from. Bounce passes to a friend are predictable, as the ball will bounce up at the same angle to the court as it impacted the surface. Now think of dribbling that same basketball on a grassy field. Instead of bouncing back to the same height, it will only bounce back part of the way. This is because some of the energy in the ball has been absorbed by the ground. If you attempt a bounce pass to your friend, the ball will go in some unpredictable direction, and will lose some energy along the way. Sound waves behave in a very similar way. On acoustically hard surfaces, such as asphalt or still water, the sound will reflect perfectly, much like the basketball on the court, and almost no energy is lost due to the reflection. On acoustically softer surfaces, such as grass, forest floors, or snow, some sound is absorbed at each reflection, causing attenuation along the propagation path. An illustration of sound reflecting off a rigid surface is shown in **Figure 5**.

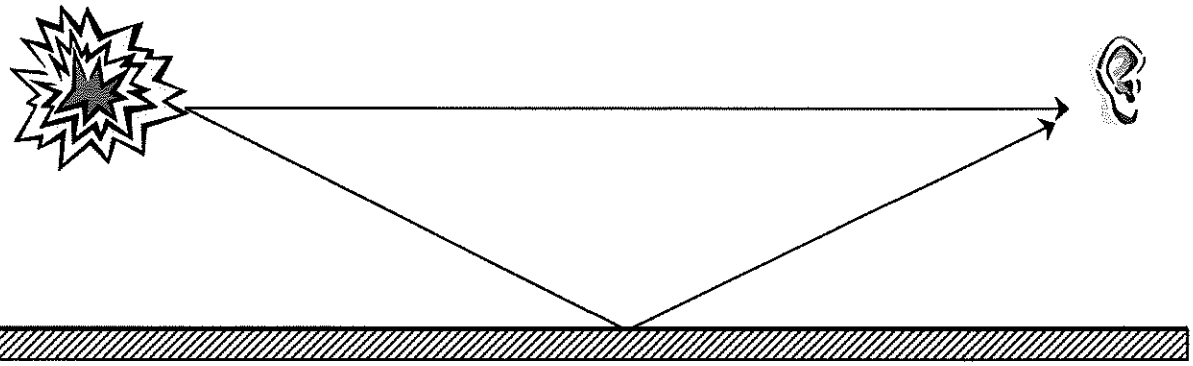


Figure 5. Illustration of sound waves bouncing off of a rigid surface and arriving at a listener.

Scattering and Turbulence: Scattering occurs when sound waves interact with smaller objects, typically a few wavelengths or less in size. Think of a smoothly flowing stream. All of the water is moving steadily in the same direction. Now imagine a rock protruding above the surface. The water now redirects around the rock, and some of the redirected water interferes with the general flow of the stream, causing eddies and ripples. Now think of many objects cluttering the stream. The flow is no longer smooth. Instead, it has places with strong flow, places with almost no flow, and anything in between. This is similar to an acoustic wave scattering off of objects in its path, producing areas of stronger sound and lower sound, and generally muddying up the flow. Some examples of settings with strong scattering are cities (buildings, cars, people), forests (trees and undergrowth), and the turbulent atmosphere. In this section, the focus is on the turbulent atmosphere, as it is the most common occurrence, and it has a strong influence on impulsive blast noise.

Turbulence is present most of the time in the atmosphere. Portions of air, called turbules, move in a semi-random fashion. In the general atmosphere, large masses of air will break down into progressively smaller masses of air, providing a wide size distribution of scattering objects. The turbules scatter sound because they may be a different temperature and may be moving in a different direction. The net effects of turbulence are randomizing the signal to some degree, filling in shadow zones by scattering energy into them, and causing high variability in received levels of impulsive signals. Scattering from turbulence can lead to variability in received peak levels of up to 15 dB peak within a 15 minute time window. This certainly complicates determining the validity of measurements and simulations of noise levels. Turbulence has an effect on more continuous noise sources as well, but the effects tend to be averaged out more over time, unlike impulsive signals that pass quickly through and interact with the instantaneous atmosphere.

Figure 6 contains examples of one realization of turbulence each for an upward refracting case and a downward refracting case. These can be compared to the plots in **Figure 2** and **Figure 3**. Notice how the effect is much more profound in the upward refracting case than in the downward refracting case. However, both cases are influenced by turbulence.

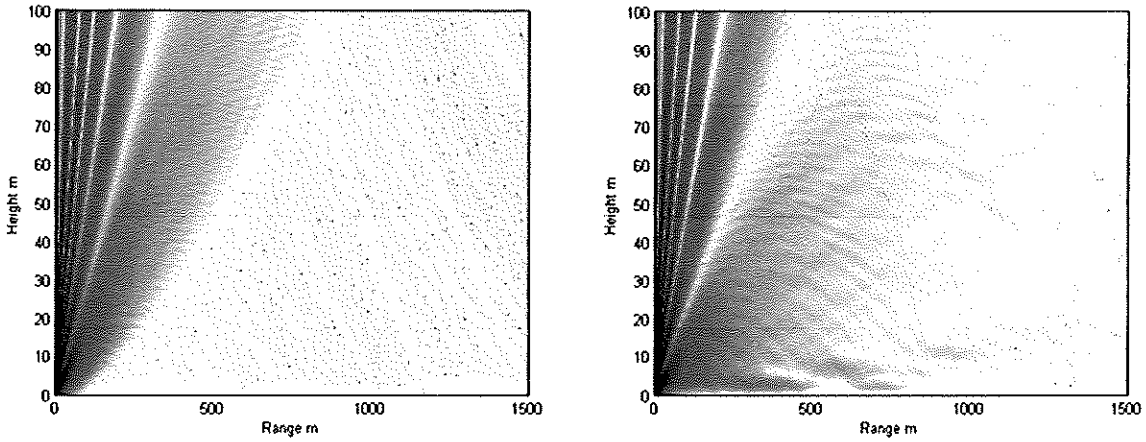
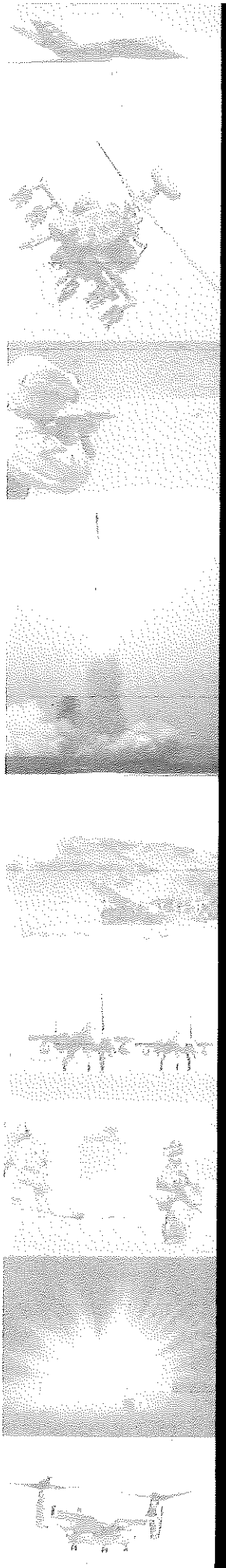


Figure 6. Turbulence examples. The upward refracting case is on the left and the downward refracting case is on the right.



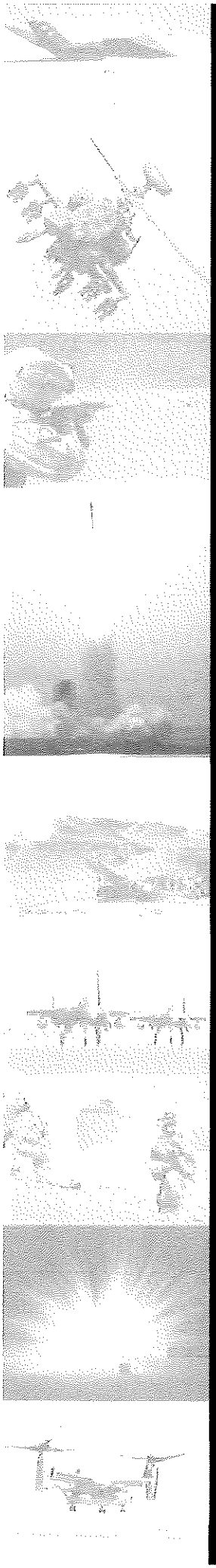
Noise Assessment Methods for Blast Noise:
Noise is the most common environmental impact on communities surrounding military installations. The unique characteristics of blast noise suggest that these noises be assessed using different methods than noise sources such as aircraft and transportation noise. The impulsive and intermittent characteristics of blast elicit community responses at different levels than other sounds. Because of the nature of the sounds produced, blast noise can travel quite far from the installation. People in the community may view noise as a nuisance, a health risk, or a property risk. These concerns generally fall within the categories of building damage, property values, quality of life issues, hearing damage, and sleep disturbance. Army Regulation 200-1 (AR 200-1), Environmental Protection and Enhancement, and US Marine Corps Order 3550.13 (MCO 3550.13), "Marine Corps Installations Range Compatible Use Zones (RCUZ) Program" dictate the metrics and thresholds used for NEPA, and land use planning for the Army and Marine Corps, respectively, Installation Noise Management Plans for the Army, and RCUZ procedures for the USMC. Guidance for the Navy and the Air Force is still emerging.

Thresholds designate the edges of Noise Zones. Noise Zone III includes very high sound levels or very frequent occurrences of the noise. Noise sensitive land uses, such as housing, schools, and medical facilities, are not recommended in Noise Zone III. Levels are still high, but considered at least marginally more acceptable in Noise Zone II. However, it is advised that noise sensitive land uses not be located within Noise Zone II. Noise-sensitive land uses are considered acceptable within the Land Use Planning Zone (LUPZ) and Noise Zone I. The LUPZ is a subdivision of Zone I and is delineated at 5 dB lower than the lower bound of Noise Zone II. Communities and individuals often have different views regarding what level of noise is acceptable or desirable. To address this, some local governments have implemented land use planning measures out beyond the Noise Zone II limits. Implementing planning controls within the LUPZ can develop a buffer to avert the possibility of future noise conflicts. In reality, there are often existing noise sensitive land uses that could be defined as non-conforming, such as housing in Noise Zone II. In most cases, this is not a risk to community quality of life or mission sustainment. The thresholds of these Noise Zones are listed in **Table 2.**

	Noise limits (dB)
Noise zone	**Impulsive CDNL**
LUPZ	57 - 62
I	< 62
II	62 - 70
III	>70

Table 2. Noise limits as specified in AR 200-1 and MCO 3550.13 for large arms (Impulsive CDNL).

As illustrated in the previous section, noise levels in communities will vary greatly, based on atmospheric conditions. Because of this fact, AR 200-1 and MCO 3550.13 state that noise modeling shall be used to determine the noise zones. Typical commercial, off-the-shelf noise modeling software does not have the capability needed to predict impulsive noise levels, and does not contain the acoustic source data required for predicting noise levels due to military weapons systems. Government-owned software is available for these applications and will be described briefly in the following sections.



Applicable regulations state that for large weapons (20 millimeter (mm) and greater), noise contours shall be calculated in CDNL (C-weighted Day-Night averaged sound Level) for land use planning purposes. This metric averages all of the sound energy produced during the assessment period, applying a 10 dB penalty for any event occurring between 2200 and 0700 hours, the so-called nighttime penalty. The typical assessment period over which the noise energy is averaged is 250 days for Active Army installations and 104 days for Army Reserve and National Guard installations. The Marine Corps uses an assessment period of 365 days for busy installations, and a variable numbers of days for less active installations.

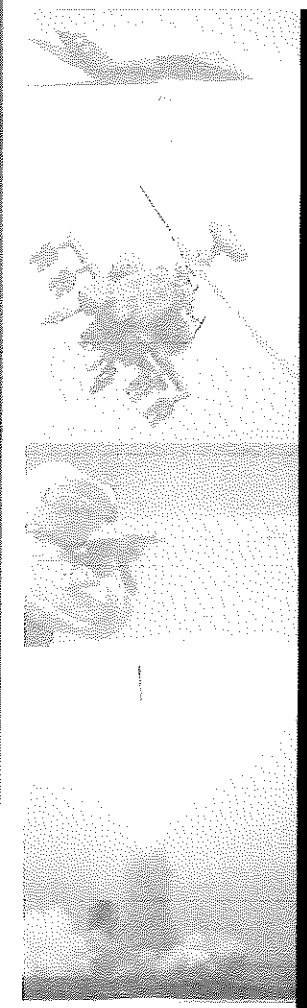
The use of average noise levels over a protracted time period generally does not adequately assess the probability of community noise complaints based on what people actually hear. There are several issues that communities frequently bring up when presented with average noise levels. Contours contained on-post lead people to believe the noise stays on-post. At many installations, Noise Zones are contained within the installation boundary indicating that noise-sensitive development would be compatible up to the fence line. Furthermore, CDNL contours can show areas as "compatible" even though single events may shake some houses.

To give communities and decision-makers a better sense of the actual noise environment when training is occurring, it is recommended that peak level contours also be generated. Thresholds for the peak levels for large arms are based on the Pater criteria, shown in **Table 3.** These criteria provide an indication of the likelihood of receiving a noise complaint, based on the peak level received. Though these areas often encompass land beyond the Noise Zones, individual communities may decide that proactive planning initiatives, such as real estate disclosure or ACUB (Army Compatible Use Buffer) participation, would benefit the community. Some guidance for use of peak levels follows:

1. People located within the 115 and 130 dB Peak area may be exposed to noise levels that are noticeable and distinct. From within this area, the installation has a moderate risk of receiving noise complaints. The magnitude of the complaint risk is dependent upon frequency of occurrence in addition to factors such as time of day activity occurs, propagation conditions under which activity takes place, and noise sensitivity of individuals in these areas.
2. Levels above 130 dB Peak are generally objectionable, and are often described as very loud and startling. These levels are correlated with a high risk of noise complaints.
3. For infrequent operations which may generate high peak levels in the community, land use controls may not be warranted. However, prior public notification should be given.
4. Peak levels are directly correlated with airborne vibration which is the dominant cause of structural response from military training. Peak levels in the low 120's may cause the rattling of windows or loose ornaments (e.g., pictures on walls) which can annoy occupants but are below levels necessary to cause structural damage. It is widely recognized that structural damage is improbable below 140 dB Peak.

Risk of Noise complaints	Large caliber weapons noise limits (dBP)	Perceptibility
Low	< 115	Audible
Medium	115 - 130	Noticeable, distinct, may notice vibration/rattle
High	>130	Very loud, may startle

Table 3. Pater criteria thresholds for determining the likelihood of receiving a noise complaint.



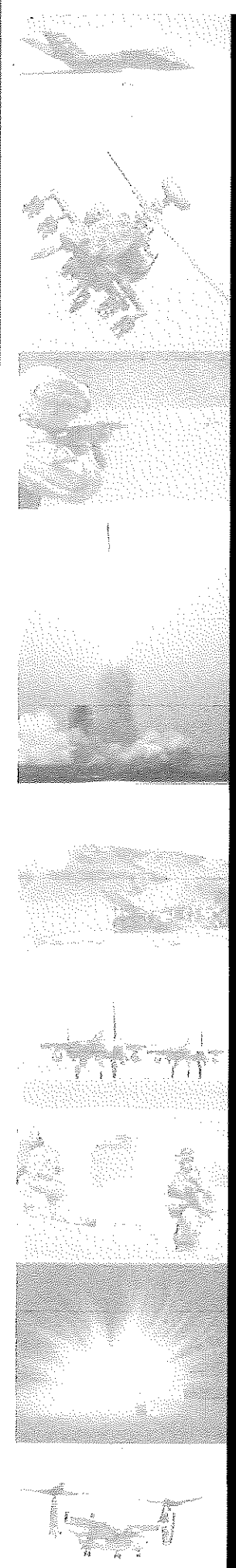
The metric utilized to plot the complaint risk noise contours is PK15(met). PK 15(met) is the calculated peak noise level, without frequency weighting, expected to be exceeded by 15 percent of all events that might occur. PK 15(met) accounts for statistical variation in received single event peak noise level that is due to weather. It was determined that using the average (50%) solution was inadequate for generating a realistic picture of the noise environment, and that using the maximum (100%) solution was too restrictive. Thus the 85% solution (PK15(met)) was chosen as the metric of choice for noise assessments. If there are multiple weapon types fired from one location, or multiple firing locations, the single event level chosen should be the loudest level that occurs at each receiver location.

Most tables of equivalent noise levels only consider time-averaged noise levels. For that reason, a table of peak levels of some common noise sources is included here in Table 4.

Noise Source	Peak Level (dB)
Safety whistle at 15.2 m	76
Thunderstorm, varying distances	95-112
Restaurant	105-145
Balloon Pop at 1 m	117-137
Movie Theater	<130
Average rock, pop, or rap concert	139
Cap gun at 50 cm	143-152
Pull-apart firecracker at 20 cm	153
Airbags at driver's ear	169

Table 4. Examples of peak levels of several common sources. (source: Noise Navigator Database)

Noise assessment for large weapons (20 mm and greater), and explosives are currently performed using the government-owned software, BNoise2. The software considers type of weapon and ammunition, number and time of rounds fired, range attributes, weather, and assessment procedures and metrics. It accounts for the spectrum and directivity of both muzzle blast and projectile sonic boom, which facilitates accurate calculation of propagation and frequency weighting. Source model parameter values are based on empirical data. The propagation algorithms are based on sophisticated calculations and experimental data. Available metrics include sound exposure level (SEL), peak, and day-night noise level (DNL). C-weighting for SEL and DNL is available.



Mitigation and Management Strategies for Blast Noise:
Blast noise, particularly from large weapons and demolitions, is notoriously difficult to mitigate. Because of the high pressures and low frequencies inherent in the signal, methods used for transportation noise, such as road barriers, are not feasible. Finding novel methods for mitigating blast noise is an active area of research. There are, however, strategies available for minimizing the impacts of blast noise on surrounding communities. These include understanding atmospheric conditions, intelligent range siting, and communicating with the public. In addition, some suggestions regarding noise monitoring are presented.

Understanding atmospheric conditions: When it is possible to do so without compromising the training mission, selecting training times based on atmospheric conditions can minimize the noise levels received in communities around installations. Ideally, training on bright, sunny, cloudless days, from mid-morning until mid-afternoon, is ideal. These are strongly upward refracting conditions, and much of the sound energy will be refracted into the upper atmosphere where it does not impact communities. Nighttime, dawn and dusk should be avoided whenever possible, as propagation conditions are strongly downward refracting. During dawn and dusk upward, then downward, refracting conditions are common, making areas of potentially high noise levels difficult to predict. Overcast skies, fog, and low ceilings also all have strong downward refracting conditions, and should be avoided when possible. If there are noise-sensitive communities in the downwind direction, it is desirable to wait for wind conditions to shift, as propagation will be stronger in the downwind direction. Conversely, if the noise-sensitive community is in the upwind direction, they are less likely to be impacted by the sounds.

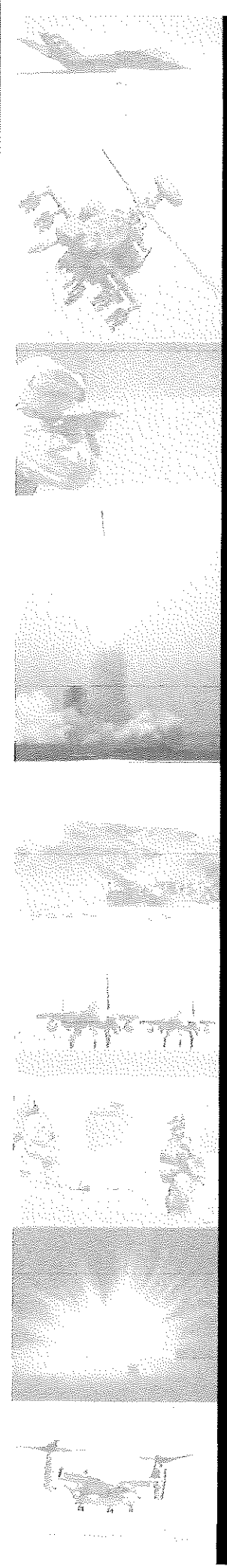
Intelligent range siting: Effective land use planning on and around military installations can greatly reduce the number of noise complaints received by the installation and improve the quality of life of surrounding communities, as well as on-post communities. Discouraging noise-sensitive land uses, such as hospitals, schools, and homes, in areas that are known to have high noise levels is a good start. Ranges should be built as far as possible from noise-sensitive areas. The strong directivity inherent in many weapon systems can be exploited by orienting the firing direction so that the maximum energy is pointing away from noise-sensitive areas.

Communication: Effective communication between the installation and the surrounding community is vital for any noise management plan. Real estate disclosure statements can reduce the likelihood of noise-sensitive people moving into noisy areas with existing housing. Informing the public through radio and television spots, newspaper articles and websites, of significant changes to the noise environment has been shown to help with acceptance. Often noise "complaint" calls are really simply a resident wondering what is going on, why is it happening, and when will it stop.

Short term noise monitoring: In some situations, a short-term noise monitoring study may be performed to get a benchmark on the noise environment. However, the long-term applicability of the data recorded during such a noise monitoring study is limited to similar atmospheric conditions. That said, short-term noise monitoring can be a powerful tool for improving public relations, alleviating concerns, and getting a few data points on the actual noise levels in an area.

Long term noise monitoring: In areas with chronic issues, it can be of great benefit to install permanent noise monitors. This accomplishes two things. First, it improves community relations by demonstrating that their concerns are taken seriously by the installation leadership. Second, it provides the installation with real received levels, which can be extremely valuable when investigating complaints or damage claims. Prior to investing in a long-term noise monitoring

system, the Installation Leadership is cautioned to develop a plan for the long-term storage and planned usage of the data collected, as well as a plan for operation and maintenance of the system. The DNWG does not endorse any one monitoring system at this time, and installations are cautioned to research their choices carefully before investing in such a system.



SUMMARY

This technical bulletin has provided an overview of the unique characteristics, assessment, and mitigation of blast noise. Qualities of blast noise that differ significantly from more common noise sources, such as transportation noise, have been highlighted and each feature described. The influence of environmental parameters, such as meteorology and the ground, on long range sound propagation have been illustrated. Noise assessment methods, metrics, and threshold have been provided in detail. Finally, some mitigation and noise management strategies have been described.

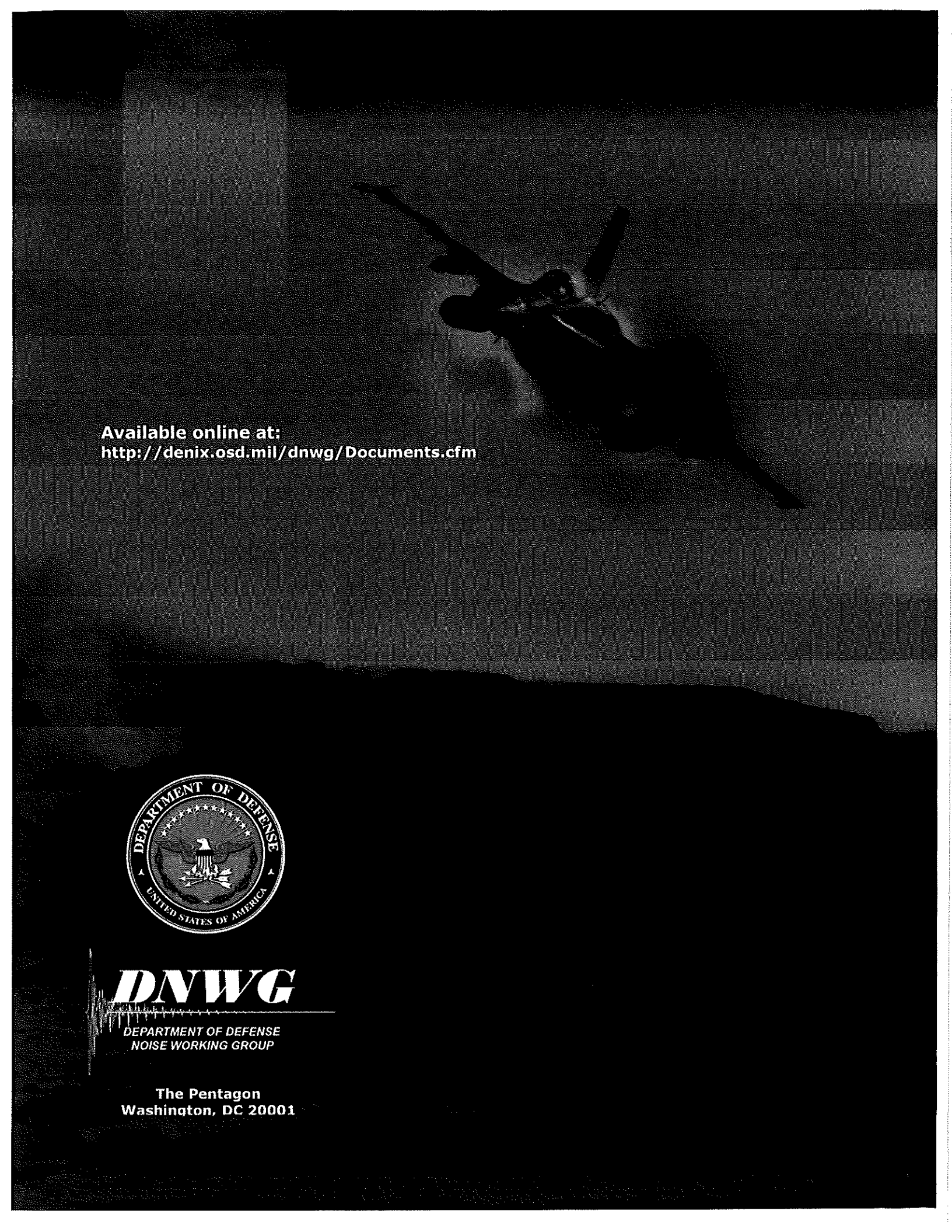
REFERENCES

Army Regulation 200 – 1, "Environmental Protection and Enhancement", 2007.

US Marine Corps Order 3550.13, "Marine Corps Installations Range Compatible Use Zones (RCUZ) Program", 2013.

Pater, L. L. (1976). Noise Abatement Program for Explosive Operations at NSWC/DL. Seventeenth Explosives Safety Seminar of the DDESB. Denver, Colorado.

E-A-R Noise Navigator™ Sound Level Database, E-A-R 88-34/HP, ver. 1.5, www.e-a-r.com/pdf/hearingcons/**Noise**_Nav.xls



Available online at:
http://denix.osd.mil/dnwg/Documents.cfm

DNWG

DEPARTMENT OF DEFENSE
NOISE WORKING GROUP

The Pentagon
Washington, DC 20001

AFFIDAVIT OF COLONEL PAUL VINCENT CIMINELLI, USA (Ret)

COLONEL PAUL VINCENT CIMINELLI, USA (Ret) being duly sworn, deposes and says as follows:

1. I am a retired, United States Army Colonel with over thirty years of Active and Reserve commissioned service. My military career includes operational, command, and staff assignments in both active duty and reserve components, culminating in the rank of Colonel serving as the Chief of Civil Military Operations, 8th Army, Republic of Korea. I am a graduate of the United States Army War College, where I earned a Master of Strategic Studies, United States Army Command & General Staff College and have attended numerous military schools including the Cavalry Officer Basic Officer Course, Armor Officer Advanced Course, Civil Affairs Officer Advanced Course, and the NATO Senior Officer Crisis Management Course.
2. My military service includes assignments as Battalion, Company, Detachment and Platoon Commander often in combined arms settings requiring expert knowledge of the integration of direct fire (individual and crew-served systems), indirect fire (howitzer, mortar and missile) as well as close air support; Senior Team Leader for Joint, Interagency, and Multinational Operations Analysis under the auspices of the Office of the Secretary of War at United States Joint Forces Command; and instructor and syndicate leader for NATO and Partner Nation senior staff training programs. I have served in combat operational theaters including Operation Desert Storm, Saudi Arabia, Kuwait and Iraq, Operation Joint Endeavor, Bosnia & Herzegovina, and multiple tours for Operation Enduring Freedom, Afghanistan. I have worked as a range officer in numerous settings involving different weapon systems wherein the Army has labored to mitigate the effects of noise on surrounding

areas and the wildlife on installations and the communities around military bases.

3. I am also an attorney licensed in the States of New York and New Jersey, and the District of Columbia, and a member of the Bars of the United States Supreme Court and several federal courts. In my civilian capacity, I have served as Chief Counsel to the Sheriff of Monroe County, New York; Managing Partner of Ciminelli & Ciminelli, PLLC; Major Felony Assistant District Attorney in Monroe County; adjunct faculty member in Homeland Security Management at Monroe Community College; and an executive advisor in both government and private enterprise. My professional and academic background includes strategic leadership, management, and crisis response.
4. I have served as a member of Board of Directors and Vice President/General Counsel for Genesee Conservation League, a conservation, firearms and archery club of over 2000 members founded in 1925 and since 1946 located in a highly populated suburban setting outside Rochester, NY. In this capacity I have been involved in numerous issues involving noise and noise mitigation.
5. Based on my military training, operational experience, and review of relevant acoustic and blast data, I have prepared the following factual description regarding the physical experience and observable effects of the firing of a 155mm howitzer at varying distances in a combat, training range or urban settings.
6. Standing next to a 155mm howitzer when it fires is an intense, visceral experience. The blast is deafening, even with appropriate ear protection—a deep, earth-shaking boom that you feel in your chest and bones as much as you hear. The ground trembles, and a shockwave hits you like a physical force, pushing air against your body. The muzzle flash is blinding, especially in low light, and the heat from the barrel is palpable if you're close. There's a sharp,

acrid smell of gunpowder and burnt metal lingering after each shot. The sheer power is awe-inspiring but can be disorienting—your heart races, and it's hard to stay steady without bracing yourself. If you're too close without proper protective gear, the overpressure can cause physical discomfort and injury, like ruptured eardrums.

7. The 155mm howitzer produces an intense, short-duration impulse at the moment of firing. At the muzzle, the peak sound pressure level can reach approximately 185 decibels (dB peak). This level of intensity creates an immediate auditory hazard and a palpable concussive wave. Within several meters of the weapon, the blast wave can be physically felt as a force upon the body, displacing loose material and generating a visible muzzle flash and dust plume.
8. At distances between five and twenty-five meters, the peak sound level remains in the range of 165–175 dB. These levels produce significant physical sensations and require the use of double hearing protection under military standards. Personnel experience temporary disorientation and chest or facial pressure consistent with the known effects of near-field blast overpressure.
9. At approximately 100 meters, the estimated peak sound pressure level is near 145 dB (comparable being 10–25 meters of a commercial jet engine during takeoff at full thrust, such as near the runway at an airport) . The firing is perceived as an extremely loud, sharp report with noticeable vibration transmitted through the ground. Although unlikely to cause injury at this range from a single exposure, repeated firings may induce temporary hearing threshold shifts.
10. At one-half mile (approximately 805 meters), the peak level reduces to about 130-140 dB (comparable being 50 meters of a commercial jet engine during takeoff at full thrust, such as near the runway at an airport). Observers perceive

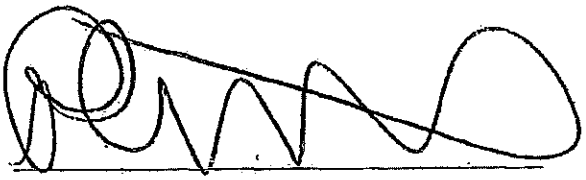
a powerful, instantaneous boom, occasionally strong enough to rattle windows and light structures. The sound may carry a physical sensation akin to a mild pressure wave, particularly under still atmospheric conditions.

11. At one mile (1,609 meters), the estimated level is approximately 121 dB (an example is attending a rock concert or nightclub with amplified music, where sound levels near the speakers). The sound remains clearly audible as a single, thunder-like report but without harmful physiological effects absent prolonged exposure. At this distance, the sound is transient and characterized by a brief low-frequency boom.
12. At three miles (4,828 meters), the estimated peak sound level is near 111 dB (example is a power lawnmower or leaf blower operating at close range of 1–2 meters). The acoustic event is experienced as a low-frequency rumble or deep rolling thunder, often accompanied by a delay between flash and report when visible. The blast remains audible and recognizable as artillery fire under calm atmospheric conditions.
13. At five miles (8,047 meters), the sound attenuates to approximately 107 dB. It is faint but still perceptible, particularly under nighttime or overcast conditions that favor long-distance sound propagation. No hearing risk or physical discomfort occurs at this range.
14. Overpressure sufficient to damage property or cause injury does not occur beyond several tens of meters from the weapon. Pressure levels decrease rapidly with distance, and by 100 meters the effect transitions to an acoustic impulse without destructive force. Vibrations or rattling at greater distances are due to acoustic resonance rather than blast impact.
15. Environmental factors such as humidity, temperature gradients, and wind direction significantly influence sound propagation. Under inversion conditions, artillery fire may be audible at distances exceeding ten miles. Conversely,

upwind and turbulent conditions may sharply limit audibility. These patterns are well documented in Department of Defense acoustic studies.

16. In a pristine Adirondack setting, characterized by dense forests, minimal human activity, and low ambient noise levels (approximately 35-40 dB from natural sounds like wind, leaves, or distant wildlife), the firing of a 155mm howitzer creates a stark contrast that amplifies the perceived intensity of physical sensations compared to urban or noisy environments. The quiet baseline makes the blast subjectively louder and more disruptive, heightening psychological effects such as increased heart rate, startle response, or disorientation, even at distances where decibel levels are consistent with other settings. Sound propagation in forested terrain may attenuate high-frequency components of the blast (up to 10 dB reduction) due to absorption by foliage and ground cover, but low-frequency impulses travel farther with minimal loss, potentially audible over 100 miles under favorable conditions.
17. The howitzer's firing significantly impacts wildlife within 5 miles or closer, particularly in a pristine habitat like the Adirondacks. Animals exhibit immediate startle responses, such as fleeing or scattering, with birds at risk of abandoning nests, reducing reproductive success. High-decibel blasts (130–190 dB near the source) disrupt communication, masking predator warnings or mating calls, increasing predation risk and altering social behaviors. Mammals like deer or bears may avoid the area, leading to habitat fragmentation, while chronic exposure could cause stress hormone spikes, sleep disturbances, or hearing damage in species reliant on acute hearing (e.g., bats or owls).
18. Repeated firings may drive long-term displacement, reduce biodiversity, or alter migration patterns, though some species may habituate over time. Low-frequency sound propagation extends the impact zone, potentially affecting sensitive ecosystems far beyond 5 miles.

19. In my professional opinion and experience, the foregoing statements accurately describe the physical manifestations and sound levels associated with 155mm howitzer firing, based upon my direct experience and the published technical data of the United States Army, United States Department of War and allied defense research agencies.
20. I make this affidavit to provide a factual and technical account based on my education, training, and experience, and I affirm the accuracy of the foregoing to the best of my knowledge and belief.



Paul Vincent Ciminelli
Colonel, USA, (Ret)

References

1. U.S. Army. (1999). TM 9-2350-314-34-1: Hull, Direct Support and General Support Maintenance Manual for Howitzer, Medium, Self-Propelled, 155mm, M109A6 (noise-hazard sections). Available at: https://www.military-references.com/wp-content/uploads/books/spg/usa/m109/M109A6_Hull_Direct_Support_and_General_Maintenance_TM_9-2350-314-34-1_1988.pdf
2. For the ~185 dB peak muzzle level, see Huseby, M. (2007). Noise Emission Data for M109, 155 mm Field Howitzer. Norwegian Defence Research Establishment (FFI) Report 2007/02530. Available at: https://rollingsteel.it/wp-content/uploads/2023/01/07-02530.pdf.
3. Huseby, M. (2007). Noise Emission Data for M109, 155 mm Field Howitzer (Final Report: Norwegian Defence Research Establishment / FFI). FFI-rapport 2007/02530. Available at: https://rollingsteel.it/wp-content/uploads/2023/01/07-02530.pdf.

4. U.S. Department of Defense. (2015, April 15). MIL-STD-1474E: Design Criteria Standard—Noise Limits. Available at: https://arl.devcom.army.mil/wp-content/uploads/sites/3/2022/09/ahaah-MIL-STD-1474E-Final-15Apr2015.pdf.
5. U.S. Army Safety Office. (2025). Blast Overpressure: An Invisible Threat. Army Risk Management Magazine / Army Safety website. Available at: https://safety.army.mil/MEDIA/Risk-Management-Magazine/ArtMID/7428/ArticleID/7993/Blast-Overpressure-An-Invisible-Threat.
6. Schomer, P. D. (1985). Community Reaction to Impulsive Noise: A Final 10-Year Research Summary. U.S. Army Construction Engineering Research Laboratory Technical Report N-85/08. Available at: https://apps.dtic.mil/sti/tr/pdf/ADA159455.pdf.
7. Reed, J. W. (1977). Atmospheric Attenuation of Explosion Waves. Journal of the Acoustical Society of America, 61(1), 39–47. DOI: 10.1121/1.381252
8. DARPA. (2025). Atmosphere as a Sensor (AtmoSense) Program Shows Promise. Available at: https://www.darpa.mil/news/2025/atmosense-shows-promise.
9. U.S. Environmental Protection Agency. (1974). Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety (EPA-550/9-74-004), p. 6. Available at: https://sj-admin.s3-us-west-2.amazonaws.com/1974_0300_USEPA_Noise.pdf
10. Nykaza, E. T., et al. (2013). On the Relationship Between Blast Noise Complaints and Community Annoyance. Journal of the Acoustical Society of America, 133(5), 2690–2698. DOI: 10.1121/1.4795781.
11. U.S. Army Corps of Engineers. (2012). Blast Noise Prediction. Volume I: Data Bases and Computational Model. Construction Engineering Research Laboratory Technical Report ADA099440. Available at: https://apps.dtic.mil/sti/tr/pdf/ADA099440.pdf.
12. Beranek, L., & Mellow, T. (2012). Acoustics: Sound Fields and Transducers. Taylor & Francis. ISBN: 978-0123914217, p. 245.
13. Barber, J. R., Crooks, K. R., & Fristrup, K. M. (2010). The Costs of Chronic Noise Exposure for Terrestrial Organisms. Trends in Ecology & Evolution, 25(3), 180–189. DOI: 10.1016/j.tree.2009.08.002.

14. Francis, C. D., & Barber, J. R. (2013). A Framework for Understanding Noise Impacts on Wildlife: An Urgent Conservation Priority. Frontiers in Ecology and the Environment, 11(6), 305–313. DOI: 10.1890/120183.
15. Slabbekoorn, H., & Ripmeester, E. A. P. (2008). Birdsong and Anthropogenic Noise: Implications and Applications for Conservation. Molecular Ecology, 17(1), 72–83. DOI: 10.1111/j.1365-294X.2007.03487.x.
16. Shannon, G., McKenna, M. F., Angeloni, L. M., et al. (2016). A Synthesis of Two Decades of Research Documenting the Effects of Noise on Wildlife. Biological Reviews, 91(4), 982–1005. DOI: 10.1111/brv.12207.
17. Kight, C. R., & Swaddle, J. P. (2011). How and Why Environmental Noise Impacts Animals: An Integrative, Mechanistic Review. Ecology Letters, 14(10), 1052–1061. DOI: 10.1111/j.1461-0248.2011.01664.x.
18. Barber, J. R., Crooks, K. R., & Fristrup, K. M. (2010). The Costs of Chronic Noise Exposure for Terrestrial Organisms. Trends in Ecology & Evolution, 25(3), 180–189, p. 185. DOI: 10.1016/j.tree.2009.08.002.
19. Francis, C. D., & Barber, J. R. (2013). A Framework for Understanding Noise Impacts on Wildlife: An Urgent Conservation Priority. Frontiers in Ecology and the Environment, 11(6), 305–313, p. 308. DOI: 10.1890/120183.
20. Shannon, G., McKenna, M. F., Angeloni, L. M., et al. (2016). A Synthesis of Two Decades of Research Documenting the Effects of Noise on Wildlife. Biological Reviews, 91(4), 982–1005, p. 990. DOI: 10.1111/brv.12207.
21. Beranek, L., & Mellow, T. (2012). Acoustics: Sound Fields and Transducers. Taylor & Francis, p. 248. ISBN: 978-0123914217.

STATE OF NEW YORK
ADIRONDACK PARK AGENCY

In the Matter of the Application of UNCONVENTIONAL CONCEPTS, INC. and MICHAEL HOPMEIER	APA Project No. 2021-0276

SIERRA CLUB ATLANTIC CHAPTER'S RESPONSES AND OBJECTIONS TO APPLICANTS' DEMANDS FOR PRODUCTION OF DOCUMENTS

Sierra Club Atlantic Chapter ("Sierra Club"), by and through its undersigned counsel, hereby responds and objects to Applicants' Demands for Production of Documents and Things 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, or discoverability of any requested document or information, nor does it waive any objection. Sierra Club also reserves the right to update and amend these responses as new documents or information becomes available.

General Objections

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

Sierra Club further objects to every demand to the extent it seeks documents or 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" documents "relating to" broadly defined subjects, demands for information in the possession of counsel to the extent privileged, and demands for 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 Demand No. 1

Demand: "All Documents supporting any contention that the Project will result in adverse environmental impacts."

Response: Sierra Club objects to this demand as overly broad, unduly burdensome, vague, and not reasonably limited in scope, including because the phrase "all Documents supporting any contention" is expansive and undefined. Sierra Club further objects to this demand to the extent it seeks privileged material, attorney work product, internal legal analysis, or trial-preparation material. 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 states that materials reviewed to date include publicly available documents on the APA hearing website, including the Project application materials, Notices of Incomplete Application, public comments, and APA Staff hearing materials. Sierra Club will produce or identify non-privileged documents, if any, that it intends to rely upon at the Hearing and that are responsive to the issues identified for adjudication in this proceeding, in accordance with the schedule established by the Hearing Officer.

Response to Demand No. 2

Demand: "All expert reports, opinions, or analyses prepared or relied upon regarding the Project and for presentation of evidence in the Hearing."

Response: Sierra Club objects to this demand to the extent it seeks privileged communications, draft expert materials, attorney work product, or non-testifying expert materials not otherwise discoverable. Sierra Club further objects to the demand as overbroad to the extent it seeks materials not intended for use in the Hearing. 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 will produce non-privileged expert reports or expert materials, if any, that it intends to rely upon or introduce at the Hearing at the time and place required by the Hearing Officer and in accordance with the applicable scheduling order and disclosure requirements governing this proceeding.

Response to Demand No. 3

Demand: "All Communications (including but not limited emails) between You and any third party relating to the Project or this Hearing."

Response: Sierra Club objects to this demand as facially overbroad, unduly burdensome, vague, and not reasonably limited in subject matter, custodian, or time. The demand improperly seeks "all Communications" with "any third party" "relating to" the Project or Hearing, which could encompass an enormous volume of irrelevant material. Sierra Club further objects because the demand seeks privileged communications, attorney work product, communications with consultants or experts protected from disclosure, internal strategic communications, and communications implicating protected associational activity.

No production will be made to this demand as drafted, except that non-privileged documents Sierra Club intends to rely upon at the Hearing will be produced in response to Demand No. 7 or otherwise in accordance with applicable disclosure obligations.

Response to Demand No. 4

Demand: "All Documents relating to any studies, modeling, or data used to evaluate environmental impacts of the Project."

Response: Sierra Club objects to this demand as overly broad and vague to the extent it seeks "all Documents relating to" any study, modeling, or data without reasonable limitation. Sierra Club further objects to the extent the demand seeks privileged materials, attorney work product, draft analyses, or materials not intended for use in the Hearing. 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 states that studies, modeling, or data reviewed to date are contained in or referenced by Project application materials, Notices of Incomplete Application, Applicant responses, related hearing documents, and public comments available on the APA hearing website. Sierra Club will produce or identify non-privileged studies, modeling, data, or related materials, if any, that it intends to rely upon at the Hearing, in accordance with the schedule established by the Hearing Officer.

Response to Demand No. 5

Demand: "All Documents supporting any claim that the Project fails to comply with applicable statutes, regulations, or permit criteria."

Response: Sierra Club objects to this demand as overly broad, vague, and unduly burdensome, including because it is not limited to the adjudicable issues in this proceeding and seeks "all Documents" supporting "any claim." Sierra Club further objects to the extent this demand seeks legal research, legal theories, attorney-client communications, attorney work product, 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 will produce or identify non-privileged documents, if any, that it intends to rely upon at the Hearing in support of positions within the scope of the adjudicated issues, in accordance with the schedule established by the Hearing Officer.

Response to Demand No. 6

Demand: "All Documents relating to alternative projects or mitigation measures You contend are preferable."

Response: Sierra Club objects to this demand as vague and overly broad to the extent it seeks "all Documents relating to" any alternative project or mitigation measure without limitation. Sierra Club further objects to the extent this demand assumes facts not established, including that Sierra Club is contending that specific alternative projects are "preferable," and to the extent it seeks privileged or work-product material. 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, to the extent Sierra Club intends to present non-privileged documents concerning mitigation measures or alternatives at the Hearing, such documents will be produced.

Response to Demand No. 7

Demand: "All Documents You intend to rely upon at the Hearing."

Response: Subject to the General Objections, Sierra Club will produce or identify non-privileged documents currently identified that it intends to rely upon at the Hearing, in accordance with the governing scheduling order, the schedule established by the Hearing Officer,

and applicable procedural requirements. Sierra Club reserves the right to supplement this response as appropriate and consistent with those requirements.

Response to Demand No. 8

Demand: "All Documents reflecting funding sources, sponsorship, or financial support related to Your participation in this proceeding."

Response: Sierra Club objects to this demand as irrelevant, immaterial, overbroad, unduly burdensome, and outside the proper scope of discovery in this proceeding. Sierra Club further objects because the demand seeks confidential internal organizational and financial information and information implicating protected associational activity and is not relevant to the adjudicable issues in this matter. Sierra Club's funding sources, sponsorship, financial support, and internal organizational information have no bearing on the Hearing issues or the presentation and examination of Hearing evidence.

No documents will be produced in response to this demand.

Response to Demand No. 9

Demand: "All Documents reflecting current and past membership in Your organization, including lists of names of current and past members from 1990 to present."

Response: Sierra Club objects to this demand as irrelevant, immaterial, oppressive, unduly burdensome, overbroad, and outside the proper scope of discovery in this proceeding. Sierra Club further objects because the demand seeks highly sensitive membership information spanning decades, invades privacy and confidentiality interests, and implicates protected associational rights. Sierra Club's membership information has no bearing on the Hearing issues or the presentation and examination of Hearing evidence. The demand is not tailored to any adjudicable issue in this matter.

No documents will be produced in response to this demand.

Response to Demand No. 10

Demand: "The following are to be responded to by Adirondack Council only:

(a) All Documents reflecting current and past membership in Your organization, of Rush Holt, Jr. from 1990 to present.

(b) All Communications between Rush Holt, Jr. and any member, officer, employee, and staff person of Your organization relating to the Project and Hearing."

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

Dated: April 29, 2026

Respectfully Submitted,

By: _____

Todd D. Ommen
78 North Broadway
White Plains, NY 10603
(914) 422-4343
tommen@law.pace.edu

Attorney for Sierra Club Atlantic Chapter

TO:
Applicants
Service List

From: noreply-pc@apa.ny.gov

Sent: Thursday, October 30, 2025 4:01 PM

To: APA Regulatory Programs Comments

Cc: dgibso1@nycap.rr.com

Subject: APA Project 2021-0276 Public Comments

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown

senders or unexpected emails.

********** PLEASE NOTE **********

The following public comment was made with your email address as the source.

If this is an error, please contact the New York State Adirondack Park Agency at 518-891-4050 or by sending an

email to RPcomments@apa.ny.gov.

Please copy "2021-0276, David Gibson, dgibso1@nycap.rr.com" into your message for our reference.

****

Attn: Frederick Aldinger

Comments from: David Gibson

Email from: dgibso1@nycap.rr.com

Address: 107 Longkill Road Ballston Lake NY 12019

Re: Agency Project 2021-0276, Michael Hopmeier

My Comments:

Dear APA,

Despite 5 Notices of Incomplete application over 5 years, clear, precise information as to the location of the

cannon firing the projectiles, and the precise distance from that fixed point to sensitive source receptors on private

and public land remains uncertain and shifting. Given the estimated decibels likely to reach these receptors and

their well documented (from elsewhere) damaging impacts on glass windows (and much else), the Agency should

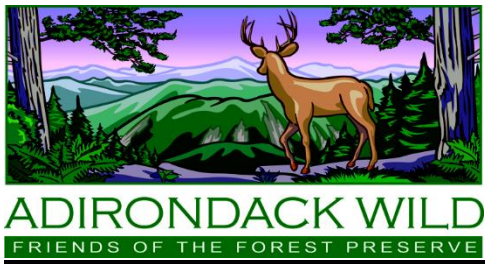
find that the project would have undue adverse impacts. To do so, an adjudicatory hearing must be called with the

opportunity to present expert testimony and to cross-examine witnesses.

Sincerely,

David Gibson, Managing Partner

Adirondack Wild: Friends of the Forest Preserve



Dec. 17, 2025

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
david.greenwood@dec.ny.gov

Grace Sullivan
Senior Attorney
Adirondack Park Agency
P.O. Box 99
1133 NYS Route 86
Ray Brook, NY 12977
grace.sullivan@apa.ny.gov

Matthew M. Norfolk
Norfolk Beier PLLC
The Outpost
55 Barn Road, Suite 201
Lake Placid, New York 12946
mnorfolk@norfolkbeier.com

To: Hon. ALJ David Greenwood, Ms. Grace Sullivan, and Mr. Matthew Norfolk,

Adirondack Wild: Friends of the Forest Preserve petitions the Adirondack Park Agency for party status in the upcoming adjudicatory hearing of Project 2021-0276 seeking a permit for a weapons range testing the internal ballistics of howitzer cannon barrels in Lewis, Essex County.

Pursuant to Agency regulations (Part 580.7) for intervention in adjudicatory hearings, we present the following:

1. Adirondack Wild: Friends of the Forest Preserve is a not-for-profit organization incorporated in New York State and employing advocacy to protect the 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 Park wildlands. Adirondack Wild was reorganized in 2010, with historic roots within Friends of the Forest Preserve founded in 1945 by Paul Schaefer. Schaefer earned a national reputation for successfully fighting to protect remote and wild areas in the Adirondack Park from exploitation. Adirondack Wild has a board of directors, an advisory board, 1000 members, and two full-time staff. Our organizational by-laws and other documents are available as required.

2. Adirondack Wild is very familiar with and a frequent participant in APA administrative proceedings. We submit monthly verbal public comments to the Agency and regularly submit written comments about new land use and development applications, including many projects proposed in the same Rural Use land use classification as the howitzer cannon application. We also participate in APA legislative hearings considering proposed variances. In 2024-25 we participated in months of verbal and written public comment about draft amendments to the Adirondack Park State Land Master Plan.

3. Adirondack Wild was an intervenor and party to the last adjudicatory hearing held by the Agency, Adirondack Club and Resort, in 2011. We have demonstrated the capacity to participate in the administrative proceeding concerning this Project, 2021-0276.

4. Because our program is focused on conservation of wildlands for the interconnected public and private landscapes of the Adirondack Park, 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. The sound impacts of the cannon testing threatens the peace, tranquility, character, solitude, wildlife, and open space values of the Adirondack Park Forest Preserve, including lands classified as Wild Forest, as well as Wilderness areas located just several miles away from the testing range.

   Furthermore, the proposal affects a large block of private lands classified Rural Use. Adirondack Wild has long advocated for greater protection of Rural Use areas consistent with the APA Act. According to the APA Act, such areas are "characterized by a low level of development and variety of rural uses generally compatible with the protection of the generally intolerant natural resources and the preservation of open space. Rural use areas and the resource management areas provide the essential open space atmosphere that characterizes the Adirondack Park."

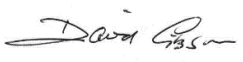
   Military-style testing of cannons exhibiting sound forces at or exceeding 100 dbA should not be deemed compatible with the stated legislated purposes, policies, and objectives of Rural Use. The legislature was clear about this. Military-style weapons testing is not listed as either a primary or secondary use, meaning it is presumed incompatible in this land use classification. Moreover, the project's use

and maintenance over a five-year period appears to lack a military or commercial sponsor and purpose. Its use over five years 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.

5. Adirondack Wild has a demonstrated strong interest in defending the “forever wild” constitutional protections and wilderness values of the Forest Preserve. These protected lands, waters, and wildlife are located within a few hundred yards of the proposed cannon testing at the closest point. The military-style testing will introduce new, potentially damaging noise forces within these public wildlands, thus directly affecting our environmental interests. Our work also involves limiting overuse of the Forest Preserve by keeping such uses within the carrying capacity, or ability of the area to withstand a variety of human uses. The proposed military-style testing may exceed the area’s carrying capacity and desired uses measured by visitor use management indices and study. Furthermore, our environmental interests could be severely affected if the cannon testing directly or indirectly violates State Land Master Plan guidelines for management and recreational use of Wild Forest and Wilderness, and related unit management plan management recommendations for the several Forest Preserve areas proximate to or within several miles of the military-style cannon testing.

Thank you for considering our petition to become a party to this hearing.

Sincerely,



David Gibson, Managing Partner
Adirondack Wild: Friends of the Forest Preserve

P.O. Box 9247
Niskayuna, NY 12309
Adirondackwild.org
518-469-4081

9.3 Intervenors (subfolder)

STATE OF NEW YORK
ADIRONDACK PARK AGENCY

In the Matter of the Application of

INTERVENORS' COMBINED INTERROGATORIES AND DEMANDS FOR DISCOVERY AND INSPECTION

UNCONVENTIONAL CONCEPTS, INC. and MICHAEL HOPMEIER

for a Permit pursuant to Section 809 of the Adirondack Park Agency Act and 9 NYCRR Parts 573 and 574

APA Project No. 2021-0276

Intervenors Sierra Club Atlantic Chapter, Adirondack Council, Inc., and Protect the Adirondacks, by and through their attorneys, Todd D. Ommen, Philip H. Gitlen, Anna V. Seitelman, Paul Van Cott and Christopher Amato, and Intervenor Adirondack Wild: Friends of the Forest Preserve, through David Gibson (collectively referred to herein as "Intervenors"), submit the following to Adirondack Park Agency ("APA") Hearing Staff as combined demands for discovery and inspection pursuant to 9 NYCRR Part 580 and the Administrative Law Judge's March 13, 2026 Second Revised Scheduling Order (the "Scheduling Order").

Definitions

"Applicants" means Unconventional Concepts, Inc. and Michael Hopmeier.

"Application" means the 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.

"Communication" means the transmittal, transfer, offer, or exchange of information (in the form of facts, ideas, inquiries or otherwise) by any means, whether formal or informal, at any place or under any circumstances, including paper documents, electronic documents, email, facsimiles, or video or audio recordings.

"Document" has the same meaning and is equal in scope to the usage of the phrase "documents or electronically stored information" in Federal Rule of Civil Procedure 34(a)(1)(A), and includes any communications, writings, drawings, graphs, charts, photographs, sound recordings, images, and any other data compilations stored in any medium from which information can be obtained. A draft or nonidentical copy is a separate document within the meaning of this term.

Without limiting the aforementioned definitions, the term "Documents" includes both hard copy documents and electronically stored information ("ESI").

"Project" means APA Project No. 2021-0276.

"Project Site" means the properties located at 87 Hale Hill Lane, Lewis, New York, and 195 Hale Hill Lane, Lewis, New York.

Demands

1. Provide an updated list of APA approvals for commercial uses consistent with the list provided by APA Staff pursuant to APA Freedom of Information Law request # F000398-123025 that extends to and includes the required date of response to these demands.

2. Identify and produce all documents or communications pertaining to the environmental review of military operations in the Adirondack Park, including any environmental impact statements and supporting reports, studies, documents and further including but not limited to any and all APA Staff review memoranda, correspondence and APA Board resolutions.

3. Identify and produce all documents or communications with respect to any information requested by APA Staff through Notices of Incomplete Application (NIPAs) to the Applicants that the Applicants have not provided, including any NIPAs, APA Staff emails, memoranda or other documents pertaining to the same.

4. Identify and produce all 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 law, regulations or other requirements.

5. Identify and produce all documents or communications relating to any APA staff analysis of the alleged "commercial, industrial, residential, recreational or other benefits" of the Project pursuant to APA Act § 809(10)(e).

6. Identify and produce all documents or communications relating to any APA staff analysis regarding the Project's potential adverse impact on the economic value of adjoining or nearby properties.

Production in response to these demands shall be made by serving responsive materials upon Intervenors' counsel within the time set forth in the Scheduling Order.

These demands are continuing in nature, and APA Hearing Staff shall supplement their responses as additional responsive information becomes available during the pendency of this proceeding.

In the event of any failure or refusal to comply with these demands, Intervenors reserve the right to seek appropriate relief from the Administrative Law Judge, including an order compelling disclosure and such other, further or different relief as may be proper.

Respectfully submitted,



Paul Van Cott
On behalf of the Intervenors

Dated: April 8, 2026

TO: APA Hearing Staff
Service List

In the Matter of the Application of

UNCONVENTIONAL CONCEPTS, INC.
AND MICHAEL HOPMEIER

APA Project No. 2021-0276

APA Hearing Staff Responses to Intervenors' Combined Interrogatories and Discovery Demands

1. **Provide an updated list of APA approvals for commercial uses consistent with the list provided by APA Staff pursuant to APA Freedom of Information Law request # F000398-123025 that extends to and includes the required date of response to these demands.**

An updated list of APA approvals for commercial uses is attached.

APA hearing staff reserve the right to revise or supplement the list as needed.

2. **Identify and produce all documents or communications pertaining to the environmental review of military operations in the Adirondack Park, including any environmental impact statements and supporting reports, studies, documents and further including but not limited to any and all APA Staff review memoranda, correspondence and APA Board resolutions.**

APA hearing staff object to this request on the grounds that the request is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of material and relevant evidence. APA hearing staff would be amenable to a request which limits the scope of the materials sought. APA hearing staff reserve the right to withhold any materials protected by privilege.

3. **Identify and produce all documents or communications with respect to any information requested by APA Staff through Notices of Incomplete Application (NIPAs) to the Applicants that the Applicants have not provided, including any NIPAs, APA Staff emails, memoranda or other documents pertaining to the same.**

APA hearing staff is reviewing its records and will produce all documents and communications which are responsive and not exempt from disclosure at least 90 days prior to the start of the evidentiary portion of the hearing which has not yet been scheduled.

4. **Identify and produce all 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 law, regulations or other requirements.**

APA hearing staff object to this request on the grounds that it is not reasonably calculated to lead to the discovery of material and relevant evidence.

5. **Identify and produce all documents or communications relating to any APA staff analysis of the alleged "commercial, industrial, residential, recreational or other benefits" of the Project pursuant to APA Act § 809(10)(e).**

APA hearing staff is reviewing its records and will produce all documents and communications which are responsive and not exempt from disclosure at least 90 days prior to the start of the evidentiary portion of the hearing which has not yet been scheduled.

6. **Identify and produce all documents or communications relating to any APA staff analysis regarding the Project's potential adverse impact on the economic value of adjoining or nearby properties.**

APA hearing staff is reviewing its records and will produce all documents and communications which are responsive and not exempt from disclosure at least 90 days prior to the start of the evidentiary portion of the hearing which has not yet been scheduled.

Respectfully Submitted,

Grace Sullivan

Grace Sullivan

APA Hearing Staff - Attorney

Dated: 04/29/2026

01/01/2020 04/28/2026

Number	Land Use Area Type 1	Determination Date for Proje	Applicant(s)	Project Description
1986-0053B	LI	2022-03-24	Russo, Richard	Removal of an existing building and construction of a pool and bathhouse for marina patrons.
1998-0140B	IU	2021-12-01	Bionique Testing Lab, Inc.	Proposed expansion to temporarily accommodate extra staff using a 64x24 modular office trailerwith self-contained septic and two 8x10 office trailers, increasing staff from 35 to 50.
2003-0059B	LI	2020-02-26	Abrams, Dale, Dean & Delos III	Construction of a 20 foot x 140 foot addition to one of the approved self-storage buildings.
2004-0109RE	HA	2022-02-28	Sagbolt, LLC	Renew permit for minor modifications to the proposed enclosure of the Shelving Rock Wing. Plus extend time frame to undertake project.
2004-0207A	RU, LI	2020-08-19	Trombley, Craig	Proposal to amend 2004-0207 to allow for the construction of a 2,400 square foot pole barn and parking lot.
2008-0206A	LI	2023-09-14	Walker, Ronald	Expansion of a 2,912 square-foot golf course clubhouse by 1,008 square feet, to add an indoor golf simulator.
2010-0029A	RU	2022-03-28	Siskavich, David & Elizabeth	Request to amend prior permit to allow construction of 1200 sq. ft. building on Site #13 to contain office space and living quarters.
2014-0180B	RU	2021-03-24	New Cingular Wireless PCS, LLC (AT&T)	GP2005G-3R to remove three panel antennas, replace six panel antennas, install one new surge arrestor, three new Remote Radio Units (RRUs), two new power cables, one new fiber cable and associated infrastructure.
2016-0159	RU	2020-06-02	Moose River Park, LLC	Re-commencement and modification of a pre-existing campground that had ceased to operate for more than five years. The property is 88.80 acres in size and has shoreline on Landers Lake. The proposed campground will have 48 campsites, 26 of which will ha
2016-0226B	MI	2020-01-03	Moriah Ventures, LLC	Amend permit to adjust the boundary line of Lot 6 (adding property from adjoining Lot 4) and contruct one new storage structure on Lot 6 as an expansion of the use authorized by P2016-226.
2017-0189A	MI	2022-06-22	Adams, Robert & Donna	Operation of a new four-site Tiny Home/RV Campground with individual water, electric and sewage hookups, to operate year-round.
2018-0054	LI	2020-05-27	Miller, Gary	Construction of a commercial use building (38’ x 52’) for the operation of a fuel oil supply business. Fuel oil delivery trucks will be parked in the building. Fuel oil deliveries will typically be from 6am until 6pm Monday through Friday, however, emer
2019-0125	RU	2020-03-20	Huttopia Adirondack Properties, LLC	A new seasonally-operated tourist accommodation involving 101 pre-fabricated tourist cabins consisting of platform tents ranging in size from 215± square feet to 269± square feet and 10 platform cabins containing 525± square feet of floor space. All of t
2019-0127	LI	2021-05-12	Jacoby, Mark & Vereecke, Buffie	The greater than 25% expansion of an existing campground through the addition of 28 campsites, a swimming pool and barn.
2019-0153	MI	2020-01-17	Crowe Family Investments, LLC	Re-open a sawmill that was originally constructed in 1954.
2019-0186	MI	2023-02-15	Peck Associates, Inc & Wendell Taylor Corp.	Greater than 25% expansion of a pre-existing campground involving installation of an additional 13 campsites for use by camper/travel trailers. The sites will be served by one new on-site vault privy, an existing on-site wastewater treatment system, an e

2019-0231	MI	2020-07-08	Hollingsworth Property Holdings, LLC	Construction of a new tourist accommodation, consisting of five rental cabins. Four of the cabins will have less than 300 square feet of floor space, plus a 96 square foot deck. One cabin will have 844 square feet of floor space, plus a 320 square foot
2020-0082	RM	2021-04-26	Walton, William B./Doering, Marc	The action involves a request to expand the existing parking area, change the hours of operation to hold events with music, and undertake additional tree cutting to install elements of a high ropes course at an existing tourist attraction previously autho
2020-0082A	RM	2024-03-19	Experience Outdoors	Request to amend Condition 8 to allow the construction of a net park playground.
2020-0117	RU	2021-01-25	TowAway, LLC	Operation of a commercial use vehicle impound lot. The proposal is to store a maximum of 12 impounded vehicles on the property for up to three days at a time, utilizing existing infrastructure including access, parking areas, fencing and an office space.
2020-0136	HA	2021-01-11	Tupper Lake Crossroads, LLC	Construction of a three-story, 44-room hotel including a restaurant, lounge and meeting space. The hotel will have a footprint of approximately 9,800 square feet and an overall height of approximately 60 feet. Site development includes on-site parking f
2021-0020	MI	2023-06-21	R.L. Vallee, Inc.	Removal of an existing convenience store/gas station (1,600 square feet) and replacement with a new convenience store/gas station (4,800 square feet), as well as expansion of the number of fuel pumps. The project also involves construction of a replaceme
2021-0040	RM	2021-06-28	Allott, Jeff, and Woolf, Aaron - Limelkiln Mountain Works	Proposal to establish a campground with 4 sites, including 4 cabins under 300 square feet each. These sites will be serviced by a new bathhouse and pavilion.
2021-0087A	LI	2023-04-04	Bolton Landing Storage, LLC	Re-location of two previously authorized self storage structures.
2021-0095	RM, HA	2023-12-07	Brown LLC, Michelle R.	Expansion of a pre-existing 174-site campground on the north end of the property with an additional 51 sites, to bring the total number of sites to 225.
2021-0134	MI	2022-02-10	Ruggiero, Gorman	The project involves a two-lot subdivision to create a 22.282±-acre lot, improved by an existing dwelling, existing bunkhouse, and former motel; and a 4.335±-acre lot, improved by four existing tourist cabins and one commercial use equestrian service. Op
2021-0147	RU	2022-11-09	Larkin, Richard	Two-lot subdivision of a 36.49-acre parcel creating a 33.6-acre parcel (Lot 1) for construction of a campground and a 2.89-acre parcel for construction of a single family dwelling (Lot 2). The campground on Lot 1 will be a 104-site, full service RV campg
2021-0148	MI	2023-02-24	Dunn With Grace Property Management, LLC	Construction of a second driveway on the project site to improve access for two existing commercial uses. Construction of the additional driveway will involve wetlands and include roadside vegetation removal.
2021-0194	LI	2022-01-19	P.J. Hyde & Son, Inc.	Two-lot subdivision within the Tupper Lake Commerce Park to create a 5-acre lot for the construction of a propane storage and distribution facility. The development includes a 30,000-gallon propane storage tank and shed within a fenced enclosure and a po
2022-0008	LI	2023-01-05	Winney, Lane	Construction of a new campground with 277 campsites, 123 of which are located wholly or partially in the Adirondack Park, including 90 RV, 20 glamping, and 13 primitive sites. Related development within the Adirondack Park includes a main entrance to/fro

2022-0014	HA, RU	2022-07-13	Clement, Leslie	Proposed tourist accommodation consisting of three new cabins under 300 square feet in size, a pre-existing cabin, an accessory use hot tub structure, associated on-site wastewater treatment systems, and clearing four 15-foot-wide areas along the Hudson R
2022-0014A	HA, RU	2023-11-30	Clement, Leslie	Proposed change to the location and shape of the access road to serve the single family dwelling and tourist accommodation.
2022-0067	RU	2022-09-14	Haight, Elizabeth	Construction of two single family dwellings, one to be used as a tourist accommodation.
2022-0099	RU	2022-08-09	LeCavanna LLC	Construction of a new tourist accommodation consisting of eight tourist cabins that are 14-foot by 22-foot tent platforms covered with 14-foot by 16-foot tents, conversion of an existing garage with guest cottage into a check-in building/bathhouse, expans
2022-0099A	RU	2025-01-23	Lecavanna LLC	Expansion of an existing tourist accommodation through the proposed rental of an existing single family dwelling.
2022-0135	LI	2022-10-12	Adirondack Adventure Properties, LLC	Development of river access for a tubing business for daily use by tubers May through October, between the hours of 10am and 4pm with a maximum of 12 scheduled customer drop-offs per day. Proposed site development includes a gated access driveway and bus
2022-0257	MI	2023-05-25	Kampgrounds of America, Inc. d/b/a Terramor Outdoor Resort	Replacement of a pre-existing campground with a new facility consisting of 80 platform tent sites, a lodge and restaurant building, pavilion, pool, general manager's house and employee housing building to provide dormitory-style housing for up to 12 emplo
2022-0296	HA	2023-07-03	Carrothers, George	Construction of a 400-square-foot deck attached to the shoreline side of a pre-existing commercial use structure within 50 feet of Long Lake and Jennings Pond.
2023-0042	MI	2023-09-21	Camp Hudson Pines, LLC	Expansion of a pre-existing tourist accommodation at Camp Hudson Pines, including the replacement of some existing campsites with full hookup glamping tent sites, the addition of four glamping tent sites, the conversion of a garage into a cabin, addition
2023-0065	LI	2023-06-08	Vidal, Richard M.	The operation of a tourist accommodation utilizing the pre-existing Paleface Lodge.
2023-0069	LI, RU	2023-07-03	Symonds, Roger & Lisa	Replacement and expansion of a commercial use automotive repair and towing service facility. A new three-bay garage and office building having a footprint of 3,480± square feet will be constructed on the property in the location of the former facility rec
2023-0086	RM	2024-06-13	Curran, Jim	Establishment of a campground and tourist accommodation consisting of one tent site and three cabins.
2023-0095	MI	2023-07-13	Ennis, Tyler	Use of an existing commercial use structure as an office for the sale of portable storage buildings ranging in size from 8'x12' to 12'x32'. Approximately 16 storage buildings will be displayed on the property until they are purchased and then replaced.
2023-0111	RU	2023-11-09	Unconventional Concepts, Inc. and Diversified Upstate Enterprises, LLC	The action involves the greater than 25% expansion of an existing commercial use to include the installation of temporary storage tents.
2024-0152	MI	2025-01-15	Bostwick, Kyle	Re-configuration of a previously authorized marina on Lake Champlain. The number of boat dock slips will increase from 234 to 302, the number of boat moorings will decrease from 112 to 68, and the total footprint of breakwater structures will be reduced

2024-0270	LI	2025-10-14	Sunset Bay RV Park, Inc. c/o Rick Becker	Expansion of the Sunset Bay RV Resort through the addition of a 357±-unit RV campground adjacent to the existing resort. The existing resort and campground expansion are under common ownership and will share some utilities and amenities. The existing Pa
2025-0008	LI	2026-01-27	Kravitz, Zael	Operation of a commercial use landscaping business with an associated 6600-square-foot structure.
2025-0091	RM	2025-05-22	T-Mobile USA, Inc.	GP2023G-1 for the co-location od a new antenna array on a previously authorized Agency telecommunications tower at a centerline mounting height of 87 feet above ground level.
2025-0190	RU	2025-10-02	Tranter, Scott J. & Kim S.	Installation of a 300-square-foot tourist accommodation cabin to be served by an existing on-site wastewater treatment system, well and driveway.
2025-0241	RU	2026-02-11	Fogarty's Marina Property, LLC	Outside storage (i.e., parking) for a maximum of 500 boats, on boat trailers, in an existing field. No new structures, site grading, lighting, or signs are proposed. The existing driveway entrance will be used to access the project site.
2003-0161B	LI	2021-02-05	Boudrieau, Emma	Proposed new commercial use conversion of an existing building.
2009-0287A	LI, RU	2022-04-05	Nason, Maxwell & Veronica	Expansion of a previously-authorized commercial use structure.
2015-0135C	RU, LI	2020-11-25	Zaga Real Properties, LLC	Installation of an on-site wastewater treatment system to serve an existing commercial building.
2018-0169A	MI	2020-09-21	Tupper Lake Hardwoods, Inc.	Amendment request to change septic design and internal lot line (between tax parcels).
2018-0169B	MI	2022-08-25	Tupper Lake Hardwoods, Inc.	Amendment request to construct a detached stacking warehouse with a footprint of 5,739 square feet within existing limits of clearing.
2019-0191	MI	2020-06-03	DeLaMater, Jeffrey M.	New commercial use involving a wine production facility, tasting room and retail space.
2019-0191A	MI	2020-10-21	DeLaMater, Jeffrey M.	Request to amend the hours of operation previously authorized by Agency Permit 2019-0191 to allow for operation of a commercial use winery from 9:00am to 11:00pm, 7 days a week.
2019-0211	MI	2020-10-21	Lumazu LLC d/b/a Nettle Meadow	A new commercial use involving the conversion of a pre-existing building into a cheese-making facility, including a restaurant, gift shop, and a single-family apartment.
2020-0041	LI	2022-08-23	Colletti, Steve & McDonald, Diane	The operation of a commercial use wedding venue using an existing barn.
2020-0081	IU	2020-09-16	Town of Harrietstown	A 20-lot subdivision creating 19 lots for commercial/industrial uses, collectively known as the Harrietstown Business Park, and a 20th lot which includes all of the project site's remaining land. No new land use and development is proposed on the remaini
2020-0088	RU, RM	2020-09-16	Craigardan, Inc.	Establishment of a new commercial use, involving the conversion of a pre-existing single-family dwelling to a Farm Store.
2020-0089	LI	2020-09-16	Saranac River Barns, LLC	Construction of two additional buildings for commercial use boat storage on a site with existing storage.
2020-0090	RM, LI	2021-06-28	Johnson, Gregory	The establishment of a campground consisting of ten tent sites, restrooms, and two storage containers. Kayaks, paddleboards, and bikes will be available for use by campers.
2020-0102	MI	2020-10-21	Timmons, Robert & Michelle	Proposal to convert a pre-existing church to a general store with associated gas pumps.
2020-0142	MI, RU	2022-05-11	Peacock Properties, LLC	Proposed 25-unit RV campground with one cabin, an event barn with restrooms, and maintenance building, all located greater than 1,000 feet southeast of Union Mills Road. The event barn will be 10,000 square feet in footprint, will operate May through Sep

2020-0186	MI, LI	2020-12-07	Kentile Excavating, Inc.	The action involves the creation of an approximately 8-acre lot within an existing business park to be developed as an operations facility for Kentile Excavating, Inc. Operations include on-site parking for trucks and other construction equipment, as wel
2020-0264	LI	2021-02-22	Huyck, Brian & Russell	Construction of a 64 foot by 216 foot (13,824 square foot) commercial boat storage building.
2020-0273	RU	2022-05-25	Springbrook Hollow Farm Distillery, LLC	The action involves a new commercial use to construct a 4,000-square-foot distillery with an attached 2,000-square-foot tasting room and 950±-square-foot patio, and installation of an on-site wastewater treatment system and water supply.
2021-0027	MI	2022-10-12	Brodie Land Development LLC	The establishment of a new commercial use boat storage facility including the construction of three (3) 11,000-square-foot boat storage buildings, each with an overall height of 40 feet. The facility will also include a boat wash station and outdoor stor
2021-0027A	MI	2023-02-02	Brodie Land Development LLC	Amendment request to eliminate the previously approved new driveway entrance from Route 9N, utilizing the existing entrance and creating an interior connecting driveway.
2021-0048	RU	2021-07-14	Montag, Brandon and Andrea	Construction of a commercial self-storage facility adjacent to Route 186. The proposed facility will be accessed via Airport Road and consist of forty, 8 foot by 20 foot shipping containers that will be utilized as storage units, and one 30 foot by 150 f
2021-0056	MI	2021-05-12	Besignano, Paul - War Canoe Holdings, LLC	Change in use of an existing commercial building from a meat processing facility to a commercial use distillery. No expansion of building or other new land use and development is proposed. Modifications will be primarily to the interior of building. Waste
2021-0076	LI	2021-08-11	Lutzy, Amanda	The proposed project is a new commercial use involving operation of a veterinary clinic in an existing structure (formerly the Redford Diner). The project site is located within 1/4 mile of the Saranac River, a designated Recreational River.
2021-0087	LI	2021-10-19	Bolton Landing Storage, LLC	The project involves a greater than 25% expansion of a commercial use storage facility which was previously authorized by Agency Permit 2001-22. Two new storage structures are proposed, one measuring 30’ x 100’ and one measuring 20’ x 100’. The new stor
2021-0143	MI, HA	2021-11-15	Essex County IDA/Moriah Ventures LLC	Subdivision of a 38.04±-acre parcel adjoining the existing Moriah Business Park into four lots, to expand the business park. Development of one of the new lots with eight 14,000-square-foot warehouse storage structures to support an existing business on
2021-0187	LI, RU	2022-06-22	Atkins, Chandler W.	Seasonal operation of a commercial use to provide guided, on-site all-terrain vehicle rentals and tours daily between the hours of 10am and 6pm. An associated track and trail system will be developed for motorized and non-motorized uses. Additional serv
2021-0234	MI	2021-11-16	Pastore Rental Equipment - Talham, Korinne & Pastore, Joseph	Establishment of a commercial use involving equipment rentals and repairs.
2021-0234A	MI	2024-11-15	Talham, Korrine	Amend Condition 6 of Permit 2021-0234 to allow the construction of a 50' x 80' pole barn.
2021-0251	HA	2021-12-29	Dual Development LLC	Replacement of an existing 73-unit hotel building with a new hotel building that is 53 feet in overall height and contains 185 guest rooms.
2022-0015	RU	2023-05-30	RHR Farms, LLC	Establishment of a new commercial use (distillery) in an existing 3000-square-foot commercial use structure previously authorized by the Agency.

2022-0039	LI	2022-04-15	Fernandez, Anthony	Two-lot subdivision and a commercial use involving concrete and pool installation services.
2022-0059	RU	2023-09-28	Dorr, Matthew R.	Construction of two 11,900 square foot boat storage structures each with an overall height of 47 feet 9.75 inches. The structures will be located behind an existing 9,000 square foot boat storage structure.
2022-0064	LI	2022-09-22	Ziemann, Karl (Carol & Karl Management Co.)	Construction of an 8480-square-foot commercial use boat storage facility and boundary line adjustment to convey 0.575 acres from tax map parcel 38.-1-28 to tax map parcel 38.-1-25.
2022-0071	RU	2022-04-29	Montag, Brandon and Andrea	Re-issuance of un-recorded and expired Agency Permit 2021-0048 for the construction of a self-storage facility accessed from Airport Road consisting of two, 30-foot by 180-foot storage buildings.
2022-0082	MI	2022-06-30	BLAC Tie LLC (DBA Nice Guy Self Storage)	Construction of a commercial self-storage facility accessed from NYS Route 86 consisting of four 30-foot by 180-foot storage buildings, a 40-foot by 236-foot gravel area for outdoor storage of up to 50 boats and/or RVs and a 15-foot by 15-foot office buil
2022-0168	MI	2023-01-05	Thrush, Lane	The construction of a commercial use self-storage facility accessed from NYS Route 9N. The facility will consist of three 5,600-square-foot (140 feet by 40 feet) storage buildings, three 4,200-square-foot (140 feet by 30 feet) storage buildings, and a gr
2022-0170	LI	2022-10-26	Blanchard-McDaniel, Joanne	Construction of two 20-foot by 200-foot (8,000 square feet total) self-storage units.
2022-0182	RU	2023-05-11	West, Yvonne R.	Construction of a U-shaped commercial self-storage facility with 3,200 square feet of floor space.
2022-0270	RU	2023-01-24	Vaus, Titus & Stephanie	The conversion and expansion of an existing structure to establish a new 847-square-foot commercial use wellness and creative arts center.
2023-0028	LI	2025-06-18	Gledhill, Sarah	Commercial use and tourist accommodation involving the rental of four RV/tent campsites served by above-ground portable toilets and one tourist cabin.
2023-0043	RM	2023-05-02	Pataki, Libby	Operation of a tourist accommodation consisting of three pre-existing single family dwellings.
2023-0064	RU, RM	2024-12-03	YDTD 8, LLC	Construction of an 11,000 square foot boat storage building and office.
2023-0066	MI	2023-06-01	C. McKenna Property Managament LLC	Conversion of an existing automotive repair shop to a property management services building.
2023-0208	LI	2024-01-17	Morris, John	Construction of a 3200 square foot building to establish a new commercial use heating and plumbing business.
2023-0213	MI	2024-05-30	Radloff, Maria Leuci	Conversion of an existing eight-bedroom single family dwelling to a bed and breakfast (tourist accommodation). Also, conversion and expansion of an existing horse barn to a wedding barn venue for up to 200 people and conversion of an existing horse run-i
2024-0008	MI, LI	2024-06-11	Cassidy, Gregory	New commercial use self-storage facility comprised of three 3,000-square-foot buildings.
2024-0015	MI	2024-05-29	Inlet Marina and Lodging, LLC	Construction of a new 19,200 square foot commercial use boat storage structure. The project also includes approval of a 16,000 square foot boat storage structure constructed in 2019 and a proposed 4,760 square foot expansion of this structure.
2024-0024	MI	2024-04-02	Adragna, Ricky Joseph	Authorization to operate a 2,240±-square-foot commercial use wedding venue constructed in 2020. The venue will operate seasonally from May-October and will hold no more than 10 weddings a season. The venue will host one wedding per weekend on Saturdays

2024-0066	RU	2024-05-29	Eglin, David	Construction of a 23,520 square foot agri-tourism pavilion to cover an existing arena used for equine and bovine events, resulting in a greater than 25% expansion of an existing commercial use.
2024-0091	MI	2024-11-07	Bennett, Ryan	New commercial use self-storage facility comprised of two 5,500-square-foot units.
2024-0128	LI	2024-07-23	Dattola, Dominic/Franklin County IDA	A four-lot subdivision and development of three 5-acre lots in the Tupper Lake Business Park.
2024-0173	LI	2024-11-22	Godine, Addison	Seasonal tourist accommodation consisting of four cabins on wheels (340 square feet in size each) with electric service, one composting toilet/operations shed (200 square feet), and parking for nine vehicles in an existing gravel area. Water supply to be
2024-0207	MI, LI	2025-04-09	The Chalet At The McKenzie Wilderness Estate, LLC	The action involves operation of a commercial wedding venue throughout spring, summer and fall on tax parcel 42.2-4-15.1. Additional wedding venue parking is available on a portion of adjoining tax parcel 42.2-4-15.2.
2024-0252	RM	2025-07-30	Freeburg, Lee	Proposed tourist accommodation comprised of four geodomes measuring less than 300 square-feet each. The geodomes will be served by above-ground portable toilets. Access and parking is proposed via an existing driveway from Hobart Road.
2024-0340	RM	2025-09-10	Saranac Spirit Ground	Proposed new 3-acre green cemetery. The area will be leased to Saranac Spirit Ground by the New Land Trust, Inc.
2025-0038	MI	2025-04-23	Pavelko, Laura	Operation of a retail shop for handmade furniture in a building formerly used as a restaurant.
2025-0045	MI	2025-06-18	Eaton, Maxwell and Kristen	New commercial use canoe manufacturing operation involving construction of a 2,400-square-foot by 20-foot-tall shop building. The proposal utilizes existing driveway access from NYS Route 86.
2025-0187	MI	2025-12-17	Arrow Bank National Association	Replacement and expansion of an existing commercial use structure.
2025-0217	RU	2025-11-04	Russell, Joe	The action involves the construction of a 6,900-square-foot event barn. The venue will operate seasonally from May 1st-October 31st and will be available for use seven days a week. Event operations will occur between the hours of 1pm and 10pm.
2018-0035	RU	2022-10-18	Hamell, Eric D.	Re-development of an existing, seasonally-operated, commercial use river tubing company facility including the construction of a new 1,800-square-foot commercial use building with an overall height of approximately 30 feet.

STATE OF NEW YORK
ADIRONDACK PARK AGENCY

In the Matter of the Application of

INTERVENORS' COMBINED INTERROGATORIES AND DEMANDS FOR DISCOVERY AND INSPECTION

UNCONVENTIONAL CONCEPTS, INC. and MICHAEL HOPMEIER

for a Permit pursuant to Section 809 of the Adirondack Park Agency Act and 9 NYCRR Parts 573 and 574

APA Project No. 2021-0276

Intervenors Sierra Club Atlantic Chapter, Adirondack Council, Inc., and Protect the Adirondacks, by and through their attorneys, Todd D. Ommen, Philip H. Gitlen, Anna V. Seitelman, Paul Van Cott and Christopher Amato, and Intervenor Adirondack Wild: Friends of the Forest Preserve, through David Gibson (collectively referred to herein as "Intervenors"), submit the following to Unconventional Concepts, Inc. and Michael Hopmeier as and for their first combined demands for discovery and inspection pursuant to 9 NYCRR Part 580 and the Administrative Law Judge's March 13, 2026 Second Revised Scheduling Order (the "Scheduling Order").

Definitions

"Applicants" means Unconventional Concepts, Inc. and Michael Hopmeier, either of them or anyone acting on behalf of them in connection with the Application..

"Application" means the 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.

"Communication" means the transmittal, transfer, offer, or exchange of information (in the form of facts, ideas, inquiries or otherwise) by any means, whether formal or informal, at any place or under any circumstances, including paper documents, electronic documents, email, facsimiles, or video or audio recordings.

"Document" has the same meaning and is equal in scope to the usage of the phrase "documents or electronically stored information" in Federal Rule of Civil Procedure 34(a)(1)(A), and includes any communications, writings, drawings, graphs, charts, photographs, sound recordings, images, and any other data compilations stored in any medium from which information can be obtained. A draft or nonidentical copy is a separate document within the meaning of this term. Without limiting the aforementioned definitions, the term "Documents" includes both hard copy documents and electronically stored information ("ESI").

"Project" means APA Project No. 2021-0276.

"Project Site" means the properties located at 87 Hale Hill Lane, Lewis, New York and 195 Hale Hill Lane, Lewis, New York.

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.

(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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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

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.

Production in response to these demands shall be made by serving responsive materials upon Intervenors' counsel within the time set forth in the Scheduling Order.

These demands are continuing in nature, and Applicants shall supplement their responses as additional responsive information becomes available during the pendency of this proceeding.

In the event of any failure or refusal to comply with these demands, Intervenors reserve the right to seek appropriate relief from the Administrative Law Judge, including an order compelling disclosure and such other further or different relief as may be proper.

Respectfully submitted,



Paul Van Cott
On behalf of the Intervenors

Dated: April 8, 2026

TO: Applicants
Service List

STATE OF NEW YORK
ADIRONDACK PARK AGENCY

In the Matter of the Application of

UNCONVENTIONAL CONCEPTS, INC. and MICHAEL HOPMEIER,

APA Project No. 2021-0276

APA Hearing Officer
David N. Greenwood

Response to Intervenors' Discovery Demands

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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10. Witness lists APA Staff Summary

NEW YORK STATE | Adirondack Park Agency

KATHY HOCHUL
Governor

BARBARA RICE
Executive Director

In the Matter of the Application of

UNCONVENTIONAL CONCEPTS, INC. AND MICHAEL HOPMEIER

APA HEARING STAFF STATEMENT

APA Project No. 2021-0276

The Adirondack Park Agency ("APA") received an application for a proposed howitzer testing range from Unconventional Concepts, Inc. and Michael Hopmeier (the "Project Sponsors") on November 19, 2021. The project involves two parcels classified as Rural Use under the Adirondack Park Land Use and Development Plan Map. The first parcel, Tax Map Number 38.1-1-29.00 (Lot 29), an approximately 8± acre parcel located at 87 Hale Hill Lane, is owned by Diversified Upstate Enterprises, LLC, and would be used to store equipment associated with testing. The second parcel, Tax Map Number 38.1-1-31.000 (Lot 31), an approximately 197± acre parcel located at 195 Hale Hill Lane, is owned by Pulsifer Logging LLC and would be used as the testing site. Project Sponsors would be granted access to Lot 31 by the landowner to conduct testing.

The Project Sponsors propose placement and operation of a portable 155mm howitzer barrel assembly within a 100-foot by 100-foot crushed gravel pad on Lot 31. Each test would involve firing a steel projectile towards the designated target area. No explosive warheads are proposed. The howitzer is proposed to be fired up to 30 times per year on weekdays, between the hours of 10:00 am and 4:00 pm. A kinetic energy-absorbing system (a "soft catch system") is proposed at the eastern end of the range to capture projectiles.

By Order dated November 14, 2025, the APA Board directed the proposed project to proceed to a public hearing. Upon completion of the hearing, the Administrative Law Judge will submit a complete record of the proceeding to the APA Board. The Board must render a decision within 60 days of receipt of the complete record, unless otherwise extended by the hearing officer or by stipulation. 9 NYCRR §580.18(d).

At the hearing, the burden is on the applicant to demonstrate that the project meets all applicable statutory and regulatory requirements. 9 NYCRR §580.14(b).

The duties of APA hearing staff are set forth in 9 NYCRR §580.6. APA hearing staff are not a party to the hearing but have the right to participate fully and shall act to develop a full and complete record upon which the APA Board may base its decision. APA hearing staff, the applicant, and all parties are prohibited from communicating with the APA Board about the project outside of the hearing process. 9 NYCRR §580.17.

The following issues have been identified for review:

(1) Whether the proposed howitzer testing range is a commercial use (APA Act §810(2)(c)(16)), another use in APA Act §810(2)(c), or a use that is not "included on either the list of primary uses or the list of secondary uses for rural use areas" (APA Act §810(2)(c)(16)).

(2) Whether the howitzer testing range would have any adverse impacts upon the natural, scenic, ecological, wildlife, recreational, or open space resources of the park considering the development considerations contained in APA Act §805(4) and 9 NYCRR §574.5, including, but not limited to the following:

i. Whether the howitzer testing range involves any potential discharges, residues, or other pollutants that may adversely affect water resources, land resources, or air resources (APA Act § 805(4)(a)(1)-(3)).

ii. Whether the howitzer testing range would have any adverse impacts to land resources within the park, such as soils, forest, and open space resources, including the quality and availability of nearby lands for outdoor recreational purposes (APA Act §805(4)(a)(1) and (2)).

iii. Whether the Applicant has provided a reliable, comprehensive and accurate modeling of the noise that would be produced by the howitzer testing range and whether such noise will have any adverse impacts upon the Park's resources or nearby uses (APA Act §805(4)(a)(1)).

iv. Whether noise mitigation measures exist that are feasible to implement that would minimize or avoid any adverse impacts to the Park's resources from the howitzer testing range (APA Act §805(4)(a)(1)).

v. Whether the howitzer testing range would create any ecological impacts or disruption to native or migrating wildlife and their habitats at or near the howitzer testing range, considering species' sensitivities (APA Act §805(4)(a)(5) and (6)).

vi. Whether the howitzer testing range could have adverse health and safety impacts relating to the operation, storage, and transport of military equipment (APA Act §805(4)(c)(2)(a))

vii. Whether the howitzer testing range would adversely impact nearby Wilderness and Wild Forest areas or their use and enjoyment (APA Act §805(4)(c)(2)(a)).

viii. Whether the howitzer testing range would have an adverse economic impact on adjoining and nearby land uses, such as property values (APA Act §805(4)(c)(2)(a)).

(3) Whether the howitzer testing range would be consistent with the Adirondack Park land use and development plan, including, but not limited to, whether the howitzer testing range would be consistent with the purpose of insuring overall conservation, protection, preservation, development and use of the unique scenic, wildlife, recreational, open space, ecological, and natural resources of the Adirondack Park (APA Act §809(10)(a)).

(4) Whether the howitzer testing range would be compatible within the Rural Use land area classification, and whether it would be compatible with the character description and purposes, policies and objectives of the Rural Use land area classification (APA Act §809(10)(b)).

(5) Whether the howitzer testing range would have any undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the park or upon the ability of the public to provide supporting facilities and services made necessary by the project, taking into account the commercial, industrial, residential, recreational, or other benefits that might be derived from the project (APA Act §809(10)(e)).

During the proceedings, APA hearing staff intend to offer testimony and evidence on the following development considerations: APA Act §805(4)(a)(1) (Water); §805(4)(a)(2) (Land); §805(4)(a)(3) (Air); § 805(4)(a)(4) (Noise); §805(4)(a)(5) (Critical Resource Areas); §805(4)(a)(6) (Wildlife); §805(4)(c)(1) (Natural Site Factors); §805(4)(c)(2)(a) (Adjoining nearby land uses);, and §805(4)(d) (Governmental Considerations). APA hearing staff will also follow the testimony and evidence presented by the applicant and the parties and may ask clarifying questions for the purpose of developing a full and complete record.

APA hearing staff do not have a recommendation regarding whether the project should be approved or denied, or regarding any conditions that may be included in an approval issued by the APA Board following the hearing. At the close of the hearing, APA hearing staff may summarize the record for the benefit of the Agency. The participating parties may provide written comments with respect to the completeness of that summary. 9 NYCRR §580.18(a). Agency staff who did not participate in the proceedings may

provide a recommendation to the APA Board about the project and/or potential permit conditions. 9 NYCRR §580.18(b)

For the parties' consideration, APA hearing staff offer the following preliminary comments as they relate to the identified hearing issues and relevant development considerations. Please note that the proposed testimony and evidence are subject to modification at the Agency's discretion.

Question: Whether the proposed howitzer testing range is a commercial use (APA Act §810(2)(c)(16)), another use in APA Act §810(2)(c), or a use that is not "included on either the list of primary uses or the list of secondary uses for rural use areas" (APA Act §810(2)(c)(16)).
Relevant Development Considerations: N/A
Relevant Findings: APA Act §809(10)(b)
Testimony: A member of the Agency's Regulatory Programs division will provide testimony covering the use classification process and the considerations applicable to the Agency's use determinations.

Question: Whether the howitzer testing range involves any potential discharges, residues, or other pollutants that may affect water resources, land resources, or air resources.
Relevant Development Considerations: APA Act §805(4)(a)(1) (Water), APA Act §805(4)(a)(2) (Land), APA Act §805(4)(a)(3) (Air)
Relevant Findings: APA Act §809(10)(a), §809(10)(b), §809(10)(e)
Testimony: APA hearing staff expect to retain an expert witness who will provide a report and testimony regarding this issue. APA hearing staff reserve the right to present supplemental or rebuttal testimony based on any expert report produced in connection with this issue or upon receipt of new information obtained through discovery.

Question: Whether the howitzer testing range would have any adverse impacts to land resources within the park, such as soils, forest and open space resources, including the quality and availability of nearby lands for outdoor recreational purposes.
Relevant Development Considerations: APA Act §805(4)(a)(1) (Water), APA Act §805(4)(a)(2) (Land), APA Act 805(4)(c)(1) (Natural Site Factors)
Relevant Findings: APA Act §809(10)(a), §809(10)(b), §809(10)(e)
Testimony: APA hearing staff expect to provide a combination of expert and staff testimony on this issue. A member of the Agency's State Lands division is expected to provide testimony regarding potential impacts to the quality and availability of nearby lands for outdoor recreational purposes. Expert testimony will address the environmental

impacts to soil, forest, and water. APA hearing staff reserve the right to cross-examine witnesses and to present rebuttal or supplemental testimony.

Question: Whether the Applicant has provided a reliable, comprehensive and accurate modeling of the noise that would be produced by the howitzer testing range and whether such noise will have any adverse impacts upon the Park's resources or nearby uses (APA Act § 805(4)(a)(1)).
Relevant Development Considerations: §805(4)(a)(5) (Critical Resource Areas), §805(4)(a)(6) (Wildlife), §805(4)(c)(2)(a) (Adjoining nearby land uses)
Relevant Findings: APA Act §809(10)(a), §809(10)(b), §809(10)(e)
Testimony: APA hearing staff expect to retain an expert witness who will review the September 2023 sound study submitted by the applicant and submit a report regarding the accuracy and reliability of that study. The expert will provide testimony in connection with their report and be available for cross examination. APA staff members may also provide testimony concerning noise impacts to adjoining nearby land uses. APA hearing staff reserve the right to present supplemental or rebuttal testimony.

Question: Whether noise mitigation measures exist that are feasible to implement that would minimize or avoid any adverse impacts to the Park's resources from the howitzer testing range (APA Act § 805(4)(a)(1)).
Relevant Development Considerations: §805(4)(a)(5) (Critical Resource Areas), §805(4)(a)(6) (Wildlife), §805(4)(c)(2)(a) (Adjoining nearby land uses)
Relevant Findings: APA Act §809(10)(a), §809(10)(b), §809(10)(e)
Testimony: APA hearing staff expect this question to be addressed by one or more expert witnesses appearing at the hearing. APA hearing staff reserve the right to cross-examine witnesses and to present rebuttal or supplemental testimony.

Question: Whether the howitzer testing range would create any ecological impacts or disruption to native or migrating wildlife and their habitats at or near the howitzer testing range, considering species' sensitivities.
Relevant Development Considerations: APA Act §805(4)(a)(5) (Critical Resource Areas) and §805(4)(a)(6) (Wildlife)
Relevant findings: APA Act §809(10)(a), §809(10)(b), §809(10)(e)
Staff Testimony: APA hearing staff will provide testimony regarding existing habitats at and around the project site and species associated with those habitats. APA hearing staff also expect to retain an expert witness to provide a report and testimony regarding potential noise impacts to identified wildlife at and around the project site. APA hearing staff reserve the right to cross-examine witnesses and to present rebuttal or supplemental testimony.

Question: Whether the howitzer testing range could have adverse health and safety impacts relating to the operation, storage, and transport of military equipment.
Relevant Development Considerations: APA Act §805(4)(c)(2)(a) (Adjoining and nearby land uses), §805(4)(d)(1)(a) (Ability of Government to provide facilities and services)
Relevant findings: APA Act §809(10)(a), §809(10)(b), §809(10)(e)
Testimony: APA hearing staff expect to retain an expert witness to provide testimony on this issue. APA hearing staff reserve the right to cross-examine witnesses and to present rebuttal or supplemental testimony.

Question: Whether the howitzer testing range would adversely impact nearby Wilderness and Wild Forest areas or their use and enjoyment.
Relevant Development Considerations: APA Act §805(4)(c)(2)(a) (Adjoining and nearby land uses)
Relevant findings: APA Act §809(10)(a), §809(10)(b), §809(10)(e)
Testimony: A member of the Agency's State Lands division will provide testimony on this issue. APA hearing staff reserve the right to cross-examine witnesses and to present rebuttal or supplemental testimony.

Question: Whether the howitzer testing range would have an adverse economic impact on adjoining and nearby land uses, such as property values.
Relevant Development Considerations: APA Act §805(4)(c)(2)(a) (Adjoining and nearby land uses)
Relevant findings: APA Act §809(10)(a), §809(10)(b), §809(10)(e)
Testimony: APA hearing staff do not intend to present affirmative testimony on this issue. APA hearing staff expect evidence concerning potential economic impacts, including impacts on property values, to be presented by the intervening parties. APA hearing staff reserve the right to cross-examine witnesses and to present rebuttal or supplemental testimony.

Question: Whether the howitzer testing range would be consistent with the Adirondack Park land use and development plan, including, but not limited to, whether the howitzer testing range would be consistent with the purpose of insuring overall conservation, protection, preservation, development and use of the unique scenic, wildlife, recreational, open space, ecological, and natural resources of the Adirondack Park.
Relevant Development Considerations: APA Act §805(4)
Relevant findings: APA Act §809(10)(a)

Testimony: A member of the Agency's Regulatory Programs division will provide testimony in connection with this issue. APA hearing staff reserve the right to cross-examine witnesses and to present rebuttal or supplemental testimony.

Question: Whether the howitzer testing range would be compatible within the Rural Use land area classification, and whether it would be compatible with the character description and purposes, policies and objectives of the Rural Use land area classification (APA Act § 809(10)(b)).
Relevant Development Considerations: APA Act §805(4)
Relevant findings: APA Act §809(10)(b)
Testimony: A member of the Agency's Regulatory Programs division will provide testimony in connection with this issue. APA hearing staff reserve the right to cross-examine witnesses and to present rebuttal or supplemental testimony.

Question: Whether the howitzer testing range would have any undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the park or upon the ability of the public to provide supporting facilities and services made necessary by the project, taking into account the commercial, industrial, residential, recreational, or other benefits that might be derived from the project
Relevant Development Considerations: APA Act §805(4)
Relevant findings: APA Act §809(10)(e)
Testimony: A member of the Agency's Regulatory Programs division will provide testimony in connection with this issue. APA hearing staff reserve the right to cross-examine witnesses and to present rebuttal or supplemental testimony.

NEW YORK STATE | Adirondack Park Agency

KATHY HOCHUL
Governor

BARBARA RICE
Executive Director

In the Matter of the Application of

UNCONVENTIONAL CONCEPTS, INC. AND MICHAEL HOPMEIER

APA HEARING STAFF WITNESS LIST
April 2, 2026

APA Project No. 2021-0276

The APA hearing staff reserve the right to modify or supplement the below witness list as needed.

Name, Title	Brief Description of Testimony
APA Staff	
John Burth, Deputy Director of Regulatory Programs	• Regulatory Programs' use determinations • Project Review Process
Megan Phillips, Deputy Director of Planning	• State Land Classifications • Potential impacts to use of nearby state lands
Mary O'Dell, Biologist	• Desktop Review of Habitats and Associated Species at the project site & in the surrounding areas
Experts (CVs attached)	
Dr. Timothy R. McAuley, Environmental Expert	• Review of September 2023 sound study prepared by H2H Geoscience Engineering • Independent sound study • Noise Impact (to humans & wildlife) • Environmental impacts, including potential pollutants impact to air, soil, and water • Possible mitigation strategies
Paul V. Ciminelli	• General knowledge of the immediate physical experience of being in proximity of an artillery gun discharging • The use, hazard and care of lubricants in the operation of artillery • Military standards for the transport and storage of ammunition and materials necessary for the operation of the artillery • Basic mitigation factors available to minimize the community effects of artillery

Education

Ph.D., Air Quality, Human Health Exposure and Risk Assessment, Clarkson University, Potsdam, NY, 2006.

M.S., Chemistry, Clarkson University, Potsdam, NY, 2003.

B.S., Biochemistry, The College of Saint Rose, Albany, NY, 2001.

Summary Biography

Dr. Timothy R. McAuley is the Founder and Chief Executive Officer (CEO) of CHANGE Environmental, headquarters in Upstate, NY. Dr. McAuley is a leading authority and an award-winning global environmental leader and recognized expert in the fields of ambient and indoor air quality, noise impact assessments, environmental remediation strategies, air dispersion modeling, epidemiology, infectious disease, environmental toxicology, and human health exposure and risk assessment. He has directed, managed, and consulted on numerous cutting-edge domestic and global environmental consulting and research studies in his areas of expertise ranging from ethylene oxide (EtO) emissions, per- and polyfluoroalkyl substances (PFAS) investigations and human health risk assessments, aviation emissions, fires and explosions, insecticide and pesticide exposures, and lead exposures. His areas of expertise also include train derailments, cancer general and specific causation investigations, and traffic and industrial emissions, including all areas of personal exposures to vapors, gases, particulates, and various environmental toxins. As a result of his work and contributions to the environmental field, he has been invited to deliver several keynote speeches and has become a global resource for environmental forward thinking and a leader in his field. He is currently an elected member of several national committees.

Dr. McAuley is a highly sought-after expert because of his extensive background and strong record in particulate matter (PM) studies and exposures, including designing and managing dozens of particulate and gaseous studies and soil and water groundwater investigations, along with being a leader in his field around air quality and human health exposure assessment. He has been supporting several clients (attorneys and private clients) for more than 20 years. Over the years, Dr. McAuley has served as a key expert regarding viral exposures, including PFAS investigations globally (e.g., national COVID safety programs), and has provided his expertise regarding COVID-19 transmission and impacts on human health, as well as assessment of exposures (e.g., COVID-19, SARS). He has provided additional legal support by serving as an expert witness regarding bacteria and mold and their various impacts on health (i.e., inhalation, dermal, and ingestion exposures).

Dr. McAuley also provides additional consulting and expert services to dozens of attorneys and private and public companies across the United States and internationally. His experience and expertise span more than 20 years for various projects, including mergers, risk management, environmental due diligence, that include cases supporting attorneys for plaintiffs, defense teams, insurance companies and investment banks, private firms, community groups, and nonprofit and nongovernmental organizations.

Dr. McAuley received his Ph.D. in Environmental Science and Engineering and his M.S. degree in Chemistry from Clarkson University, along with a B.S. degree in Biochemistry from The College of Saint Rose, where he is also a member of the Board of Associates and a member of the Alumni of Prominence Cabinet.

Professional Experience

2008 to date. *Founder and CEO*, CHANGE Environmental, LLC, Saratoga Springs, NY.

Honors and Awards

Burj Global Power 100 CEO Award, Burj Global Committee, 2026

Presidential Award Honoree, International Association of Top Professionals (IAOTP), 2026

Achievement Excellence Award for Top Environmental Health Expert of the Year in the USA, *Expert Witness Magazine*, 2025

Top Environmental Expert Witness Award, *Lawyers Monthly Magazine*, 2025

Top Global Business Award, International Association of Top Business (IAOTB), 2025

Top 50 Fearless Leader Award, IAOTP, 2025

Environmental Health Expert of the Year Award, *Lawyer*, 2025

Top Environmental Leadership Award, *Entrepreneur's Echo*, 2025

Top Environmental Health Recognition Award, *Conglomerate Magazine*, 2025

Top 50 Global Business Disruptors Award, *CEO Scoop*, 2025

Top Innovator of the Year Award, IAOTP, 2025

Global Recognition Award for Environmental Excellence, Global Recognition Group, 2024

Influential Visionary Award Top 5 Best Leaders, *The Executive Lens*, 2024

Best CEO Award 2024, *The CEO Views*, 2024

Top Global Environmental CEO for the Decade, IAOTP, 2024

Environmental and Motivation Leadership Award, *CIO Today*, 2024

CEO Views Environmental Entrepreneurship and Leadership Award (CEO Views Magazine), 2024

Top Global Environmental CEO Award, IAOTP, 2023

Inspire Zones Cover Story, Inspire Company, 2023

CEO Time Magazine Cover Story, *Time*, 2023

Professional Achievement Award, *Albany Business Review*, 2023

Top 100 CEO Environmental Industry Award, 2022

Environmental Business Award for Global Leadership in Climate Change, *Environmental Business Journal*, 2021

CHANGE Environmental, LLC, Best Environmental Strategy and Compliance Consultancy Award, *Corporate Business Magazine*, 2020

Professional Achievement Award for Environmental Consulting and Leadership, *Albany Business Review*, 2020

National Renewable Energy and Policy Climate Change Award, Environmental Business Journal International, 2019

National Community Engagement and Business Achievement Award, Environmental Business Journal International, 2019

Awarded, National Environmental Leadership and Excellence, Environmental Business Journal International, 2018

Executive of the Year Award, the National Association of Distinguished Professional, 2018

Distinguished Alumni Award, The College of Saint Rose, 2018

Testimonial Experience of Core Expert Witness Support Areas

Since 2008, Dr. McAuley has served as a professional environmental expert witness. His support areas are as follows:

- EtO emissions assessments and air EtO studies
- Air dispersion modeling (toxic plumes, multi-media air impacts modeling, explosions)
- Oil refinery gaseous emissions monitoring, inventories, and exposures
- Noise Impact Assessments (i.e., designing and carrying out direct and multi-source noise investigations from munitions, aviation, railcar, construction)
- Noise modeling (i.e., assessment of point or area sources of noise using state of the art noise models for assessment of noise on environmental and public health.)
- Aviation and airport emissions impact assessments
- Environmental toxicology and forensic investigations
- Environmental epidemiology (exposures to insecticides and pesticides
- EtO industrial permit and emissions (permitting versus fugitive sources of EtO)
- Chemical exposures and cancer outcomes (dermal, inhalations, ingestion)
- Particulate Matter studies
- Mold, Bacteria, Virus Epidemiology Investigations
- Air quality and traffic emissions modeling
- Soil and groundwater multi-pathway exposures and testing
- Gas and vapor impact assessment (e.g., carbon dioxide, nitrogen oxides, sulfur oxides)
- Fugitive and dust impact assessments
- Greenhouse gas emissions and climate mitigation strategies
- Epidemiology and infectious disease (e.g., transmission pathways of viral, bacteria, air pollution, environmental insurance and exclusion)
- Environmental toxicology of air, soil, and groundwater health risk assessment (benzene, chemical exposures, polychlorinated biphenyls [PCBs], PFAS, perfluorooctanoic acid [PFOA], perfluorooctanoic acid [PFOS], trichloroacetic acid [TCA], trichloroethylene [TCE], perchloroethylene [PCE], vinyl chloride)
- Pharmaceutical Product Liability
- Combustible dust
- Asbestos and silica dust exposures
- EtO exposures
- Toxicology
- Environmental epidemiology
- Environmental remediation exposure assessments/contamination
- Ambient and indoor air quality modeling and monitoring
- Stationary and mobile source modeling (GHGs, particulates, gases) of asbestos exposure and mesothelioma
- Lead assessments and exposure pathways
- Water quality exposures assessment (metals, gases, particulates)
- Silica dust monitoring, analysis, and human health assessments
- Mold impacts to health exposure and health effects

- Multiple path exposure assessment (air, water, and soil)
- Medical records data review for exposure matching of symptoms
- Human health risk assessments (Resource Conservation and Recovery Act [RCRA], Comprehensive Environmental Response, Compensation, and Liability Act [CERCLA])
- Data validation and third-party assessments
- Public health

Paul Vincent Ciminelli

2905 Sunset Pointe Circle, Cape Coral, FL 33914 ▪ 585-753-4513 (B) ▪ 585-370-2725 (C)
Paul.Ciminelli@outlook.com

Attorney, Teacher, Entrepreneur & Executive Senior Management Professional with 40+ years' experience in the general practice of law, staff leadership, team building and staff development and training in the public and private sector, P & L management, marketing sales, product design, manufacturing, procurement and order fulfillment in a global market.

STRATEGIC PLANNING ▪ MANAGEMENT/LEADERSHIP ▪ MARKET PENETRATION ▪ CONSENSUS BUILDING

SUMMARY OF QUALIFICATIONS

- As Counsel to the Sheriff, I acted as primary civilian advisor in a wide and varying portfolio of subjects involving development and execution of internal and external policy, operations and interagency cooperation and coordination for a 1200 person agency with a $215m budget.
- As a practicing attorney, prosecuted violent felons for more than six years; for the past two plus decades, in general & government practice, representing businesses, not-for-profits and private clients and government clients.
- Primary focus of practice is the representation of businesses at all phases of business existence and risk management
- Advised on complicated privacy issues associated with efforts to close threat management gaps with particular emphasis on HIPAA and FERPA requirements
- Extensive experience and success building consensus in a multi-national, interagency setting.
- Assumed senior leadership position in $153,000,000.00 public municipal department to stabilize failing operation and chart course for future successful operation.
- More than twenty years of teaching experience at the undergraduate level and in a multi-national setting.
- Thirty years of service as a commander, leader, negotiator, consensus builder, and educator in peacetime and during armed conflict as a commissioned officer in the United States Army.
- Serial entrepreneur responsible for start-up and growth of seven enterprises between 1991 and the present in manufacturing, family entertainment industry, law & consulting.
- In a consulting capacity, business owners assisted in developing and implementing business plans in the family entertainment industry both domestically and abroad. Conducted analysis of failing businesses, developed and successfully executed rescue plans.

~ SELECTED CAREER EXPERIENCE & ACCOMPLISHMENTS ~

Strategic Thinking

- ❖ Primary Advisor to Elected Sheriff leading an agency of 1100 sworn and civilian personnel.
- ❖ Concept development and market identification of niches for machine parts within the golf industry
- ❖ Planning, development and startup of numerous businesses either as principal or in a consulting capacity.
- ❖ Successfully led multiple missions to Afghanistan to conduct strategic and operational reviews of multi-national and interagency activities in support of Operation Enduring Freedom.

- ❖ Worked with senior leadership of the City of Detroit, unions, community and department leadership to stabilize transportation services, reevaluate level of service and operations, develop and implement a strategic plan for effective and efficient operations and services.

Leading & Managing

- ❖ Founder and senior manager of successful manufacturing, distribution and consulting businesses during the last two decades.
- ❖ Thirty years of service in the United States Army in positions of increased command responsibility from Platoon Leader to Battalion Commander assuming leadership positions numerous times and building cohesive, mission capable, highly trained Army units in peacetime and war.
- ❖ Directed Planning, Operations and Maintenance actions for the Detroit Department of Transportation during the City's most severe financial crisis in history. Improved operational and readiness standards to the highest levels in decades while under severe financial and personnel constraints.
- ❖ Part of a team that established the first regionally targeted violence behavioral threat assessment committee integrating public, private, educational and not-for-profit sectors to identify and close threat management gaps while providing guidance on the mitigation of those threats.
- ❖ Using informal taskforces provided direct coordination with the District Attorney's Office, Rochester Police Department, Monroe County Sheriff's Office, City & County governments and community members to develop and implement initiatives to reduce crime and mitigate its effects on the community.

Team Building

- ❖ I have deployed to Afghanistan building and leading multiple ad hoc teams of subject matter experts to conduct operational analysis, develop findings, submit and implement recommendations at the request of the Sec Def, CJCS and Commander, Central Command.
- ❖ Over thirty years of building and leading cohesive mission focused organizations multifaceted teams throughout the Department of Defense, multinational forces and interagency organizations.
- ❖ Rebuilt staff and organization and returned to financial stability of a multimillion-dollar not-for-profit serving several hundred children weekly.
- ❖ From 2001 to 2011 I was responsible for building teams of multinational officers and conducting an intense three-week NATO staff and operations training course for senior Eastern European and Mediterranean military officers.

Marketing, Sales & Communication

- ❖ Creator and host of "*Valor Radio,*" a weekly one-hour radio show. Developed and implemented concept and procured advertising fully supporting show expenses and focused on small business advertising and marketing opportunities.
- ❖ Developed and implemented innovative marketing and sales campaigns for sale of equipment used in the golf range industry.
- ❖ Implemented integrated traditional print advertising, trade show, catalog, internet, direct mail, webmail, web campaigns developing metrics to measure success.
- ❖ Built a successful national sales representative force from scratch to promote and sell products manufactured and distributed by American Range Company.

~ PROFESSIONAL EXPERIENCE ~

STARK LATUCCA	*Of Counsel, 2023-Present*	*Rochester, NY*
MONROE COUNTY SHERIFF'S OFFICE	*Counsel to the Sheriff 2018-2025*	*Rochester, NY*
CIMINELLI & CIMINELLI, PLLC	*Founder 1994-2018*	*Rochester, NY*
VALOR RADIO-WYSL1040	*Host & Producer 2015-present*	*Rochester, NY*
MONROE COMMUNITY COLLEGE	*Adjunct Faculty 2013-2024*	*Rochester, NY*
TRANSPRO CONSULTING, LLC	*Senior Leadership & Management Advisor June, 2012 – December 2012*	*Detroit, MI*
RANGE REPAIR WAREHOUSE, LLC	*Founder / Managing Member 2008- 2013*	*Rochester, NY*

WORLDWIDE GOLF DEVELOPMENT, LTD		
DBA AMERICAN RANGE COMPANY	*Founder / CEO & President 1991 – 2008*	*Rochester, NY*
MONROE COUNTY DISTRICT ATTORNEY	*Major Felony Bureau 1988-1994*	*Rochester, NY*
UNITED STATES ARMY	*Colonel, Commissioned Officer 1981-2011*	*US & abroad*
CITY OF ROCHESTER (Appointed-Part-Time)	*Municipal Hearing Examiner 2000-2018*	*Rochester, NY*

~ EDUCATION ~

JURIS DOCTOR	*Rutgers University School of Law*	*Camden, NJ*
MASTERS STRATEGIC STUDIES	*United States Army War College*	*Carlisle, PA*
BACHELOR OF ARTS, POLITICAL SCIENCE	*University of Rochester*	*Rochester, NY*

~ LICENSES, CERTIFICATIONS, PROFESSIONAL & COMMUNITY AFFILIATIONS ~

Member in Good Standing: New York Bar, New Jersey Bar, District of Columbia Bar, United States Supreme Court, United States Court of Appeals for the Second Circuit & District of Columbia, and United States Court of Appeals for the Armed Forces, Federal District Courts, accredited to Prepare, Present, Prosecute and Appeal claims for Veteran Benefits before the Department of Veteran Affairs, Certified Instructor, National Rifle Association

Professional & Military Affiliations

Monroe County Bar Association: Ethics Committee [2000-2004], Professional Performance Committee [2002-2007], Academy of Law [2002-2004] & Veterans Committee [2015-2025] ▪ Phi Alpha Delta Law Fraternity ▪ Thomas More Law Center ▪ Civil Affairs Association, Life Member [National Board of Directors, 1996-2009] ▪ Senior Reserve Commanders Association ▪ Association of the United States Army (AUSA) Life Member ▪ United States Army Armor Association, Life Member ▪ Disabled American Veterans, Life Member ▪ Reserve Officers Association, Life Member ▪ Veterans of Foreign Wars, Life Member ▪ American Legion, Life Member ▪ National Rifle Association, Life Member ▪ La Societe des Quarante Hommes et Huit Chevaux 40 & 8 Monroe Voiture 111, Member [2016-present]

Community Affiliations

Co-Founder & Board of Trustees, Rochester Police Foundation, Inc. 2012 – 2018 ▪ Chairman, Monroe County Veterans Advisory Committee 2010-13, Committee Member 2013-2025 ▪ Veterans Outreach Center Finance Committee, 2011- 2014 ▪ Asbury Day Care Center, Inc. President, Board of Directors 1997-1999, Secretary, Board of Directors 1996-1997, Board of Directors 1995-2000 ▪ Penfield Strikers Youth Travel Soccer General Counsel 2007-2010, Board of Directors 2007-2009 ▪ Rochester Regional Veterans Business Council, 2007- 2018, Exec Board & Program Committee Chairman 2008-2010, 2nd Vice President 2010-2012 ▪ Monroe County Office of the Aging Advisory Committee1992-1998 ▪ Boy Scouts of America, Merit Badge Counselor ▪ CYO Soccer Coach, ▪ Genesee Conservation League, VP-Legal, Board of Directors- 2015 – 2019, Member, 2012-2025.

STATE OF NEW YORK
ADIRONDACK PARK AGENCY

In the Matter of the Application of

UNCONVENTIONAL CONCEPTS, INC. and MICHAEL HOPMEIER,

APA Project No. 2021-0276

APA Hearing Officer
David N. Greenwood

Applicants' Witness List

PLEASE TAKE NOTICE that Unconventional Concepts, Inc. and Michael Hopmeier (referred to herein as the "Applicants"), by and through their attorneys, Norfolk Beier PLLC, hereby submit a list of witnesses they intend to present at the public hearing in the above-referenced matter.

1. Michael Hopmeier
2. Robert Dillon, BS, ME, PE, PhD
    a. Lieutenant Colonel, U.S. Army (Retired)
    b. Senior Consultant and Former Chief Scientist and Director, Benét Laboratories
3. Peter Plostins, BS, MS, PhD
    a. Former Associate Director for Science and Technology
    b. Weapons and Materials Research Directorate, US Army Research Laboratory
4. William Moss, BS, MS, PhD
    a. Senior physicist and expert on blast and impact-induced traumatic brain injury, near-filed lethality of low yield precision placed munitions, and physics of small arms noise and flash suppressors related to national security projects.
    b. Fellow of the Acoustical Society of America
5. Michael Polacco (or other qualified engineer from Bowman Consulting)
    a. Senior Project Geologist, Bowman Consulting
6. Stephen George, PWS
    a. Principal Ecologist, North Country Ecological Services
7. James Pulsifer
    a. Landowner of Project site
8. Jim Monty
    a. Former town supervisor of Town of Lewis
9. David Christensen
    a. Warden of the Federal Correctional Institution, Ray Brook,
10. Sandy Denton
    a. Business owner in Town of Lewis
11. John Tibbits
    a. Retired NYS Police Troop B Commander
12. Lieutenant Colonel Anthony Pasquale

a. Commander of the 274th Air Support Operations Squadron

13. Tom Goffus
    a. Former Assistant Secretary General for Operations of NATO
14. General James Cartwright
    a. Former Vice Chairman of the Joint Chiefs of Staff
15. Representatives of Town and County Highway Departments
16. Representative of local fire department
17. Andrew Littlefield
    a. G CIV US Army DEVCOM AC (USA)
18. Christopher Mulligan
    a. P CIV US Army DEVCOM AC (USA)
19. Timothy J. Pierce
    a. Town of Lewis Supervisor
20. Jonathan Carman
    a. District Director for Rep. Elise Stefanik

PLEASE TAKE NOTICE, the Applicants reserve the right to supplement or amend their list of witnesses.

Dated: Lake Placid, New York
April 8, 2026

Norfolk Beier PLLC



By: _____

Matthew D. Norfolk, Esq.
Shane R. Kelly, Esq.
55 Barn Road, Ste. 201
Lake Placid, New York 12946
518.302.8080
mnorfolk@norfolkbeier.com
skelly@norfolkbeier.com
Attorneys for Applicants

To: Service List

STATE OF NEW YORK
ADIRONDACK PARK AGENCY

In the Matter of the Application of

INTERVENORS' COMBINED WITNESS LIST

UNCONVENTIONAL CONCEPTS, INC. and MICHAEL HOPMEIER

for a Permit pursuant to Section 809 of the Adirondack Park Agency Act and 9 NYCRR Parts 573 and 574

APA Project No. 2021-0276

Intervenors Sierra Club Atlantic Chapter, Adirondack Council, Inc., and Protect the Adirondacks, by and through their attorneys, Todd D. Ommen, Philip H. Gitlen, Anna V. Seitelman, Paul Van Cott and Christopher Amato, and Intervenor Adirondack Wild: Friends of the Forest Preserve, through David Gibson (collectively referred to herein as "Intervenors"), submit the following combined witness list pursuant to 9 NYCRR Part 580 and the Administrative Law Judge's March 13, 2026 Second Revised Scheduling Order.

The Intervenors each reserve the right to modify or supplement the below witness list as needed. This includes but is not limited to adding additional witnesses based upon Intervenor review of APA Hearing Staff's or the Applicants' witness lists.

Name, Title	Issue or Topic of testimony
Sierra Club Atlantic Chapter/Adirondack Wild: Friends of the Forest Preserve	
Elizabeth Thorndike, Ph.D, Expert Witness on land use planning	Issue #3 Issue #4
Nicholas Robinson, Expert Witness	Issue #3 Issue #4
Neil Woodworth, Esq., Expert Witness on Forest preserve/state land recreational issues	Issue #2, ii and vii
Protect the Adirondacks	
Alan Rizzo, SGM, USA (Ret.), Expert Witness on Health and Safety Impacts	Issue #2, i, ii, iii, vi

Kurt Fristrup, Ph.D., Expert Witness on Noise Impacts	Issue #2, iii, iv, v and vii
RSG, Inc., environmental consulting firm, Expert Witness on Noise	Issue #2, iii, iv and v
Philip Terrie, Ph.D., historian	Issue #3 Issue #4
Barbara Rottier, Esq., APA Associate Counsel (Ret.)	Issue #1 Issue #3 Issue #4
Adirondack Council	
Richard Hoffman, Former APA Board Designee, Expert Witness on APA Act issues	Issues ## 1, 3, 4 and 5
Matthew Stanley, Supervisor, Town of Jay, Expert Witness on Impacts to Nearby Uses	Issue #4
Walt Linck, Former APA Staff, Expert Witness on Open Space/Forest Preserve Impacts	Issue #2, ii, v, vii
Dr. Vanessa Rojas, SUNY ESF, Associate Professor, Dept of Sustainable Resources Management, Expert Witness on Wildlife Impacts	Issue #2, v
Dr. Aaron Rice, Cornell University, Expert Witness on Wildlife Impacts	Issue #2, v
Benjamin Mueller, Principal, Ostergaard Acoustical Associates, Expert Witness on Noise	Issue #2, iii Issue #2, iv

Respectfully submitted,



Paul Van Cott
On behalf of the Intervenors

Dated: April 8, 2026

TO: Service List

STATE OF NEW YORK
ADIRONDACK PARK AGENCY

In the Matter of the Application of

UNCONVENTIONAL CONCEPTS, INC. and MICHAEL HOPMEIER,

APA Project No. 2021-0276

APA Hearing Officer
David N. Greenwood

Applicants' Supplemental Witness List

PLEASE TAKE NOTICE that Unconventional Concepts, Inc. and Michael Hopmeier (referred to herein as the "Applicants"), by and through their attorneys, Norfolk Beier PLLC, intend to call the following individual as a witness at the public hearing in the above-referenced matter.

- **Colin Read, Ph.D.** Mr. Read has a Ph.D. in Regional and Urban Economics from Queen's University, and his work has been published extensively in the leading journals in Regional and Urban Economics. He is a Professor at SUNY Plattsburgh. Prof. Read has performed regional economic analyses to measure job creation and economic value-added creation for regional enterprises that include the Moriah Shock Facility, a Tupper Lake EB5 project, an Essex County hotel complex, Clinton Community College, SUNY Plattsburgh, the benefits of fishing tournaments on Lake Champlain, among other regional economic studies in the North Country and Vermont. He is recognized as one of the leading experts on the economies of the North Country of New York State.

PLEASE TAKE NOTICE, the Applicants reserve the right to supplement or amend their disclosure of witnesses they intend to call at the hearing in the above-referenced matter.

Dated: Lake Placid, New York
May 5, 2026

Norfolk Beier PLLC

By: _____

Matthew D. Norfolk, Esq.
55 Barn Road, Ste. 201
Lake Placid, New York 12946
518.302.8080
mnorfolk@norfolkbeier.com
Attorneys for Applicants

To: All Parties and APA Attorney Grace Sullivan

11. Other Correspondence in Record

NEW YORK STATE | Adirondack Park Agency

KATHY HOCHUL
Governor

BARBARA RICE
Executive Director

November 18, 2025

(By email: michele.stefanucci@dec.ny.gov)

Hon. Michele M. Stefanucci
Chief Administrative Law Judge
NYS Department of Environmental Conservation
Office of Hearings and Mediation Services
625 Broadway
Albany, NY 12233-1550

Re: Requesting the Service of an Administrative Law Judge to serve as Hearing Officer for APA Project 2021-0276

Dear Judge Stefanucci,

The Adirondack Park Agency formally requests the services of an Administrative Law Judge from the Department of Environmental Conservation's Office of Hearing and Mediation Services pursuant to the Memorandum of Understanding between The Department of Environmental Conservation and The Adirondack Park Agency (MOU No. AM10539).

The Adirondack Park Agency ordered the review of a project to proceed to public hearing in order to obtain additional information before approving or denying the project pursuant to Adirondack Park Agency Act § 809. The proposed project consists of the use of a howitzer testing range within the Town of Lewis, Essex County. A copy of the Order is attached.

The Agency must schedule a public hearing which must commence no earlier than December 17, 2025 and no later than December 24, 2025, unless the Agency and Project Sponsor agree to an extension. The hearing will be held in person at a location to be determined. The Agency will inform the selected hearing officer of the location once it has been identified, but we anticipate this hearing to be held near the Town of Lewis and/or near the APA's headquarters in Ray Brook, NY.

Pursuant to 9 NYCRR 580.14(a)(4)(iii), the hearing officer has the authority to set the time and place of hearings beyond the initial hearing day, regulate the course of the hearing; adjourn the hearing from time to time, indicate the place of the adjourned hearing; and fix the time for the filing of briefs and other documents.

In order to avoid potential *ex parte* communications prohibited under 9 NYCRR 587.4, the Agency may no longer accept additional comments on a project for which an adjudicatory hearing has convened. Accordingly, the assigned hearing officer may wish to establish a process through which additional public comments from nonparties can be formally accepted

and incorporated into the official record, such as an informal public comment session at the outset of the hearing as outlined in 9 NYCRR 580.14[b][3].

The hearing officer may also elect to schedule a pre-hearing conference to simplify, define, limit or resolve issues (9 NYCRR 580.9) between the parties, by which admissions, stipulations and/or agreements may be accepted.

For the purposes determining whether there exists an issue of bias or other disqualification pursuant 9 NYCRR 580.8 of Agency Regulations, I have identified the names of the applicant and related entities that we are aware of below:

- Michael Hopmeier
- Unconventional Concepts Inc.
- Diversified Upstate Enterprises, LLC
- Pulsifer Logging, LLC.
- James Pulsifer

Please let me know if there is any information you require for purposes of clearing conflicts or if you have any other questions.

Sincerely,



Barbara Rice
Executive Director

cc: Damion Stodola, Agency Counsel

encl.: APA Project Order dated November 14, 2025

NEW YORK STATE | Adirondack Park Agency

KATHY HOCHUL
Governor

BARBARA RICE
Executive Director

November 20, 2025

By email (david.greenwood@dec.ny.gov)

Hon. David Greenwood
Administrative Law Judge
NYS Department of Environmental Conservation
Office of Hearings and Mediation Services
625 Broadway
Albany, NY 12233-1550

Re: Appointment as Hearing Officer
APA Project 2021-0276

Dear Judge Greenwood:

Thank you for accepting our request to serve as a hearing officer for the Agency's hearing on the above-referenced project application.

This letter serves to formally appoint you as hearing officer for the public hearing pursuant to section 508.8(a) of the Agency's regulations.

We are tentatively planning to start the hearing on December 22nd at 9: 00 A.M. in the APA Board Room at its headquarters in Ray Brook, NY. We can adjust these detals after you and the parties have conferred. The space is comfortable and adequate for the expected participants.

By order dated November 14, 2025, the Agency identified issues for this hearing as well as two issues the Agency for which no testimony or evidence is necessary. Of course, your may in your sole discretion simplify, define, limit, or resolve the scope of issues, or add an issue if not expressly excluded and for which a party makes an offer of proof to ensure that the record covers substantive and significant issues relating to the findings or determinations required of the Agency under APA Act § 805(4) and § 809(10). A copy of the Project Order approved by the Agency Board is attached hereto. Otherwise, you will have all the powers under Agency regulations, Part 580 to conduct this hearing.

Should you determine that it will be of assistance, the Agency can forward you the application materials, additional information submitted by the applicant, and submissions from the public. (These materials are already publicly available and available for review here and here.)

I thank you for your agreeing to assist the Agency by serving as hearing officer for this matter. By copy of this letter to the applicant's representative, Matthew D. Norfolk, I am alerting the applicant to your appointment as hearing officer.

We plan to notify the public of your appointment in our public hearing notice, which we will provide shortly.

Please don't hesitate to call if there are any questions.

Very truly yours,



Barbara Rice
Executive Director

cc: Matthew D. Norfolk, Attorney for the applicant
Damion K. L. Stodola, Counsel
Michele M. Stefanucci, Chief Administrative Law Judge

NORFOLK BEIER PLLC
ATTORNEYS AT LAW

November 24, 2025

Via First-Class Mail & Email
Hon. David Greenwood
Administrative Law Judge
NYS Department of Environmental Conservation
Office of Hearings and Mediation Services
625 Broadway
Albany, New York 12233-1550
david.greenwood@dec.ny.gov

Re: APA Project 2021-0276
Sponsor/Applicant: Michael Hopmeier/Unconventional Concepts, Inc.
Request for Voluntary Recusal as Hearing Officer

Dear Judge Greenwood:

I represent Michael Hopmeier, a principal of Unconventional Concepts, Inc. and the sponsor of the above-referenced project presently before the Adirondack Park Agency (hereinafter referred to as the "APA") for consideration. The purpose of this letter is to respectfully request that you voluntarily recuse yourself as the hearing officer presiding over the public hearing ordered by the APA as part of its review of my client's project (hereinafter referred to as the "Project").

For seven years you were employed by the Adirondack Council. (*See* Exhibit 1, annexed hereto.)[1] Your affiliation with the Adirondack Council disqualifies you as the hearing officer. The Adirondack Council has taken an official position against the approval of the Project. It filed with the APA a letter of opposition. (*See* Exhibit 2, annexed hereto.) The Adirondack Council also has been fervent in its public opposition to the Project. In October of 2025, the Adirondack Council publicly announced that the Project application must go to a public hearing and pontificated how state law applies to the Project application and that evidence in the form of expert witness testimony will be needed. (*See* Exhibit 3, annexed hereto.) In November of 2025, the Adirondack Council launched a campaign to solicit public comments to urge the APA to "hold a formal adjudicatory hearing for the 'Hopmeier Project.'" (*See* Exhibit 4, annexed hereto.) Also, in November of 2025, it issued another press release applauding the APA's refusal to grant the Project application and ordering a public hearing. (*See* Exhibit 5, annexed hereto.) By and through

1 Pursuant to 9 NYCRR §580.8(a), "[t]he agency shall select a hearing officer as early as possible following its determination to hold a hearing. The hearing officer shall make full disclosure, as part of the record, of all information he deems relevant to the issue of bias or other disqualification." Your affiliation with the Adirondack Council is undoubtedly relevant. Yet, to date, I have not received disclosure of all information you deem relevant to the issue of bias or other disqualification.

its officers, the Adirondack Council also has made numerous comments online criticizing the Project. Lastly, John Sheehan, Director of Communications at the Adirondack Council, appeared on the television program, *Capital Tonight*, to rally public support against the Project.

Moreover, the Adirondack Council boasts how it has secured certain individuals to be on the Board of the APA in furtherance of its mission and objectives. In its 2024-2025 Impact statement (*see* Exhibit 6, annexed hereto), the Adirondack Council states, in pertinent part:

> **Adirondack Park Agency Appointments: The Council worked aggressively to secure a full slate of appointments to the Adirondack Park Agency. New additions include environmental attorney Jose Almanzar and scientist and former Congressman Rush Holt.**

As the attorney for the sponsor, it is more than troubling to read the Adirondack Council's Impact statement. It causes my client and me to question the integrity of the APA in selecting you as the hearing officer.

As demonstrated above, there is implicit bias and undoubtedly an appearance of impropriety arising out a former employee of the Adirondack Council acting as the hearing officer in an APA public hearing involving a project the Adirondack Council adamantly opposes. The applicable judicial ethical standards require not only the absence of actual bias, but also the avoidance of the appearance of bias. Your appointment as the hearing officer presents a reasonable question regarding impartiality, and a recusal would best preserve the fairness of the adjudicatory process and the public's trust in the APA's conducting of the proceeding and the determination it will ultimately render on the Project application. In the unfortunate event you will not agree to recuse yourself as the hearing officer, we will file a formal application for your disqualification pursuant to 9 NYCRR §580.8.

In closing, I respectfully request that you recuse yourself and allow a qualified administrative law judge to be assigned to preside over the public hearing.

Thank you in advance for your attention to this important matter. Mr. Hopmeier and I look forward to your response to our request for your recusal.

Respectfully,

Norfolk Beier PLLC

By:
Matthew D. Norfolk, Esq.

cc (via email only):
Barbara Rice, APA Executive Director
Damion K. L. Stodola, APA Counsel
Michele M. Stefanucci, Chief Administrative Law Judge

EXHIBIT 1



David Greenwood · 3rd

Senior Attorney at NYS Department of Education

- NYS Department of Environmental Conservation
- Albany Law School of Union University

Schenectady, New York, United States · Contact info

168 connections

Message More

Activity

170 followers

David hasn't posted yet

Recent posts David shares will be displayed here.

Show all activity →

Experience

Administrative Law Judge - Environmental Impact Examiner
NYS Department of Environmental Conservation · Full-time
May 2024 - Present · 1 yr 7 mos
Albany, New York, United States · On-site

Senior Attorney
NYS Department of Education
Mar 2008 - May 2024 · 16 yrs 3 mos

Court Attorney
Appellate Division, Third Department
2003 - 2004 · 1 yr

Policy Analyst
The Adirondack Council
Jan 1993 - Aug 2000 · 7 yrs 8 mos
Albany NY

Lobbied and advocated for the protection and enhancement of New York's Adirondack Park and Forest Preserve at the State and Federal level.

Education

Albany Law School
JD

EXHIBIT 2

ADIRONDACK COUNCIL
PRESERVING WATER, AIR AND WILDLANDS

NEW YORK STATE OF OPPORTUNITY | Adirondack Park Agency
RECEIVED
Date: September 1, 2022

Board of Directors
Sarah C. Hatfield
Chair
Liza Cowan
Vice-Chair
Curtis R. Welling
Treasurer
Ethan Winter
Secretary
Kurt Abrahamson
Mary Bijur
David E. Bronston
Charles D. Canham, Ph.D.
Ann E. Carmel
Georgina Cullman, Ph.D.
Diane W. Fish
Philip R. Forlenza
Michale Glennon, Ph.D.
Rush Holt, Ph.D.
Robert J. Kafin
Eric W. Lawson
Jerome Page
Justin Potter
John Reschovsky
Brian Ruder
Kate Russell
Daniel J. Ryterband
Douglas Schultz
Noah Shaw
Laurel Skarbinski
Douglas Stewart

Executive Director
William C. Janeway

CHARITY NAVIGATOR
Four Star Charity

September 1, 2022

Barbara Rice, Executive Director
Adirondack Park Agency
1133 State Route 86
Ray Brook, NY 12977

Dear Executive Director Rice:

The Adirondack Council is pleased that the Adirondack Park Agency has requested more information regarding a proposal to test military canons in the Town of Lewis, Essex County. We recommend that the agency hold an adjudicatory public hearing on this highly controversial permit request. We further recommend that the agency assign staff to immediately develop a policy discouraging military weapons testing by private parties inside the Adirondack Park.

An adjudicatory hearing would allow the agency to collect evidence rather than claims, hear sworn testimony and make a rational decision on whether to allow such an activity inside the Adirondack Park. A new policy would protect birds and wildlife in the Champlain Valley, prevent a degradation of property values for people living near the proposed test site and save the quiet enjoyment of the Adirondacks for the people of Lewis.

The Adirondack Park has already paid a high price to accommodate use of the park's forests and airspace by the Army, Marine Corps, Air Force, National Guard and Air National Guard units. This includes treetop helicopter missions and high-speed jet flights by pilots from across the Northeast and Canada. Over the past half-decade, the intensity and scope of this training increased significantly. So too did its impact on wildlife, communities, private homes, wilderness solitude and the general quiet enjoyment of nature.

Teams of state regulators, military officials and environmental advisors (of which the Adirondack Council is one) have worked well together in the past. Cooperatively, we have managed for 30 years to mitigate conflicts between the nation's need for military readiness and New York's right to practice leading-edge conservation to protect the world's largest intact, temperate deciduous forest.

This permit request is not for a project by the Army. It would involve a private contractor working on a military weapons project. The Army has no need for a canon firing range inside the Adirondack Park. There is a well-established

artillery range at Fort Drum, just west of the Adirondack Park. It has received regular use since the 1980s. But even on an Army post, its use caused conflict initially and forced some residents to move away. The Watertown Daily Times chronicled a series of reimbursement claims by people in the Village of Antwerp in Jefferson County, for example, whose windows and foundations were cracked by the repeated impact of shells on the landscape and bedrock.

Cannon testing could occur at Fort Drum, under military supervision. At the proposed test site in Lewis and nearby, we have grave concerns about the collateral damage that could occur from cannon shell firings, flights and impacts. In addition to noise and impact vibrations, how likely are misfires and missed targets? The Fort Drum range is enormous, so stray shells don't pose much danger to neighbors. How damaging will direct hits on the target be to the surrounding landscape, flora and fauna? What wildlife is likely to make a home in the sandy mound the applicant has proposed to install via truck as a target backstop? The nature of the application seems to presume that there are wastelands within the Adirondack Park where nothing lives or can live. Such places do not exist.

If it receives a completed application, we urge the agency's board to hold an adjudicatory hearing on this proposal, so that it may reject the plan. We further urge the agency to develop a blanket policy against the testing of military-grade weapons by private parties within the Adirondack Park, in an effort to discourage such proposals in the future.

Thank you for your time and attention to this matter.

The Adirondack Council is a privately funded not-for-profit organization whose mission is to ensure the ecological integrity and wild character of the Adirondack Park. It is the largest environmental organization whose sole focus is the Adirondacks.

The Council carries out its mission through research, education, advocacy and legal action. It envisions a Park with clean water and clean air, core wilderness areas, farms and working forests, and vibrant, diverse, welcoming, safe communities. Adirondack Council advocates live in all 50 United States.

Sincerely,

William C. Janeway

William C. Janeway
Executive Director
Adirondack Council

Cc: Chris Cooper, Attorney, APA
John Burth, Regulatory Programs, APA

EXHIBIT 3

Adirondack Council Calls For Hearing On Hopmeier Project

Posted on 20 Oct at 4:29 pm

ADIRONDACK COUNCIL PRESERVING WATER, AIR AND WILDLANDS

FOR IMMEDIATE RELEASE: Monday, Oct. 20, 2025

ADIRONDACK COUNCIL CALLS FOR HEARING ON HOPMEIR PROJECT

Conditions and Issues Warrant an Adjudicatory Hearing on Impacts of Projectile Tests

ELIZABETHTOWN, N.Y. — The Adirondack Council today called on New York's Adirondack Park Agency (APA) to hold a special adjudicatory hearing to review a permit request from a Florida company that seeks a use permit to test modern military cannons on private land inside the Adirondack Park.

"A **holistic assessment of this permit application** is critical," said Raul J. Aguirre, Executive Director of the Adirondack Council, "and an adjudicatory hearing is an important opportunity for an administrative law judge, a neutral third party, to identify what's needed to do so. This kind of hearing is a legal proceeding that allows the agency to consider expert insights that have not yet been part of the application process and holds the agency accountable to its mission of protecting Adirondack Park resources. The agency hasn't held one in 14 years, and this project clearly warrants it."

The applicant is seeking permission to fire steel projectiles up to 30 times each year. The Council says the APA must fully examine potential impacts on public lands, nearby homes, local businesses, wildlife, and popular outdoor recreation such as hunting, hiking, and mountain biking.

Under APA law, the agency can call for an adjudicatory hearing in the following instances: when more information is needed; a project doesn't meet specific legal standards; or significant changes are needed for permit approval. The agency cannot deny a permit without first holding a formal adjudicatory hearing — a trial-like process featuring sworn testimony, expert witnesses, cross-examination, and an administrative law judge.

Council Has Decades of Relevant Experience

The Adirondack Council has worked with the U.S. military since 1994 to balance national defense needs with protection of Adirondack communities and natural resources. Past collaborations include:

- **1994:** Review of new low-level jet training routes through Adirondack airspace to Fort Drum.
- **2011:** Agreements to safeguard wilderness areas by limiting drone training impacts and maintaining a 3,000-ft buffer over sensitive lands.
- **2013:** Review and approval of high-elevation F-35 training flight paths.
- **2020:** Review of Army ground-to-air pilot training on private Adirondack lands.

The Council also partnered with New York State to create a public complaint system for residents affected by military training noise.

Public Comments

The Council **will be submitting comments calling for an Adjudicatory Hearing** due to the unprecedented nature of this permit application. The APA is accepting public comments on the project until October 30.

Founded in 1975, the Adirondack Council is a privately funded, not-for-profit organization committed to protecting the ecological integrity and wild character of the Adirondack Park. The Park contains one of the largest intact temperate forests in the world and is home to approximately 130,000 New Yorkers.

The Council advances its mission through research, education, advocacy, and legal action. It envisions an Adirondack Park with clean air and water, core wilderness areas, working forests and farms, and inclusive, thriving communities.

For more information: John Sheehan, Director of Communications, 518-441-1340

Recent Posts

Whitney Park: Historic routes closed to the public since the 1880s
November 21, 2025

Adirondack Council Welcomes Gov. Hochul, APA Response to Public Input on Proposed Vehicle Use in Wilderness
November 20, 2025

Adirondack Council Applauds APA Howitzer Decision
November 14, 2025

Adirondack Council Celebrates Passage of Mt. Van Hoevenberg Amendment
November 5, 2025

Adirondack Council Releases 44th State of the Park Report, Celebrates 50th Anniversary
October 31, 2025

Categories

EXHIBIT 4



Urge the APA to hold an Adjudicatory Hearing for Ballistics Testing on Private Lands

Please Email the APA Today!

This campaign has concluded.

Back to Campaign List (/campaigns/)

The Adirondack Park Agency (APA) is seeking public comment on a permit application that would allow private testing of military-grade ballistics on private land in the Town of Lewis. The "Hopmeier Project" wants to establish a weapons testing range on 197 acres of Rural Use private lands, with projectile testing in support of military research and development.

Under the APA Act, Rural Use areas are meant to support a *low level of development* and protect sensitive natural resources, community character, and open space.

Testing of this nature could impact wildlife, clean water, recreation, and quiet rural communities, and belongs on secure military installations — not in the middle of the Adirondacks. **This proposal is unprecedented, and the APA must require a full adjudicatory hearing before making any decision.**

A formal adjudicatory hearing features expert testimony, sworn evidence, and cross-examination in front of an administrative law judge. The Agency has not held such a hearing in 14 years, and this controversial and unprecedented project clearly warrants one.

We Need Your Help Now

Please email the APA and urge them to:

- Please hold a formal adjudicatory hearing for the Hopmeier Project to provide for a thorough fact-finding process that will inform the Board's decision-making around whether or not to approve, amend or deny the project.
- Ballistics testing is incompatible with Rural Use lands and the APA Act. Rural Use is one of the most sensitive private land use classifications found in the Park. This project is not in keeping with the land use characteristics of the region.

Please email the APA today! The deadline for comments is October 30.

You'll be able to see the draft email after you add your information on the right. Then, you can send the sample email as-is, edit it, or write your own message. Thank you!

EXHIBIT 5

Adirondack Council Applauds APA Howitzer Decision

Posted on 14 Nov at 12:48 pm



Need for Expert Testimony in Unprecedented Permit Application

For Immediate Release – Friday, Nov. 14, 2025

RAY BROOK, NY – The Adirondack Council today applauded the state Adirondack Park Agency board for voting to hold a formal adjudicatory hearing on an unprecedented ballistics testing permit application inside the Adirondack Park.

In a unanimous vote at APA headquarters in Ray Brook, the agency board called for its first hearing in front of an administrative law judge in 14 years. The project proposal – which would allow for testing of Howitzer barrel ballistics on private land in the Town of Lewis – meets the basic standards within the APA Act for such a hearing to be held and warrants an adjudicatory hearing.

"APA staff has vast experience and expertise in a wide range of land use issues, that is not in question," said Raul J. Aguirre, Executive Director of the Adirondack Council. "But weapons testing, and the various impacts on wildlife, wildlands and human communities associated with it, are atypical of permit applications within the Adirondack Park. The Council appreciates that the APA board saw fit to request expert testimony before making a decision on this very challenging and unique project."

The applicant is seeking permission to fire steel projectiles up to 30 times each year. The Council says the APA must fully examine potential impacts on public lands, nearby homes, local businesses, wildlife, and popular outdoor recreation such as hunting, hiking, and mountain biking.

Under APA law, the agency can call for an adjudicatory hearing in the following instances: when more information is needed; a project doesn't meet specific legal standards; or significant changes are needed for permit approval. An adjudicatory hearing is a trial-like process featuring sworn testimony, expert witnesses, cross-examination, and is conducted by an administrative law judge.

During the 30-day public comment period on this project, more than 1,400 comments were submitted to the APA. The Adirondack Council will continue to monitor this project as it moves through the formal hearing process.

Founded in 1975, the Adirondack Council is a privately funded, not-for-profit organization committed to protecting the ecological integrity and wild character of the Adirondack Park. The Park contains one of the largest intact temperate forests in the world and is home to approximately 130,000 New Yorkers.

The Council advances its mission through research, education, advocacy, and legal action. It envisions an Adirondack Park with clean air and water, core wilderness areas, working forests and

farms, and inclusive, thriving communities.

For more information: John Sheehan, Director of Communications, 518-441-1340

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Categories

In and About the Park (106)

Press Releases (46)

Uncategorized (2)

EXHIBIT 6

Who We Are

Impact

2024-2025 Accomplishments

With strong partner organizations, collaboration with elected/appointed government officials, and citizen participation, the Council successfully advocates for policies and funding that benefit the environment and communities of the Adirondack Park.

In 2025, the Adirondack Council continued its work for the Adirondack Park with a series of concrete wins that benefit the people of New York. The Council is an independent, non-partisan watchdog. We use advocacy **to secure funding** for Adirondack programs in the state budget and through legislative actions, but do not accept government funding ourselves. We're proud to support and defend the Adirondack Park, and some of our work this year is highlighted below:



- Hosted an annual Adirondack Park Lobby Day in Albany, where nearly 200 members of the public were guided by experienced lobbyists in visiting lawmaker's offices and asking for Adirondack funding
- $2 million for the Survey of Climate and Adirondack Lake Ecosystems (SCALE), a long-term water quality monitoring project
- $1.25 million for the Timbuctoo Institute, a joint program of CUNY Medgar Evers College and SUNY ESF where New York City teens are introduced to green careers, environmental issues, and the history of the Adirondack Park
- $420,000 for the Adirondack Diversity Initiative
- $250,000 each for the Visitor Interpretive Centers in Newcomb and Paul Smiths
- Passage of the **Open Water Data Act**, which mandates that all water quality data collected in New York be openly shared through a single online database

- Successfully urged the Adirondack Park Agency to **drop a provision** which could have allowed motor vehicles in wilderness areas
- Through earned media and interviews, successfully encouraged millions of voters to **approve a constitutional amendment** for the Mount Van Hoevenberg Olympic Complex
- Activated the public and our members to submit more than 900 comments to the Adirondack Park Agency to hold its first formal adjudicatory hearing in 14 years in response to a **ballistics testing proposal** within the Adirondack Park

None of these wins for the Adirondack Park would have been possible without the support of people who are passionate about this national treasure. Join us **as a member** or **give a gift to support** our work for a better Adirondacks for all.

Clean Water

Protecting the pristine waters of the Adirondacks and safeguarding the health of both our natural world and human communities.

- **Survey of Climate and Adirondack Lake Ecosystems (SCALE)**: Secured $2 million in 2025 budget and $6.5 million over the last 4 years to fund scientific monitoring that will track the response of Adirondack lakes to climate change.



- **Road Salt Reduction Council Legislation:** During the 2025 NY Legislative session, the Council led efforts to develop, introduce, and advocate for legislation ((A.4481-A (Jones)/S.6976-A (Harckham) that will advance critical road salt reduction efforts in the Park and across the state.
- **Clean Water Infrastructure:** Council advocacy played a crucial role in increasing the matching caps on clean water infrastructure grants from 25% to 50%, significantly reducing the costs for rural communities to undertake otherwise unaffordable water quality improvement projects. Since 2016, approximately $194 million in clean water funding has been allocated to Adirondack towns and villages, leveraging more than $350 million.

Wildlands

Championing Adirondack Park conservation and advocating for a sustainable future for our most

wild places.

- **Funding Secured for Saranac Chain of Lakes Study:** The Council helped secure $1 million to fund an inaugural state-funded waterbody carrying capacity study that will provide guidance to the state on data-informed best management practices for Adirondack waterbodies.



- **Increased the State's Environmental Protection Fund (EPF):** The Council helped secure a record $425 million for the EPF, which provides tens of millions for open space protection and invasive species prevention each, as well as $60 million for the management of state lands, including visitor safety and wilderness protection.
- **Adirondack Park State Land Master Plan Protections:** The Adirondack Council successfully worked to block proposed changes to the State Land Master Plan that would have permitted motorized vehicle access in Wilderness areas, where it is currently prohibited. To achieve this end, the Council mobilized a broad coalition of stakeholders, including the accessibility community, state agencies, and the public, generating over 1,000 comments that urged the state to uphold wilderness protections while ensuring appropriate public access.

Clean Air & Climate

Advancing bold clean air and climate solutions to preserve our globally significant landscape and protect Adirondack communities.

- **Federal Deregulation:** The Council is a member of a coalition of 60 national and regional environmental organizations working to defend existing Environmental Protection Agency (EPA) pollution reduction and monitoring programs, as well as protect standards that limit public health hazards, such as mercury contamination and ozone exposure at high elevations.
- **Renewable Energy Infrastructure:** The Council conditionally supported permit approval for a 40 MW solar project in the southern region of the Park. This project demonstrates how utility-scale renewable energy and agricultural uses can be feasible without compromising crucial ecological functions.

Working Lands & Strong Communities

Promoting practical solutions for farming and forestry that sustain our lands and strengthen Adirondack communities

- **Green Jobs:** The Council has helped secure an additional $1.7 million in funds ($7.1 million total over four years) for the Timbuctoo Institute. This multi-organization effort brings students from urban communities to the Adirondacks to learn about jobs in wilderness preservation, forest management, and clean energy.



- **Essex Farm Institute:** After a decade, the Council has concluded its agricultural micro-grants program, which awarded over $265,000 to farmers and producers across the Adirondacks. A **final report**, released in April 2025, highlights its impact on advancing climate-friendly farming and promoting energy-efficient infrastructure.
- **Adirondack Park Agency Appointments:** The Council worked aggressively to secure a full slate of appointments to the Adirondack Park Agency. New additions include environmental attorney Jose Almanzar and scientist and former Congressman Rush Holt. This is the first full slate of appointments to the Agency in over five years.

*To close out our 50th anniversary year, a long-time supporter has **pledged a giving match of $250,000**. If you donate from now until the end of 2025, your gift will be automatically doubled. And if you're a first-time donor or increase your donation, your gift will be tripled!*

NORFOLK BEIER PLLC
ATTORNEYS AT LAW

November 25, 2025

Via Email Only
N.Y.S. Adirondack Park Agency
Attn: Ms. Barbara Rice, Executive Director
1133 NYS Route 86
Ray Brook, New York 12977
barbara.rice @apa.ny.gov

Re: APA Project 2021-0276
Sponsor/Applicant: Michael Hopmeier/Unconventional Concepts, Inc.

Dear Ms. Rice:

We have reason to believe an employee at the Adirondack Park Agency ("APA") or a proxy for an APA employee may be publicly commenting on the above-referenced application under the alias, "Tobin Sturgess." Tobin and Sturgess are characters in the popular television show, "The Walking Dead." Attached are the comments we suspect were posted online by an APA employee or his or her proxy.

As you will read, one comment disparages my firm and suggests that its attorneys, including myself, are unethical and conducting ourselves in an inappropriate way in the representation of the project sponsor, Mr. Michael Hopmeier, and the applicant, Unconventional Concepts, Inc. In other comments involving the above-referenced project, "Tobin Sturgess" comments either defend or applaud the APA's actions within the application process. In one comment, he or she cites to 9 NYCRR §§580.2 and 572.8(b) (provisions of the APA Act) in doing so.

"Tobin Sturgess" has also commented on news articles not involving the above-referenced project but involving the APA in other matters. Those comments are included in the attachment. In those comments, "Tobin Sturgess" again defends and supports the APA. Notably, in one comment on a news article about litigation against the APA for apparently finding clearcutting near Loon Lake legal, "Tobin Sturgess" questions whether the individuals suing the APA have standing and why they filed the proceeding in Warren County.

Based on the comments of "Tobin Sturgess," it is clear that he or she or his or her proxy possesses substantial knowledge about the above-referenced project, APA permit review procedure in general, the Adirondack Park Agency Act, past actions of the APA, APA Staff, and the APA's potential relocation to Saranac Lake.

If "Tobin Sturgess" is, indeed, an employee of the APA or his or her proxy, the entire review process of the above-referenced project has been compromised. Public awareness of the project

was and is generated in large part by the news media. Many members of the public read the articles and the comments related to the articles posted by others. Public opinion is certainly influenced by the articles and the comments. I would be shocked if no one who submitted comments to the APA in connection with the above-referenced project did not read the "Tobin Sturgess" comments. As you know, one factor the APA Board considered when ordering a public hearing was the number and nature of the comments submitted to the APA. Furthermore, if "Tobin Sturgess" is an APA employee or his or her proxy, any FOIL responses by the APA, whether relating to the above-referenced project or the other matters on which "Tobin Sturgess" has commented, that do not include the "Tobin Sturgess" comments are deficient and contrary to New York State Public Officers Law.

In light of the foregoing, on behalf of Mr. Hopmeier and Unconventional Concepts, Inc., I request that you conduct an investigation to determine whether an APA employee or his or her proxy is "Tobin Sturgess" and report to me your findings. If "Tobin Sturgess" is an employee of the APA or a proxy for an APA employee, approval of the above-referenced project without a public hearing must be reconsidered by the APA Board.

If "Tobin Sturgess" is not an employee of the APA or his or her proxy, my clients and I have no gripe. Every member of the public has the right to publish his or her opinion and true and accurate facts about the above-referenced project. Frankly, we hope that is the case. It would be unfortunate for the APA and my clients otherwise. Regardless, my clients and I look forward to the results of your investigation requested herein.

Kindly include this letter in the official record of the above-referenced project.

Nothing in this letter is intended to waive any claim or defense Mr. Hopmeier and Unconventional Concepts, Inc. posses or may posses in the future.

Sincerely,

Norfolk Beier PLLC

By: Matthew D. Norfolk, Esq.

Attachments

cc: Mr. Michael Hopmeier
Mr. John Burth

Adirondack EXPLORER

LAND USE

APA could send proposed cannon testing range to rare public hearing

The Adirondack Park Agency board will discuss the proposal to test-fire howitzers at its Nov. 13-14 meeting



By Gwendolyn Craig
November 7, 2025



The missile silo in Lewis. Michael Hopmeier, its owner, proposes to test-fire howitzers nearby on a logging company's lands. Photo by Tom French

The Adirondack Park Agency (APA) is preparing to potentially hold its **first adjudicatory hearing in 14 years** over a **proposed artillery testing range** in the northeastern Adirondacks. Such a hearing, which APA staff are recommending, is the only way the agency can significantly modify or deny a permit.

This is the first artillery testing range the agency has ever reviewed.

The **agency posted a draft order** on its website identifying three issues a hearing would address for Unconventional Concept's plan to test-fire howitzers in the town of Lewis. The draft order is part of meeting materials for the agency's regulatory committee for its **Nov. 13-14 meeting.**

RELATED READING: APA hearings, explained

Ben Brosseau, APA assistant public information officer, wrote Monday morning after the story posted: "The referral to a hearing will seek, through an independent, fair, and impartial process, to fully address the substantive and significant questions surrounding this project and ensure a complete record upon which the Agency will ultimately render its final determination."

The order remains unsigned and it appears the APA board will vote on whether to send it to a hearing. It's still possible the agency board could approve the project.

The issues, paraphrased, include:

1. Whether the project is compatible with "ensuring overall conservation, protection, preservation, development and use of the unique scenic, wildlife, recreational, open space, ecological, and natural resources of the Adirondack Park."
2. Whether the project is compatible with the rural use land classification and whether the project should be considered a "commercial use."
3. Whether the "testing range would have an undue adverse impact upon the natural, scenic, ecological, wildlife, recreational or open space resources of the park." For example, the agency questions the potential noise, ecological, health and safety impacts.

Michael Hopmeier, of Unconventional Concepts, has received six notices of incomplete application since November 2021 when he first applied for an agency permit. It wasn't until this September that APA staff said his application was complete.



Michael Hopmeier, owner of Unconventional Concepts, answers questions at a community meeting in Lewis. Photo by Tim Rowland

Hopmeier proposes to test the internal ballistics of portable 155mm howitzers by test-firing them up to 30 times per year on weekdays from 10 a.m. to 4 p.m. The testing site is on 197 acres of property owned by a local logging company. The testing would involve firing steel projectiles into a pile of sand, using privately owned Big Church Mountain as a backstop.

Hopmeier has declined to say who is sponsoring the testing, but in a letter to the agency suggested it was "to enhance the public good by improving national security." Originally it was pitched as a project for the U.S. Army at Benet Laboratories in Watervliet, but a stop-work order was issued in August 2022. It's unclear if the Army renewed its proposal with Unconventional Concepts.

Most complete project applications in recent years get approval at the staff level or go before the agency board and are approved with minor adjustments. Staff, however, are recommending the project go to an adjudicatory hearing before an administrative law judge.

Besides the questions staff want a hearing to address, the order outlines why an adjudicatory hearing is necessary. Among those reasons include the degree of public interest. The agency said it has **received 1,400 comments so far.** Of those, just 19 support the project.

Hopmeier could not be immediately reached for comment on Friday. **But in a letter dated Nov. 6,** he criticized the agency and the comments submitted on his proposal.

He was particularly annoyed that the APA approved a permit for **NYCO Minerals, now Imerys, to mine more than 300 feet underground** down the road in the town of Lewis. The mining operation takes place on a rare parcel of land classified in the park as for industrial use. That application remains pending with the state Department of Environmental Conservation.

"(W)e do not understand how it can be acceptable to destroy parts of the Park, but unacceptable to use firearms in the Park," Hopmeier wrote.

Hopmeier, who also owns a former nuclear missile silo in the town of Lewis, touted his company as "an exemplary steward of the land and environment. We have spent significant time and many hundreds of thousands of dollars cleaning up the property."

Environmental groups have been calling for a hearing on the test-firing range.

Jackie Bowen, director of conservation at the Adirondack Council, sent a letter to the agency on Oct. 30. "(F)iring projectiles up to 30 times per year–presents unique risks and potential impacts that warrant the highest level of scrutiny," she wrote. "We therefore urge the Agency to advance this application to a full adjudicatory hearing to ensure a complete and robust record to safeguard the Adirondack Park for current and future generations."

The last time the APA held such a hearing was in 2011 over the Adirondack Club and Resort in Tupper Lake, a subdivision proposal involving 206 single-family homes, 125 multi-family homes, a 60-room inn, redeveloped marina and ski area. The hearing involved 4,000 pages of records, seven full days of meetings across three months.

Ultimately the project was approved in 2012, but **the project never happened.**

Editor's note: This story was updated Monday morning to include a comment from the Adirondack Park Agency.

Todd Eastman

November 7, 2025 at 6:14 pm

"Hopmeier proposes to test the internal ballistics of portable 155mm howitzers by test-firing them up to 30 times per year on weekdays from 10 a.m. to 4 p.m."

Hard to see what value such infrequent testings would bring in production or design. Without more information about the tests, the APA and citizens have nothing to base a permit on. What issues were raised in Watervliet?

Steve Hendershot

November 10, 2025 at 9:21 am

Are you a ballistics engineer to know what is valuable and what is not?

Todd Eastman

November 11, 2025 at 1:20 am

Nope not a ballistics expert, but I did read Mad Magazine… 😎

Bob

November 7, 2025 at 8:35 pm

"(W)e do not understand how it can be acceptable to destroy parts of the Park, but unacceptable to use firearms in the Park," Hopmeier wrote."

Firearms like a 155 mm howitzer?

There is a quiet joy in stepping into the woods at dawn, when the air is crisp and the forest seems to hold its breath. Walking among tall trees, listening to birds and the soft crunch of leaves, hunting with my trusty portable 155 mm howitzer (it is, after all, just a firearm) becomes less about outcome and more about attunement to the rhythms of the land—patience, observation, and the slow accumulation of moments that remind you how small you are in a living, changing world.

Bethany Slifka

November 8, 2025 at 7:36 am

Number of Howitzers? 30 times per year. By what religious organization? In a rural unmonitor setting for how many years? The Adirondacks natural landscape is for outdoor enthusiasts to enjoy. Not for a high power rifle club to use for a weekend get away. Sponsorship by and with what organizations. Sounds to me a informative conversation with Watervaliet permit board needs to be addressed. Please, keep our Adirondack park a safe environment for the next generation.

Steve Hendershot

November 10, 2025 at 9:26 am

Why are you talking about a high power rifle club? They are everywhere throughout the park called fish and game clubs or rod and gun clubs. Do you even know what a high powered rifle is? So yes "high power rifle clubs do belong in the park and were here long before environmentalists started thinking they own the park.

Jim Reinhard

November 9, 2025 at 9:20 am

Haha

Zachary Denton

November 12, 2025 at 4:33 pm

There is minimal impact. Do you even know how loud one actually is? These complaints are completely blown out of proportion. Its good for the town. This is his private property first and foremost, and second, there is absolutely nothing dangerous or damaging that is occurring. We blast in mines, shoot fireworks, have shooting ranges (all over the place) on private property everywhere. I also think this is not a place for people who aren't residents of Lewis to comment. This is not a park wide issue, and there are no designates hiking and camping areas nearby.

Bill Keller

November 12, 2025 at 6:12 pm

At close range, a 155mm howitzer can generate about 180 dB, and a 105mm howitzer produces around 148 dBA at a distance of 25 meters. Even at distances of 500 feet (about 150 meters), artillery fire is listed at 150 decibels, posing a risk of hearing damage to unprotected ears. The sound of artillery fire can travel long distances, sometimes over 100 miles, depending on atmospheric conditions, wind direction, and terrain.

Zachary Denton

November 12, 2025 at 8:05 pm

Its not a full charge. You clearly aren't educated on what is occurring, like most people writing and reading these articles. Its a reduced charge, shot at a closer range, to mimic an impact at long range. Do you also know that a general hunting rifle produces up to 180 decibels? People don't hear those 100 miles away. The fear is absolutely diaproportional to the risk.

Bill Keller

November 12, 2025 at 8:33 pm

What fear, this does not belong in the Adirondack Park. The Army canceled the contract awhile back so who is he testing Howitzer barrels for? You might think it's a great idea, others not so much. The testing can be at a reduced charge but not always. "The agency said it has received 1,400 comments so far. Of those, just 19 support the project". In your opinion the public doesn't matter.

Todd Eastman

November 8, 2025 at 8:43 am

It seems Mr. Hopmeier did not perform his due diligence regarding zoning and permitting within NYS, and especially within the Adirondack Park's Blue Line.

His letter to the APA reflects an attitude incompatible with participating in the public process. If his firm were to receive a permit, would Hopmeier honor that permit? If the letter to the APA represents his views, compliance to the permit's terms seems like a big maybe….

Bob

November 8, 2025 at 9:35 am

"…reflects an attitude incompatible with participating in the public process."

I agree.

The letter, in my mind, reflects an air of entitlement, as though Mr. Hopmeier can bully his way through the complaints he characterized as "unrelated to reality."

Mr. Hopmeier's body language in the photo of him at the community meeting in Lewis is, I think, quite telling.

Tobin Sturgess

November 8, 2025 at 9:35 am

I hope the former APA attorney who worked on this application (and come to think of it the ACR adjudicatory hearing) and now works for Hopmeier's attorney at Norfolk Beier is honoring her lifetime bar. Seems a bit fishy.

Joan Grabe

November 8, 2025 at 12:07 pm

I have never heard such an insane idea as a firing range in a state park ! Our state park !!!! If the APA approves this without a public hearing we should file a class action suit to stop this project and disband the APA. I would be happy to be part of this suit.

Lara Kenalds

November 8, 2025 at 7:41 pm

The article is literally saying that there is a draft order for an adjudicatory hearing on the APA website, which is a required prerequisite for potentially denying it some day. Call off the hounds on a class action lawsuit (you'd need an article 78 actually) and disbanding the Agency.

Joan Grabe

November 9, 2025 at 11:32 am

They haven't had an adjudication public meeting in years !! They are increasingly ineffective. Class action suits are highly effective and they are not immune to such actions !

Tobin Sturgess

November 10, 2025 at 3:59 pm

Class action? Who is the class? You living in saranac lake does not make you have standing or qualify you as a class for a project in Lewis.

And the other thing you don't point out is that time after time these last few years when the agency was sued over not holding an adjudicatory hearing the agency has come out victorious because the staff is giving a hard look at potential environmental impacts and addressing that during project review and therefore not need a hearing. Upper saranac lake, white lake, lower saranac lake, lake George. Every single time the judge and the law sides with the agency.

They would be doing the right thing by sending Hopemeier to adjudicatory hearing.

stephanie

November 8, 2025 at 4:06 pm

This is the mission statement of the Adirondack State Park. Does anyone believe testing ballistic missiles falls within the mission statement? Read for yourself: "The mission of the Adirondack State Park is

to protect its public and private resources while balancing environmental conservation with sustainable economic development for residents. The park's founding mission was for "the free use of all the people for their health and pleasure" and for watershed protection. Various organizations contribute to this mission, such as the Adirondack Park Agency (APA), whose goal is to protect both public and private resources, and the Adirondack Council, which focuses on ensuring the ecological integrity and wild character of the park for future generations. "

Steve Hendershot

November 10, 2025 at 9:30 am

I don't see anything is this that says this is not permitted.

Zachary Denton

November 12, 2025 at 4:36 pm

Balancing economic development. I think it is addressed. Many members of the town of Lewis are in favor

Bill Keller

November 9, 2025 at 10:28 am

1400 public comments with just 19 in favor. That should be enough to say no to this unbelievable proposal.

Barbara Grant

November 9, 2025 at 7:37 pm

I agree

Zachary Denton

November 12, 2025 at 4:36 pm

Unfortunately the media, including this newspaper. Have portrayed this in a very poor way, and a very biased way. I hope this succeeds. I'm from Lewis and know many residents that do not care and think this is positive for the town. Please don't comment on something you know nothing about.

Brandon

November 10, 2025 at 7:18 am

He plans to do the test firing on land owned by Pulsifers Firewood. Perhaps if everyone in Lewis stops buying firewood from them, and publicly ridicule them for being a part of this fiasco, then maybe their attitude would change and not be willing to let the testing happen on their property. It all sounds to me like a few rednecks getting together to have a party firing the biggest guns they have vs any kind of real testing. Wouldn't real testing take place at a military base and have government backing it up. I live in Lewis, and over the years have

been appalled by some of the things that are allowed to go on here. It's time for a new Town Supervisor for sure. Time to end the Good Old Boys Club!

Jeanne

November 10, 2025 at 12:12 pm

The Mission of the Adirondack State Park is……? If you don't know it..learn it!
It's 100% a No from me!

Glenda Smith Rowe

November 11, 2025 at 3:47 pm

This is insane. Who is behind this? Who owns the land? Who benefits?
At this time in our government agencies and leaders, I would be suspicious of who, what, why, when and how. NO to this idiocy.

Kim

November 11, 2025 at 4:52 pm

Seems that ballistic firearms are incompatible with the concept of 'park'.

Zachary Denton

November 12, 2025 at 4:37 pm

I would say the same thing about putting in a 1000 acre solar farm. Nobody thats against this seems to be against that…. funny

Zachary Denton

November 12, 2025 at 8:15 pm

I would like to address the irrational concerns this newspaper wants to apparently propagate. Didn't know a local paper could be so good at propaganda.

Most people that have concerns are concerned with ruining the Adorondack forever wild ascetic. These same concerned individuals tend not to care about ecological impact of most outdoor recreation. Think ski resorts, mtn bikers and tourists in sneakers on a 46er trail. A lot of the concern is self absorbed, manisfested something similar to "I don't want to hear canons going off in the woods", which is wrong beacuse its not even a full charge., but I digress. Think this way, I'm a hunter and I don't want more hiking trails because it disrupts the wildlife. That doesn't mean there shouldn't be hikers, and hikers could say I can't hunt because they might hear my gun. Doesn't mean I shouldn't be able to hunt. Also, what about the states Amendment to let Mt. Vanhovenburg sit on state land!! Don't think that's compatible with the state constitution, but it makes the governor too much money. This guy at least wants to put his howitzer on private land.

Lastly, you can't convince me that solar panels = forever wild. Not compatible whatsoever, but this paper is all in on EV and putting up 1000 acre solar farms accross the landscape.

Enough of compatibility with the ADKs. The discussion should be is this safe. And it is. And, he actually cleaned this site up drastically, following all of the federal protocols to ensure it was environmentally clean. The paper should celebrate it, not denigrate it.

Bill Tadams

November 13, 2025 at 6:00 pm

That's the whole point of a constitutional amendment – for the people to vote to make a 50 year old oversight legal and add 2,500 acres to the forest preserve.

Also, there are no 1,000 acre solar farms in the park. The largest proposed/approved one is the Boralex Foothills solar project in Mayfield and its 200 acres. And, the APA didn't even approve that, it was preempted by ORES.

A howitzer testing projects that adds no real jobs to the Lewis or Adirondack economy is nowhere close to a good comparison to a solar project. No one wants to hear giant cannons firing into mountain sides in this park. A solar farm makes no noise. A howitzer is not a gun you would hunt with. The sound and vibration levels are exponentially higher.

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Adirondack EXPLORER

GOVERNMENT

Artillery weapon testing proposal moves forward in Lewis

Four years after original application, public invited to weigh in on howitzers testing plan



By Gwendolyn Craig
October 16, 2025



The missile silo in Lewis. Michael Hopmeier, its owner, proposes to test-fire howitzers nearby on a logging company's lands. Photo by Tom French

Nearly four years after submitting a proposal to test-fire howitzers in the Adirondacks, Michael Hopmeier's **application to the Adirondack Park Agency is complete and out for public comment.**

The project in the town of Lewis involves firing steel projectiles into a pile of sand, **using the privately owned Big Church Mountain as a backstop**. Firing will take place between 10 a.m. and 4 p.m. on weekdays, up to 30 times per year, according to the application description.

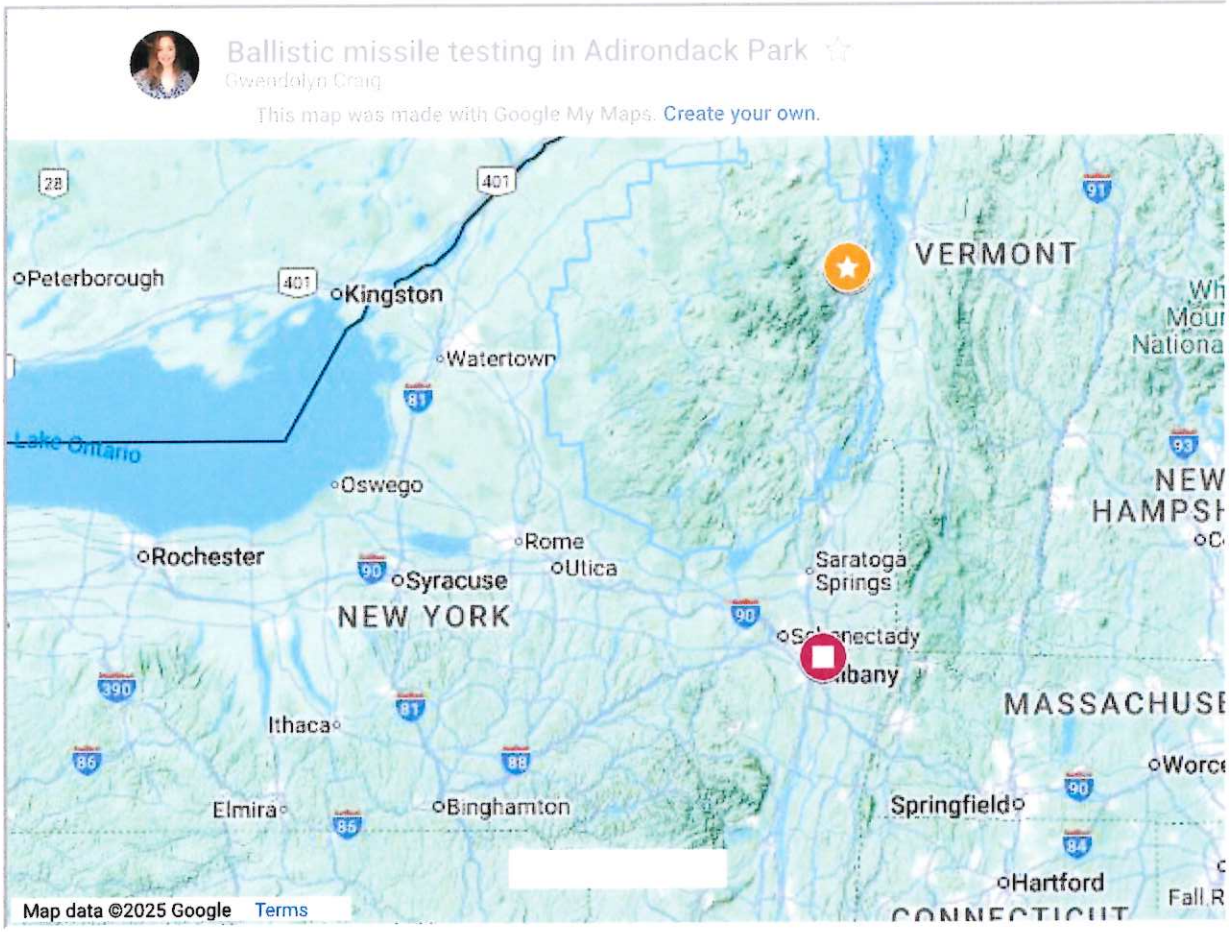
The goal is to test the internal ballistics of a portable 155 mm howitzer barrel "to ensure the most efficient means of manufacturing and recurring cost of ownership, thereby reducing waste and cost, as well as improving performance," according to the initial application.

To learn more and submit comments, go to https://apa.ny.gov/contact/ApaCommentPopup.cfm?ProjectNumber=2021-0276.

Hopmeier, president and principal investigator for a private security consulting firm in Florida called Unconventional Concepts, Inc., declined to say who was sponsoring the testing.

The initial application pitched it as a project for the U.S. Army at Benet Laboratories in Watervliet, **but a stop-work order was issued in August 2022.** The Explorer's latest inquiry to an Army spokesperson bounced back with a note about being furloughed. The U.S. government remains shut down.

The APA first received Hopmeier's application in November 2021 to test howitzers on 197 acres owned by James Pulsifer on Hale Hill Lane near the Jay Mountain Wilderness. Over the years it issued six notices of incomplete application and **denied his appeal after the fifth one.**



Staff have now deemed the application complete and the agency is collecting public comments on it through Oct. 30.

The agency has **already collected dozens of comments** from nearby residents over the last several years, many who are against the idea of a firing range.

This is the first munitions testing facility application to ever come before the APA, and has environmental groups concerned about the precedent it could set and the impacts on the neighboring Jay Mountain Wilderness.



Thursday's meeting

Public meeting gets testy as residents push back against military drills, weapons testing

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Hopmeier said he would not address the community's concerns via a newspaper article, but noted that he would be answering questions at a local meeting. **The town of Lewis posted** that Unconventional Concepts will hold an informational meeting at 6 p.m. on Thursday at the Lewis Firehouse.

The APA board, which oversees public and private development in the park, is expected to vote on the application at its November meeting.

Hopmeier told the Explorer he was glad the agency finally got through his application. It's a process, he said, "that should have been able to be handled in 60 to 90 days."

Hopmeier owns a former **Atlas F nuclear missile silo** nearby the proposed test site in Lewis, where he is already conducting indoor ballistics testing. He was **recently under fire for hosting military exercises conducted** by private contractors with retired and active military. Called Jaded Thunder, the exercises in September involved gunfire and Black Hawk helicopters flying low, alarming neighbors.

John Casseriy

October 16, 2025 at 7:16 am

Not a good look here. Thanks for the info.

djr

October 16, 2025 at 7:24 am

Freedom is not free!



Tom Vawter

October 16, 2025 at 3:21 pm

Trite Clicheé.

Steve Hendershot

October 17, 2025 at 2:02 pm

Maybe but oh so fitting! Your statement is also cliche in a fancier way making it simply cliche.

Melissa Eisinger

October 16, 2025 at 7:42 am

I wrote a comment at the site provided in this article and when I pressed 'comment' the program said 'forbidden' with no explanation.



Melissa Hart

October 16, 2025 at 8:56 am

On the APA site?

Audrey

October 16, 2025 at 9:23 pm

I was able to send a comment using the link.

Troy P

November 6, 2025 at 6:19 pm

The same had happened with me.

However, it did offer a direct email link to send in comments.

It wasn't quite as easy to see as it should have been. But I just checked the file for public comments (available at the APA website that asked for comments) and my comment was collected as were many of hundreds of others, primarily via email.

The total amount of pages of public comments is 1622.

I randomly read about 100 different comments and not one was in favor of this project moving forward.

Bob

October 16, 2025 at 7:43 am

"Hopmeier told the Explorer he was glad the agency finally got through his application. It's a process, he said, "that should have been able to be handled in 60 to 90 days."

Ah, yes. I can't think of a better location for an artillery weapon testing site than a public-private land conservation park designed to protest our natural resources.

"Kilgore: Smell that? You smell that?
Lance: What?
Kilgore: Howitzers, son. Nothing else in the world smells and sounds like that. I love the sound of howitzers in the morning. You know, one time we had a hill bombed, for 12 hours. When it was all over, I walked up. We didn't find one of 'em, not one stinkin' tree. The smell, you know that gasoline smell? The whole hill. Smelled like… victory."

May I suggest that the artillery weapon testing site be called "Jaded Blunder"?

Steve Hendershot

October 16, 2025 at 9:20 am

So dramatic! BTW, it's all being done on private land so should only be evaluated on the effects to public land or another person's land.

Bob

October 16, 2025 at 10:00 am

An artillery weapon testing range is no small matter. There's quite a lot to be evaluated to assess the public and private impact:

Safety and hazard management; range geometry, size and topography; environmental and public health; airspace, waterways and transport corridors; community, noise and land-use compatibility; fire risk and vegetation management; infrastructure, operations and instrumentation; and legal, cultural and historic constraints.

Jeff LaMarca

October 16, 2025 at 12:11 pm

What one does on private land often affects adjacent land that one does not own. If I buy the property next door to your home, and use it to play with explosives, will you be okay with that because it's my own private land, that I own, and I should be able to do whatever I want on my private property?

This guy owns 197 acres. That's less than one third of one square mile. A 155mm howitzer is a huge cannon that's towed behind a vehicle. A cannon of that size can be heard for 100 or more miles away depending on wind and topography. That's 31,000 square miles.

frank m haskell

October 22, 2025 at 4:58 pm

The Army is also testing new 155 munitions that have a range of over 100KM. It sounds like what they want to do in Lewis County is test barrels sort of like how the Vulcan gets tested by firing into the side of a mountain. Because, if I read this right, they are testing the barrels. I don't know enough to say that's it definively, But when they toss out 155MM like they have done it seems like they don't care what the public thinks and they have to have the feedback to meet some condition of the states by laws .
The barrels might be manufactured here in NYS at the Arsenal. Too much guessing. Sorry I can't be more helpful with the facts at hand.

Joan Grabe

October 16, 2025 at 2:35 pm

An artillery testing range ??? You are taking Laissez Faire to a new level.

ADKresident2

October 16, 2025 at 2:42 pm

Well, a 155mm howitzer discharge is 178 to 181 decibels depending on factors like the specific charge and projectile. This is an extremely loud noise that can cause immediate and permanent hearing damage. For comparison, a jet engine at takeoff is around 130 dB. The noise of a 155mm howitzer can travel for well over 100 miles, with specific distance depending heavily on weather, terrain, and atmospheric conditions. So unless you're aware of some way of keeping the noise pollution on the privately owned land, the effects on public land, including the Forest Preserve and the lands of Town of Lewis neighbors seems to be pretty significant.

Steve Hendershot

October 17, 2025 at 2:20 pm

If you're talking about noise pollution then you would also be opposed to a rod and gun club because one of the most common hunting rifles is a 30-06 which has a range of 160-175 dB. The club I belong to is open from 9:00am-7:00pm Mon.-Sat.. That sounds much more intrusive.

Jody

October 16, 2025 at 2:45 pm

Vonnegut would approve.

Todd Eastman

October 16, 2025 at 6:16 pm

… and so it goes…

Bob

October 16, 2025 at 8:39 am

There are numerous factors in choosing a site for an artillery weapon testing range. Here are just two considerations that are particularly applicable to the Adirondack Park:

— Environmental and public-health factors

Contamination potential (metals and explosive residues): assess risks for lead, copper, antimony, TNT/RDX/HMX and other contaminants from munitions; plan for monitoring and remediation.

Emerging contaminants (plastics, microplastics): shooting-range sources (cartridge components, packaging) can introduce plastics that persist in soil.

Habitat, protected species and water resources: avoid critical habitats, wetlands, groundwater recharge areas, and sensitive ecosystems; perform Environmental Impact Assessment (EIA).

Regulatory compliance: federal/state environmental rules for military munitions, cleanup, and permitting will constrain site choice and future use.

– Fire risk and vegetation management
Wildfire potential and ground vegetation: live-fire operations can start fires; site must allow vegetation control, firebreaks, and local firefighting access.

What will Hopmeier propose next? A radioactive waste disposal site?

Susan Weber

October 16, 2025 at 9:54 am

I hope you posted this terrific comment to the APA site!!!
This testing is a travesty.

Dan Canavan

October 16, 2025 at 2:26 pm

I wonder if a Public Nuisance Tort law Suit would be an option for the many upset residents of Lewis to address "michael come lately" private business and land owner Michael Hopmeier; whose actions are interfering with the use and enjoyment of their private property?
Just a thought…….

Jeff

October 16, 2025 at 1:05 pm

You forgot noise pollution, which would contaminate public and private land areas thousands of times larger than Hopmeier's own property. These aren't glorified machine guns – they're 155mm howitzers, which are massive long-range heavy artillery cannons that are towed behind a heavy vehicle.

Richard

October 16, 2025 at 8:42 am

If this isn't the type of nuisance that the APA was intended to prevent, then nothing is. Even a Town Planning Board wouldn't allow outdoor artillery fire. Do your job for once APA and protect the qualities that make the Park an quiet oasis of natural resources.

Joan Grabe

October 16, 2025 at 8:55 am

OMG ! If the APA passes this proposal it should shut down immediately !! What an asinine proposal !! We are always preaching wilderness and ways to strengthen snd preserve it and this moron wants to test cannons and artillery shells in the middle of it ????

Steve Hendershot

October 16, 2025 at 9:24 am

On private land! Worry about your land and public land and leave his alone. My neighbor has a compost pile that smells bad when the wind blows my way. Should I file an APA grievance?

Susan Weber

October 16, 2025 at 9:56 am

You are totally wrong. It's always been ok to control what is done on private lands. That's what zoning is, environmental regs, septic and sewer…It all protects the public from stupid stuff like this proposal.

Bob

October 16, 2025 at 10:24 am

Or, you could just talk to your neighbor, explain the issue, and see if he could move the compost pile to a different part of his property next season. You could even offer to help.

Cooperation and consideration can go a long way, especially among neighbors.

Steve Hendershot

October 17, 2025 at 2:28 pm

Oh, I have. He has a lot of space to move it to and I have a small tractor and offered to use that to move it. He's angry that I don't have one.

Maryann

October 25, 2025 at 1:03 pm

I'm totally against this project. Have we gone completely insane?is nothing sacred,the lives of our people and wild life.this weapon has been around since 1941. Many countries make these weapons. Why do they have to be tested in our mountains.

Joan Grabe

October 16, 2025 at 2:38 pm

No, you should adk him politely to move it.

ADKresident2

October 16, 2025 at 2:44 pm

Do you actually work for or with the applicant Steve? What's your interest in misleadingly minimizing the impact of this proposal?

Steve Hendershot

October 17, 2025 at 4:03 pm

I do not even know him and know little about his organization. I believe in the laws on the books and the process surrounding them. If the laws deny or support the project then I support that decision. What i don't like is the not in my back yard scenario or I don't like it so I'm going to complain. Are the people that are complaining about this on here also attending APA meetings when they are implementing laws?

Bob

October 16, 2025 at 9:25 am

They are not creating a bombing range; it's just 30 tests a year. That's absolutely nothing relative to everything else that occurs in the park. The contamination, pollution, noise, etc. collectively will not come close to the amount created by everyone else driving to a

trailhead and wanting to see and experience the wilderness in a safe, environmentally clean way. Does everyone condemn this stay home all year and never use any resources? Somehow, I doubt it.

Adktracker

October 16, 2025 at 9:27 am

Amen to Richard and Joan. It is a ludicrous proposal and the APA should shoot it down immediately (ha).
Seriously though, this is not a pro or anti military issue, it's an issue of appropriate use of natural resources.
Fireworks alone cause incredible disruption to wildlife, now they (and humans) would have to contend with this?
Have some foresight- if this precedent is set, what will be allowed in the future as the needle gets pushed?

Pat Boomhower

October 16, 2025 at 9:30 am

Camping on Long Lake in the late 60's: Dad says "Isn't it so peaceful here?" In the next few minutes, a fighter jet from Plattsburgh made a low-level run down the lake destroying that peace! This practice was finally forbidden not long after.

Yes, we do need places for practice and testing but the Adirondacks is not the place

Jeff

October 16, 2025 at 1:22 pm

Unfortunately, it's only gotten worse. Fighter jets from Vermont and Massachusetts – not the Air Force, but the state-based Nat'l Guards – regularly tear up the skies all over the Adirondacks, creating extreme noise pollution that can be heard (and even felt) across thousands of square miles of our forest preserve. There are often 2 or 3 in the sky at a given time, circling and circling, and you're lucky if you get 20 minutes of peace before they're back again.

Tom

October 16, 2025 at 5:19 pm

Maybe you should move… save your hearing… They don't fly in New Jersey much…

djr

October 19, 2025 at 2:17 pm

Tearing up the skies is along pre-approved flight corridors during pre-approved times. The difference between the Air Guard & Air Force is minimal at best and you really have no way of knowing who is in the cockpit of those aircraft.

Jeff

October 20, 2025 at 11:45 am

The "pre-approved times" are basically all day every day, and they're not in "corridors" (as in hallways) – they're multiple jets circling and circling overhead. I DO know who's in the cockpit because I spoke with someone at Ft Drum, who has authority over that airspace, and they said that they're F-16s and F-35 from Vermont and Massachusetts Air Nat'l Guard (the Reserves), not the Air Force and not from Ft. Drum (which now flies only Reaper drones).

Steve Hendershot

October 17, 2025 at 4:05 pm

"Not in my back yard"! Where would you propose they do mountainous low level training? BTW, I still see fighter jets from VT doing low level flying.

Boreas

October 18, 2025 at 9:28 am

Simulators??

There ARE mountainous areas in the US that are not under NYS Forest Preserve protection. BLM lands for instance?!? I question the logic behind routine, noisy F-35 exercises in the heavily populated Northeast to begin with. They rattle my windows with just about every flyover. I am in their flight pattern from BTV. The old B-52 overflights into Plattsburgh were less obnoxious. The previous F-16 squadron was not really much of an issue, IMO.

Howitzer testing and "armed" military maneuvers with low Blackhawk overflights does not seem at all compatible with a Forest Preserve Wilderness area next door. Absurd. Fort Drum, yes. The hamlet of Lewis and Jay Range Wilderness Area, idiotic. Where does it end? The Park is about 1/2 private land. Is this type of land use compatible with Article 14 and the Forest Preserve? Is this a precedent/trend we want to give a leg up within the Park? Firm NO from my viewpoint.

djr

October 19, 2025 at 2:20 pm

What would you do with the folks who live right outside Fort Drum? Appease them by trying to close the base and if successful love all those great jobs, jobs, jobs!

Jeff

October 20, 2025 at 11:51 am

They're not doing "mountainous" or "low level" training. They're not allowed to fly below 10,000 feet over the Adirondacks. Haven't you seen these jets? They fly way up in the sky, and apart from the noise it's hard to distinguish their altitude from a commercial aircraft. They aren't zigzagging between peaks like in a silly Hollywood movie. They're doing their noise pollution in the Adirondacks simply because VT and MA residents won't tolerate it.

Diane Cuff-Carney

October 16, 2025 at 9:43 am

If this is a Florida-based company then why are they choosing to use public land in the Adirondacks to test their destructive weapons? They should use the land of their Howitzer corporation, Florida, to test out their weapons and leave our beautiful environment alone. This is an arrogant, presumptive, ill-advised plan. Who is to benefit? Certainly not the citizens of Lewis, or the citizens of the Adirondacks or the citizens of the great state of New York.
Bad idea.

Hodgkisl

October 16, 2025 at 4:36 pm

Probably because the barrels are produced in the Watervliet arsenal, this is far closer to that than Florida, and the barrels is what they are reviewing. This is likely related to the modernization efforts that are currently being worked on at the arsenal.

So yes, many residence of the state of New York benefit and are involved in this manufacturing and the results of the testing.

Troy P

November 6, 2025 at 6:44 pm

IF we take the assumption that you make here is true.
What you state is accurate when you say many residents of NY state benefit.

However.
I ask two questions.

A. If these barrels are in fact being produced at Watervliet, which is owned and operated by the US Army. What would keep them from testing them at Fort Drum artillery range which is more than 20,000 acres?

B. If this were as you suggest, for the direct benefit of the Watervliet Arsenal, why then didn't the permit request die when the US Army itself issued a stop work order in 2023 ?

Tom

October 16, 2025 at 5:20 pm

Yeah, can't imagine how improving weapons would be any benefit to the defense of America.

djr

October 20, 2025 at 7:55 pm

I think they are using teir own land, not public land.

Wayno17

October 16, 2025 at 9:55 am

The US military is responsible for safe guarding the country and artillery is a vital part of their mission. Personally I think it might be fun to watch, like fireworks, maybe they can set up a viewing area. I understand people's concerns though, 6 hours a day for 30 days is a lot if it is constant firing, maybe it could be further restricted to a certain amount of rounds each day for a limited time within the 6 hour window.

Currently, some people may find the VT national guard jets and Fort Drum aircraft annoying, on the other hand some of us like the thrill of watching low flying combat aircraft. It is a huge park and a certain amount of military usage seems reasonable to me. The idea that this proposal may set a bad precedent seems like a fear tactic. The APA can certainly make it clear that this is a one off decision and there is no intention to turn the Park into a military shooting gallery. I am not full out advocating for passage because obviously all the ramifications are not covered in this article BUT I do not think this proposal should be dismissed out of hand either. IMO, the APA should give it a fair hearing and rule on the merits without some anti-military bias.

John Sheehan

October 16, 2025 at 11:02 am

This is not the U.S. military. They issued a stop-work order for this project. It is a Florida company. You will not be allowed to watch. The APA already approved a series of tents to hide the operation from "spy drones." The fact that the APA has sent this to public comment means it doesn't intend to hold an adjudicatory public hearing. Such hearings — involving sworn testimony and an administrative judge — are required before the APA can deny any permit application. So, the APA has already decided to approve this and is only giving the public a chance to vent about the decision after-the-fact.

Tobin Sturgess

October 16, 2025 at 3:06 pm

That's not necessarily true, John. 580.2 of the Agency regs only allows the APA to make a determination as to when a hearing is required no later than 60 calendar days after the Agency declares the application to be complete. 572.8(b) of the Agency regs requires the Agency to solicit public comment on an application within 15 days of mailing the notice that the application is complete. So, just declaring it complete and asking for comments does not preclude an adjudicatory hearing. This should by all intents and purposes go to adjudicatory hearing…..

John Sheehan

October 22, 2025 at 5:05 pm

Thank you for that clarification. Upon further reflection, I believe you are right.

walter Birmann

October 16, 2025 at 10:12 am

I agree with Djr……..".Freedom is not always Free"……Aye ?

William Marshall

October 16, 2025 at 11:05 am

The concept of private land seems to be lost on the peace loving transplants infiltrating the Adirondacks. The current mindset of the opposition to anything military don't remember the real world war 2 or have a clue what freedom costs. Human nature will NEVER allow world peace so if this country wants to continue with some semblance of freedom then continued development of military technology is a necessity and the sparsely populated area of private land here is a proper place for it. The Jay Mountain wilderness is not threatened by this proposed activity. As for the APA, which was conceived by wealthy individuals in the 1960's, that already had their private land holdings here, let us depress future development for anyone else moving forward. The Adirondacks are dying a slow death for the real local resident born people as intended and has become a true recreational playground for the more financially fortunate individuals. For what little inconvenience this artillery project would create occasionally, for so few people, it seems to be an ideal place and small price to pay for our future as a country. I speak from a military veterans perspective that most people opposing this project will never understand. Thank you for listening.

ADKresident2

October 16, 2025 at 2:49 pm

Again, Steve Hendershot's false equivalence for the use of "private land" to engage in activities that travel far beyond that private land and effect the private lands and public lands of others. The "loigic" here, focused mostly on disparaging those interested in preserving our natural resources, is pretty transparently unconvincing.

Wayno17

October 16, 2025 at 2:58 pm

I am so tired of hearing the APA blamed for every economic issue inside the Park. The fact is that the US in general and NY in particular have lost jobs and people at an alarming rate for a multitude of reasons, many rural areas all over NY are bleak, middle PA is destitute and, frankly, gross. The issue isn't the APA, the issue is the belief by most of the wealthy in this country that they have no responsibility for anything besides making money. Corporations left the northeast for the south in the 60's, 70's and 80's and then moved overseas in the 90's and 00's. They hid behind this false flag of "fiduciary responsibility to share holders" and used it as an excuse to abandon any responsibility to the communities that supported them for years. When Reagan was elected the trickle turned into a flood and when Bush gave China favored nation status the flood turned into a tsunami.
The Adirondacks is first and foremost a Park, everyone who lives there knew that from the day they bought or rented their first residence. The APA was created to conserve the beauty of the park for future generations and put some regulations to the Forever Wild premise. It is slow and bureaucratic at times and could maybe use some permit reform, however to blame it for the economic situation of the towns in and around the Park ignores the larger forces at work. And no, the MAGA movement will not change anything, it will simply increase the huge gap between the super wealthy and the rest of us to what existed in the Gilded age. That is ironically when clear cutting of the land lead to the creation of the Park in the first place.

Dan Canavan

October 16, 2025 at 3:14 pm

Thanks for your perspective. I believe you are diminishing the issue at hand by implying that many of the people in opposition are not real local born residents and that because they may or may not have served in the military, that they don't have the intellect to look at this issue objectively. I believe the majority of the residents of Lewis are capable of seeing the larger world view, as part of their analysis of this issue at hand. Many residents have expressed their opinion for and against. I disagree with you that Lewis is an "ideal

place" for Mr. Hopmeier's private business ventures. I suspect you don't reside in Lewis? Correct me if I'm wrong. This impacts our quality of life and interferes with the enjoyment of our private property. This issue is not about protecting our country. Let's not forget the US Army issued a stop work order for the howitzer testing and that Mr Hopmeier has apparently secured some "private" contracts. If you research toxicity of Howitzers to the environment you will see that this can be detrimental and toxic. The Army stated they have all the resources they need at this time for testing Howitzers without Mr. Hopmeier's assistance. His business ventures not only impact the "so few people", but his actions may pollute the aquifer that all of the residents near his property secure their drinking water. If you research toxicity of Howitzers to the environment you will see that this is a real issue. So our children grand children may have to deal with the negative environmental fallout in the future? I said before and I'll say it again, maybe a Public Nuisance Tort law suit should be investigated by the many concerned residents of Lewis, impacted by Mr. Hopmeier's business ventures.

Bill Keller

October 16, 2025 at 5:38 pm

Yes, the world's a dangerous place. That's not the point. There are plenty of other places in the US that can support this type of testing. Places like military gun ranges. Seems if the US Army put a stop work order out in August, 2022 then it should stop.

Boreas

October 18, 2025 at 9:38 am

"The Jay Mountain wilderness is not threatened by this proposed activity."

That may be your opinion, but does not make it fact. Show us the studies to support your opinion. One would think they would be required by the APA as part of the application process, let alone adjudicatory public hearings. Studies on environmental and health impacts on Nature and humans in the area have not been done, nor will they. The APA has shirked its responsibility and lost its teeth.

Barbara Ann Delaney

October 16, 2025 at 11:57 am

This application proposal by Michael Hopmeier, an out of state nonresident defense contractor has no place in the Adirondack Park and should wisely be rejected once again by the APA. The noise and residue from cannon testing is harmful to the environment. It effects precious soil, water, air quality and animal habitat. There are more suitable venues for weapons testing, such as the Fort Drum military range.
The APA should stand its ground and honor its mission to protect the Adirondack Park from thoughtless, greedy, interlopers.

djr

October 19, 2025 at 2:25 pm

Do out of state non resident people who have vacation homes have any place in the park?
You are going down the wrong road with that one.

stephanie

October 16, 2025 at 3:09 pm

"Stewardship of nature is the responsible management and protection of the natural environment and its resources for the benefit of present and future generations. It involves an ethical duty to safeguard ecosystems and promote sustainability through actions like reducing waste, restoring habitats, conserving water, and making eco-conscious choices.

Core components

Responsible management:
Taking a proactive and careful approach to managing natural resources like water, forests, and wildlife.

Protection and restoration:
Actively working to protect environments from harm and restore damaged ecosystems, which can include activities like cleaning up litter or removing invasive species.
Sustainability:
Ensuring that resources are used in a way that they will be available for future generations, not just for the present one.
Ethical obligation:
Recognizing a moral responsibility to care for the environment, as it is interconnected with human well-being."

Allowing an artillery range inside the park sounds like the opposite of stewardship.

Boreas

October 18, 2025 at 9:45 am

Well said, stephanie. This isn't a simple private land rights issue. It needs to be weighed against the overarching principles of the constitutional Adirondack Park's Article 14. Get a constitutional amendment first to allow it in the FP. Nothing less. If it is THAT important to NYS, let the "owners" of the Park vote on it as an amendment.

Greg Dixon

October 16, 2025 at 5:23 pm

There is an existing artillery range at Fort Drum. No need for another in the Adirondack Park. End of discussion.

Aidan P Canavan

October 16, 2025 at 5:42 pm

I strongly oppose the proposed howitzer testing in the town of Lewis. This project does not belong in the Adirondack Park, especially near the Jay Mountain Wilderness. Firing heavy artillery, even into sand, risks noise pollution, wildlife disturbance, and contamination from metal and propellant residue.

Approving a private munitions testing site here would create a harmful precedent and undermine the park's purpose of conservation and public enjoyment. The Adirondack Park is meant to protect nature and provide peace, not serve as a weapons testing ground.

I urge the Adirondack Park Agency to deny this application to preserve the environment and character of the region.

Todd Eastman

October 16, 2025 at 6:20 pm

I can't seem to find the rules and regulations concerning howitzer testing in NYS code or in the local land management documents. This needs land use needs a real hearing.

Boreas

October 18, 2025 at 9:47 am

One would think so. A constitutional amendment while they are at it.

Mike

October 16, 2025 at 9:04 pm

The same people who are against the testing are the same people who embrace LED lights that have had incalculable effects on insect and bird populations in the Adirondacks. Light pollution will have far lasting negative impacts than a cannon test.

ADKresident2

October 17, 2025 at 2:57 pm

Do you have a source supporting this claim, or it this just your opinion?

Mike

October 17, 2025 at 6:58 pm

You can start with this:
https://www.adirondackexplorer.org/environment/lights-out-for-birds/

Bob

October 17, 2025 at 8:37 pm

Thanks for the reference. But you still haven't supported your claim that "the same people who are against the testing are the same people who embrace LED lights that have had incalculable effects on insect and bird populations in the Adirondacks."

mark lafountain

October 18, 2025 at 6:41 am

Proof please?!

Mike

October 18, 2025 at 10:59 am

I would but posts are now censored. Oh well.

Melissa Hart

October 18, 2025 at 12:22 pm

Not sure what you mean? There is no censoring going on.

Paul

October 18, 2025 at 1:06 pm

Mellisa, aren't you moderating the content before it is public? So if you can suppress or remove a comment, that is censorship as defined in the dictionary. It's fine – but it is what it is.

Emilie Allen

October 18, 2025 at 1:31 pm

Paul: We do moderate, but this means allowing all commentary unless it violates our commenting policy, which you can review here: https://www.adirondackexplorer.org/commenting-policy/

djr

October 19, 2025 at 2:29 pm

They are also the same people who embrace the construction of unsightly wind turbines which ruin the viewshed for thousands of people. If you live in the wrong spot your previously beautiful view is now gone.

Edward Michaels

October 16, 2025 at 9:16 pm

As General Smedley Butler said in 1934: "War is a racket." Hopmeier is not doing anything to aid in the protection of the safest country in the world, he is trying to take advantage of the Adirondacks and it's residents, to cash-in on the Military Industrial Complex racket. President Dwight D Eisenhower warned us of the same thing in his farewell address.

Boreas

October 18, 2025 at 10:01 am

Well put. Started with the missile silos within the Park, putting us in the crosshairs of our Cold-war enemy. Should we continue the military/industrial complex to overreach Article 14 established within the Park? Certainly not why I moved here 30 years ago. This is a precedent that needs to be fully studied and adjudicated before implementation and after a constitutional amendment. Same with any

future paramilitary "maneuvers" on private land within the Park. This makes the old low-level A-10 training near Fort Drum and in the HPW seem quaint.

djr

October 20, 2025 at 6:19 am

War may be a racket but thank God our leaders pursued the development of new military hardware in the late 30s or we would all be speaking German or Japanese, mayby both.

djr

October 20, 2025 at 6:34 am

"President Dwight D Eisenhower warned us of the same thing in his farewell address". I am pretty sure that he did not feel that way when he was the Supreme Commander in Europe during WW2. As the combatant commander he was requesting and receiving all type of military hardware that was being produced by the Military Industrial Complex, thank God! There are excesses, of course, but paying contractors to develop and build new weapons systems has worked since the founding of the USA!

Reply

Warren Noble

October 16, 2025 at 10:38 pm

So this exercise of futility should not happen on our near the Adirondacks. To much at stake here not to mention the disruption of wildlife and local people from the noise heard for how many miles? And of course the environmental pollution impacts that future generations will have to suffer. There are other places to test cannon barrels not in or near the Adirondack Park. Just my thoughts and have a quiet day…

Mike

October 17, 2025 at 7:26 am

Can you please list the environmental pollution impacts that will make future generations suffer?

Todd Eastman

October 17, 2025 at 8:48 am

https://www.sciencedirect.com/science/article/abs/pii/S2215153223000818

Mike

October 17, 2025 at 12:14 pm

Theres an armed conflict in the Adirondacks! WOW!

ADKresident2

October 17, 2025 at 3:07 pm

So you asked Todd for evidence of environmental impacts and he provided documentation of an actual study, which you then misleadingly tried to make sound ridiculous by suggsting that it only applied to armed conflicts, while intentionally ignoring the next three words of the same sentence: "and military activities" – maybe like firing off howitzers? If you want to debate, you should do so in good faith.

Mike

October 18, 2025 at 4:45 pm

Sure, apples are oranges.

djr

October 19, 2025 at 2:31 pm

Testing artillery tubes is research & development, not military activity.

Jack Carney

October 17, 2025 at 10:41 am

Are we at war? Purpose of these artillery shoots? Disturb the peace and tranquility of those of us who live and visit here? of the thousands of wild creatures that have made the Adks. home for thousands of years? Why not Florida and the now defunct Alligator Alcatraz? Of course, such a solution would only cause distress to the indigenous folks who claim the area has spiritual significance for them. Well, how about NOWHERE, the original intent of this commentary.

BigE

October 17, 2025 at 9:09 pm

I live in the area and think this project makes sense. The site is on private land in Lewis, not in the Forest Preserve, and the testing plan is limited to just a few shots on select days under controlled conditions. They're not building a base or running constant operations.

With proper sound monitoring and safety measures, the impact will be minimal. The natural landscape already provides a backstop, and nothing about this proposal permanently changes or damages the land.

What it would do is create some good-paying technical jobs, bring in professionals for short-term stays, and generate local tax revenue, all without adding traffic, pollution, or year-round noise.

There's a lot of talk about protecting the park, which we all support, but we also need to allow reasonable, low-impact projects like this to happen if we want our towns to survive.

Todd Eastman

October 18, 2025 at 8:52 am

What are the number of projected local jobs coming from this proposed facility?

Thanks

Dan Canavan

October 18, 2025 at 2:47 pm

BigE that is fine and dandy that you feel the "impact will be minimal", but you are incorrect that Mr. Hopmeier's various "experiments" have not been disruptive to many residents of Lewis. Come from where ever in the area you live and we can find plenty of Lewis residents who will be happy to disagree with you. And furthermore, in the ten years that Mr. Hopmeier has owned the silo property it is said he has provided "10" jobs. I would like a break down of this employment. My understanding is that they are part-time supplemental cleaning, maintenance and security positions. I would be interested if any of these jobs have benefits such as health insurance, retirement plans etc. I don't know, but would like to know for anyone in Lewis looking for a good job. Can any of the employment he provides be enough income and benefits to purchase a home and raise a family? How many Lewis Town residents are employed by Mr. Hopmeier? Not Mr. Tibbits or Mr. Dominic. Not sure the great economic boon to Lewis is a reality….Just saying.

Boreas

October 18, 2025 at 10:11 am

"There's a lot of talk about protecting the park, which we all support, but we also need to allow reasonable, low-impact projects like this to happen if we want our towns to survive."

The impact has neither been established nor even studied! Just because the projectiles are not going beyond the property does not mean the project's "impacts" will not effect humans, wildlife, and livestock well beyond the property. I live in the Town of Chesterfield and will be well within earshot of the proposed project. The minimal benefits to the Town of Lewis must be weighed against all of the negatives.

Andrea Fernandes

October 18, 2025 at 4:14 pm

A big country like America. Why would you need to put this sort of thing in a preserve? It's like putting a strip club or a liquor store next to the elementary school

djr

October 19, 2025 at 6:27 am

Putting a strip club or a liquor store next to the elementary school is probably less harmful to children than what is being taught in many elementary schools today.
FYI, this planned activity is not happening in a preserve.

djr

October 19, 2025 at 6:37 am

Does anyone know the details of the planned testing? The site is obviously not large enough to fire artillery to its max range which for a 105 howitzer is 7 miles. Is this under contract to the War department? Why specifically is it needed? What noise can be expected and what mitigation is planned? etc, etc. All these questions and more need to be answered and fully understood before I would be for or against the project.

Lucinda Barry

October 19, 2025 at 4:19 pm

Is Governor Hochul aware of this site and request to expand?
Perhaps, the public should contact her office as well as the APA.

Paul Pribis

October 21, 2025 at 10:24 am

Your sound level data is inaccurate. A 155 on a zone 8 firing reaches the compressibility limit if air, slightly over 280 db, 3 feet off the muzzle, as measured with cup gages. Sound levels within the ways is considerably less.

Steven McCullough

October 22, 2025 at 5:58 pm

Perhaps Mr. Hopmeier should do his testing at his Unconventional Concepts property in Florida.

Neeny Tyo

October 22, 2025 at 6:53 pm

ABSOLUTELY NOT. He can test it in Florida. Our mountains are full of wildlife, flora and fauna, hikers, and MISSILES FREE. Do not open this gate. We've been bamboozled enough with government crap we can't control. God help us, we CAN control this. GET OUT.

Marly Grosso

October 22, 2025 at 9:43 pm

What an awful thing to have to raise our voices to these days and wonder if our politicians, lawyers and council will actually protect the rights and wishes of NY State home owners, visitors and business owners alike. This should have never even made it this far- 4 yrs since this came to light- disgusting! Let's hope he's not buying the people in power and this will be thrown out right away and sent back to Florida!

stephanie

October 22, 2025 at 10:22 pm

Eleven people are responsible for granting this permit. Therein lies the problem. What are their credentials for understanding the impact this will cause to the environment and wildlife that reside within the park? It reminds me of the decisions by mayors/councils in small municipalities all around the state of New York that destroyed historic buildings in the name of "urban development" back in the 60s (Dunkirk, NY, being one of them). Eight members are direct governor- appointed. The remaining three members are state officials. It would appear that the governor is the person that needs to be petitioned to stop this permit from being granted. "The Adirondack Park Agency (APA) Board includes Mark Hall (Chair), Arthur Lussi, Benita Law-Diao, Daniel Wilt, Jose Almanzar, Kenneth Lynch, Rush Holt, and Zoë Smith as appointed members. Three additional seats are filled by the designees of the state Department of State, Department of Environmental Conservation, and Department of Economic Development."

djr

October 23, 2025 at 4:56 am

Adirondack Park Agency (APA) Board's credentials are that they are politically connected, period!

seszoo

October 23, 2025 at 8:28 am

On private land , Being a commercial enterprise or business ,If done during the daytime and only 30 times a year in a Safe manner with no danger to the public , or environment ,Maybe with a public schedule printed up ,so people aren't surprised at the noise , It shouldn't be a problem , How many people would they be employing there and how much traffic would they bring ..Especially on it being on Private land . Where we are in a rural part , we have neighbors who have targets set up on their land and they're liable to be out their shooting any time of the day , not too much at night, It isn't constant with Sats. and Sundays the biggest time , especially now with the Hunting seasons upon us , It's their private land , and they are neighbors so we don't let it bother us , sometimes even go in our back yard to do the same .

Walker

October 24, 2025 at 10:48 am

"Florida Man Applies to APA for Permit to Shoot Howitzer into Adirondack Mountainside"?? This is a joke, right? A new Dave Barry novel, perhaps?
The wildlife impact statement in the application must be a doozy!

Joseph McCarthy

October 24, 2025 at 6:28 pm

Please.... I miss Plattsburgh Air Force base . The low flying jets were awesome and loud. It made us feel safe and proud. It wasn't that bad.the same type of people were complaining about the emergency "temporary "helicopters at glens falls hospital. That were moved around the corner as they built a new emergency room. I worked with world war 2 and Vietnam veterans. I appreciate the veterans and the security they provide. Stop complaining... the only rights we have, is the right to do the right thing.

Jeanne

October 31, 2025 at 4:38 pm

I've read everyone's feedback here. Definately " NO" !!! I 'm speaking for the land, the animals, clean air clean water and peaceful enviornment. Do it in Florida! Common sense....Ridiculous idea!!

Mary Ann

November 1, 2025 at 7:27 pm

Follow the money. The town of Lewis will not profit from this project only local boy Jimmy and his sidekick Mike from Florida. Get real

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Adirondack EXPLORER

LAND USE

NYCO mine gets APA OK to blast underground, expand hours

Company in controversial land swap deal awaits DEC approval for new mining proposal



By Gwendolyn Craig
September 18, 2025 Updated September 19, 2025



NYCO Minerals (foreground) is framed by the Jay Mountain Wilderness, which stretches behind the mine. Photo by Carl Heilman II

NYCO Minerals is one step closer to **unlimited underground blasting and expanded hours** for above-ground activities at its wollastonite mine in the town of Lewis after receiving an Adirondack Park Agency permit this spring.

The state Department of Environmental Conservation, however, is still reviewing three permit applications relevant to the project before it can begin the additional mining.

The APA, which oversees public and private development in the 6-million-acre mix of the park's public and private lands, **issued the permit without the full board's review for continued operation and expansion of an existing mineral extraction operation**. The mining operation is tied to a controversial state constitutional amendment voters passed in 2013, allowing the company to explore mining **opportunities in the "forever wild" forest preserve in exchange for land of the same value.**

The project approved by the APA allows for NYCO Minerals, a subsidiary of Paris-based industrial mineral company Imerys, to work hundreds of feet underground at the Oak Hill Mine off state Route 9 and Pulsifer Road.

NYCO wants to carve underground rooms to extract more wollastonite, a mineral used as a replacement for asbestos in items like paint, roof tiles and insulation.



NYCO constitutional amendment: A deal still unfulfilled

A look back at the 12 years of limbo

READ MORE

The proposal

There are currently four mines in New York that use the room-and-pillar mining method, according to the DEC. NYCO could be a fifth, should the DEC approve its permits.



Image 3 – Load/Haul Operations in Typical Room and Pillar Mine, Imerys – Marble Hill.

An example of room-and-pillar mining at an Imerys site. Photo screenshot from a Bowman report in Adirondack Park Agency application materials

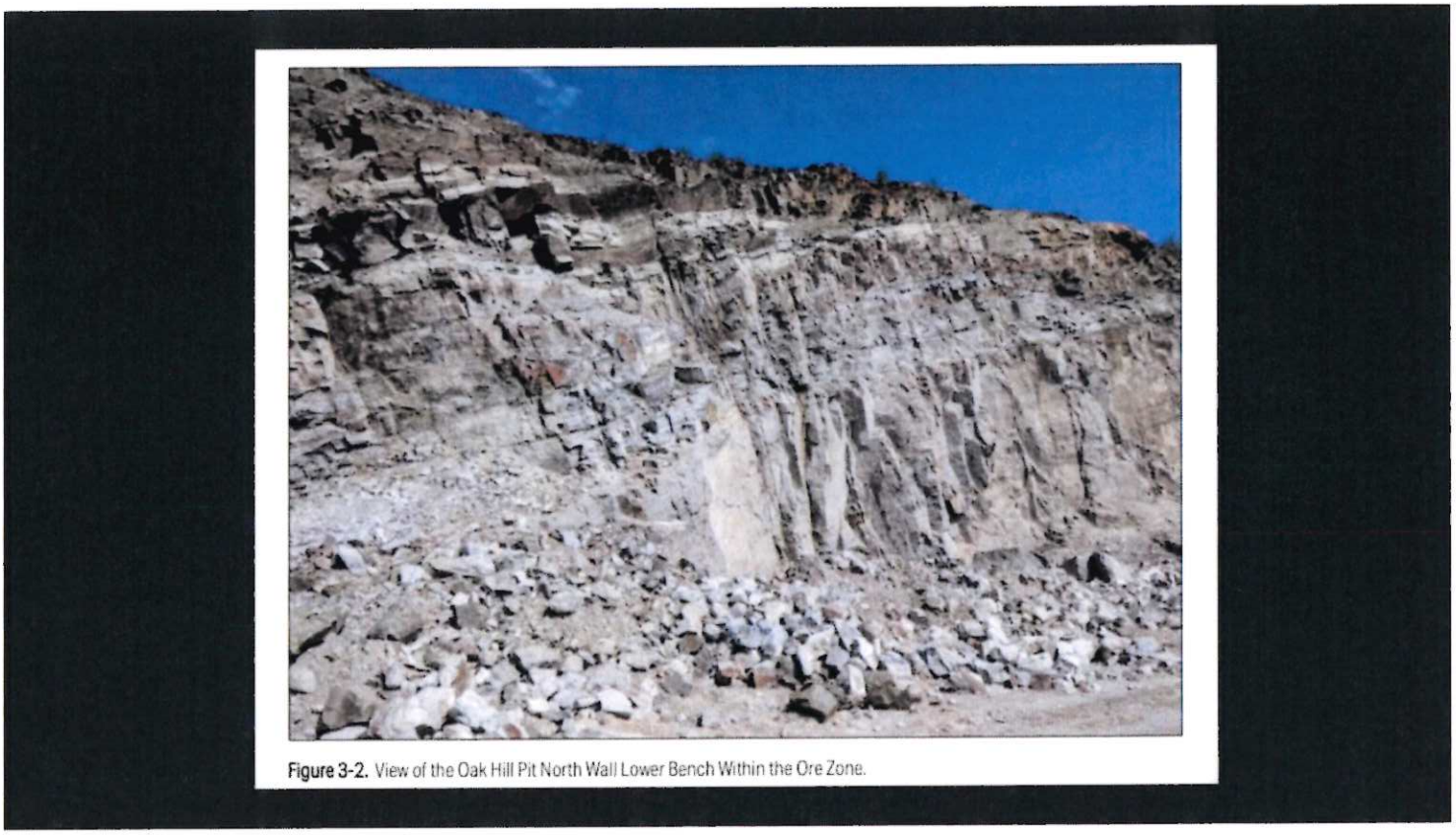
Unlimited underground blasting at Oak Hill may take place between 9 a.m. and 6:30 p.m. Monday through Saturday.

The APA put no time restrictions on "underground mining activities occurring at least 300 linear feet from the underground portal."

Above-ground mining is limited to up to two blasts per week between Nov. 1 and March 31. After that, the mine can blast no more than three times per week above ground. Those blasts can occur between 11 a.m. and 5 p.m. Monday through Friday.

Other mining activities are allowed between 7:30 a.m. and 6 p.m. Monday through Saturday. The original permit did not allow for Saturday work.

The agency allows trucking between 7:30 a.m. and 6 p.m. on weekdays, with a cap of 108 truckloads of ore from Oak Hill and NYCO's Seventy Road site per day to the company's Willsboro processing facility.



View of NYCO Minerals' Oak Hill mine in the town of Lewis. Photo screenshot from NYCO Minerals Adirondack Park Agency application

Permit review concerns

The APA issued NYCO Minerals the new underground mining permit in April among more than a dozen other permits issued at the staff level.

Despite concerns raised by neighbors and environmental organizations, including requests from Protect the Adirondacks and the Adirondack Council to extend the 15-day public comment period that took place over the Thanksgiving holiday for the nearly 4,000-page application, the full APA board never reviewed the permit.

The APA board did not meet in April, citing "no actionable items."

"I think the judgment of when a permit should come up before the board is really suspect and particularly here when you have a constitutional amendment concerning NYCO," said David Gibson, managing partner of Adirondack Wild: Friends of the Forest Preserve. "The failure to bring this before the board given what's happened and given its history, to me, is very wrong."

Over the past several years **the APA board** has met less often, held shorter meetings and reviewed fewer permits. Some newer board members have inquired what constitutes a project worthy of their review, and staff have generally said any project can come before the board if board members wish it.

Keith McKeever and Ben Brosseau, both communications staff at the agency, did not respond to the Explorer's questions about why the project did not come before the full board and if the agency had any knowledge about the status of the mineral testing at Lot 8. Brosseau did provide a link to the permit publicly posted on the agency's website, which did not contain that information.

Board member Dan Wilt, chair of the APA's regulatory committee, also did not return the Explorer's two emails asking the same questions.

Reactions

The DEC is still reviewing the **amended mined land reclamation permit application**, a water withdrawal and a state pollutant discharge elimination system permit.

The DEC said it "subjects all applications for environmental permits, or modifications to existing permits, to a transparent and rigorous review process to protect public health and the environment."

In letters to the APA, two park residents requested the agency approve the permit to support the company and jobs.

Three people wrote with concerns about the proposal, not including the Adirondack Council and Protect the Adirondacks.

One nearby resident to the mine asked the APA not to expand the above-ground mining operations to Saturdays, considering residents only have two days of "peace" as it is.

Todd Eastman

September 18, 2025 at 10:08 am

It is more than disappointing that this permit did not come up for discussion with the full board prior to staff approval. If the staff is not answerable to the full board, then what or who dictates the staff's authority?

The permit text:
"As described in Agency Permit 96-76, the project site contains shrub swamp and emergent marsh wetlands, including a large wetland associated with Beaver Brook with a value rating of "1 ", and other wetlands with a value rating of "2". Construction of the existing access road to the site required the filling of 0.47 acres of wetlands; 0. 70 acres of new wetland area was created by excavation and natural revegetation to compensate
for this loss, as authorized by Permit 96-76."

Artificial wetlands are nowhere near the same as the natural wetlands the permittee plans to destroy.

A real public process with full APA board review and input would go a long ways towards restoring public trust in the Agency.

Stan Dellahur

September 18, 2025 at 2:22 pm

"What or who" dictates the staff's authority is 572.11 of the agency's regulations giving the deputy director of regulatory programs full discretion as to whether or not a project should be referred to the board, as well as the agency's delegating resolution. What else is conveniently left out is that this site is ALREADY a mine and they are proposing to go from an onerous surface mining technique to a less onerous underground mining technique. So there's that.

Todd Eastman

September 18, 2025 at 3:37 pm

The DD under 572.11 has some authorities, but Class B Industrial Use seems not to be included in the APA Act's description of the DD's available actions. If there has been a public meeting, the DD's discretion is permissible. Please explain the supporting text. Thanks!

Stan Dellahur

September 18, 2025 at 4:28 pm

Mineral extraction in moderate intensity, rural, resource management, and industrial Lane use areas in the Adirondack Park are class a regional projects, not class B. Further, the class B reference you make is only for towns that are approved local land programs. The town of Lewis is not one of those. Hence, the deference to the judgment of the deputy Director for regulatory program.

Here is a helpful resource:

https://morehousenewyork.com/wp-content/uploads/2024/03/APA-Jurisdictional-Table.pdf

Todd Eastman

September 18, 2025 at 9:03 pm

Stan, the DD is not apparently only granted project approval for Class B projects.

Stan Dellahur

September 18, 2025 at 10:15 pm

No, that's wrong. The regulations read:

" 572.11 Deputy director-regulatory programs authority to approve certain projects.
(a) The deputy director-regulatory programs may review and approve, or approve subject to conditions, and issue permits for, all projects OTHER THAN:
(1) class B regional projects in land use areas governed by an approved local land use program;"

The key is in the words "other than".

Paul
September 18, 2025 at 12:22 pm

4000 page application. Wow. That's pretty intense… Thes articles seem to always leave out the amount of land there is on Lot8 that NYCO is getting in exchange for the 1,500+ acres that will be added to the forest preserve, including land that could expand the Jay Mountain Wilderness. Then lot8 has to be reclaimed and that added back to the forest preserve. This seems like more than fair exchange for retaining part of the local economy. I think this is why some prominent environmentalists (Carl Heilman for example) supported this. How big is lot8 they are getting temporarily.

Paul
September 19, 2025 at 11:46 am

I just saw the article from the 17th with the map. That answers my question here.
Thanks.

ADKresident2
September 18, 2025 at 3:33 pm

Lewis is getting hammered from above (by military exercises) and below (by expanded mining). The APA and local political representative have completely failed to advocate for the preservation of the natural environment in Lewis and it's not like there's anything else there to preserve.

Tobin Sturgess
September 18, 2025 at 5:24 pm

The APA is a regulatory agency, not an environmental advocacy group. I think you might have also missed the part where there agency is holding a howitzer testing facility application in Lewis incomplete because of potential under adverse impacts and the agency board upheld the staff's decision. I would say that's a huge example of the agency doing the right thing and upholding its mandate in the APA act.

Boreas
September 19, 2025 at 10:20 am

They may have halted howitzer testing, but then there is this on the same property:

https://www.adirondackexplorer.org/community-news/military-exercises-in-adirondacks-anger-lewis-residents-over-noise-low-flying-aircraft/

Indeed, who is watching over the Park?? The Jay Wilderness is virtually next-door to this property. Certainly not elected or appointed officials. I think class-action suits may be more effective.

ADKresident2

October 12, 2025 at 3:58 pm

For now. There's another application for howitzer testing pending. We'll see.

Grant H Smith

September 18, 2025 at 4:45 pm

If you're going to stand by The Forever Wild edict, there should be NO mining in our Mountains that encompass the Adirondacks. Whatsoever!

This looks suspiciously like someone lining someone else's pockets. Are we ever going to improve our human behavior or are we just going to pursue our own riches like they do in Washington DC?

Lara Kenalds

September 18, 2025 at 5:25 pm

That's not how the APA act works. This is a park of public AND private land.

Paul

September 19, 2025 at 6:32 am

Article 14 has a very difficult amendment process that was followed here. The voters had the opportunity to vote. They did this is over. A few people complaining makes for a controversy these days especially if it's a group that makes a living complaining about stuff.

ADKresident2

October 12, 2025 at 3:59 pm

It's not over, if you read the article.

Tony T.

September 18, 2025 at 9:47 pm

Extraction economics should not be done here anymore, full stop. Go mine the suburbs. Lewis could be beautiful and full of tourists just like SLK, no reason to do this except to help some very rich people get richer. Tourism could be done better with more emphasis on eco

tourism (think bicycle trails instead of ATV trails, think canvas tents instead of large hotels, think local food instead of United Food Corp) young people want eco tourism they don't want to ride snow mobiles threw torn up wilderness, it's not the 1950s anymore. Work at making tourism sustainable and stop letting extraction economics ruin the viability of sustainable tourism. If places like Lewis and similar less pleasing towns cleaned up their act and worked at it they could prosper in a healthy way, and spread the tourism out more evenly so that people needing work in those towns wouldn't need to travel to Lake Placid. We are all connected and extraction economics always brings with it abusive behavior, drug addiction, and ruined environments. People who work in extraction economics have low life satisfaction and high rates of criminal activity. Listen to your hearts. Mother Earth is sick and there is nothing left for us to do but save her, this is your destiny, this is the time you choose to live.

mrdale14424

September 20, 2025 at 8:02 pm

Very well said, Tony T.!

Dan Canavan

September 24, 2025 at 4:03 pm

As a resident of Lewis; well said. thank you!

Robert DiMarco

September 22, 2025 at 9:17 am

Tony T. I just wish more Humans felt as you and I do. Very sad as without Mother Earth, there is nothing

Charles Heimerdinger

September 25, 2025 at 11:25 am

Drill baby drill!

ADKresident2

October 12, 2025 at 4:00 pm

Perhaps you'd be more at home in New Jersey?

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Adirondack EXPLORER

GOVERNMENT

APA takes steps toward potential lease for new Saranac Lake headquarters

If the plan moves forward, a final lease between the park agency and village would need approval of the state Attorney General's Office and Comptroller



By Gwendolyn Craig
October 30, 2025



A rendering shows the potential new Adirondack Park Agency headquarters planned for downtown Saranac Lake. Rendering courtesy of APA records

Adirondack Park Agency (APA) and Saranac Lake officials have **signed a term sheet outlining** parts of a lease agreement for the agency's nearly $40 million, three-building headquarters proposed for downtown Saranac Lake.

The terms do not say how much the APA will pay the village in rent, but the length of the lease is expected to be about 42 years with the option to renew a maximum of 16 more years.

APA officials have not said the headquarters will definitely be moved about 4 miles north from the hamlet of Ray Brook to 1-3 Main St. in Saranac Lake. They have **called it the "preferred site" and have not proposed alternatives.**

The term sheet is a sign the move appears settled, though it outlines a few possibilities where the agency could change course. The APA and the state Office of General Services (OGS) are still conducting "due diligence," including structural integrity studies of the former Paul Smith's Power and Light building in the village, according to the document. Title and other potential state permitting issues could terminate the deal.

Village Manager Bachana Tsiklauri signed the document on Oct. 16 and APA Executive Director Barbara Rice signed it on Oct. 22. The term sheet, which is a non-binding precursor to a lease, was posted to the **agency's website under a section about its headquarters.** A final lease will need the approval of the state Attorney General's Office and the state Comptroller, according to the term sheet.

Ben Brosseau, assistant public information officer at the APA, said the village and agency are continuing to negotiate the lease. The term sheet keeps the village from selling or leasing the village building during the "due diligence period."

Brosseau and Communications Director Keith McKeever appeared before **Saranac Lake village board members this week** to promote the proposal, with Rice sitting in the audience.



An overhead rendering shows the potential new Adirondack Park Agency headquarters planned for downtown Saranac Lake. Rendering courtesy of APA records

McKeever said the agency is working with OGS on the design and construction. In the next six to nine months, contractors will work on final designs. The agency could go out to bid for construction by the end of next summer, McKeever added.

The agency is planning a public information meeting this fall, likely in early December, about the headquarters move. It will be an open house format with renderings on display and staff mingling with the public to answer questions.

Since becoming the agency's **executive director in early 2022**, Rice has made it one of her priorities to move the agency's headquarters to her hometown. Rice, who came to the agency from former Gov. Andrew Cuomo and current Gov. Kathy Hochul's economic development offices and was a Franklin County legislator and Saranac Lake trustee, has focused her administration on local government outreach and hamlet development.

Many retired and **current APA staff** are against the move, records show.

An outstanding question current APA leadership has not fully addressed is why the agency would move from lands zoned specially for state administrative purposes at its current location to a hamlet where private development is encouraged.

Only state offices can utilize state administrative lands in the Adirondack Park, a conundrum already for the **three closed prisons on forest preserve lands that remain vacant without a state use. Lawmakers have been working on a constitutional amendment,** which is the only way to get those parcels out of the forest preserve and available for private use.

"Downtown revitalization is a statewide priority and sound land use planning," Brosseau wrote, in response to the Explorer's questions. "Building in Ray Brook is not a preferred alternative. It would require extensive tree clearing on state land and would disrupt day-to-day operations for a lengthy period of time. Furthermore, it does not achieve the improved transparency and increased public access goals that could be achieved by relocating into one of the park's largest hamlets–the village of Saranac Lake."

McKeever told village board members on Monday that the APA could rebuild on site, but "we decided let's walk the talk and consider doing something that's really consistent with the vision of the Adirondack Park Agency." He referred to a portion of the agency's mission, channeling growth into hamlets.

McKeever said it was a "unique and historic opportunity to do something big" that would benefit both the APA and the village.

Village board members were positive about the partnership and headquarters, which will involve renovating the historic Paul Smith's Power and Light Building, as well as building new offices in the hillside behind it. The agency also plans to revamp the river walk area, which will continue to be accessible to the public.

Deputy Mayor Matt Scollin called it a "no brainer."

Two members of the public, Stephen Erman, the agency's former economic adviser, and Mark Wilson, a Saranac Lake resident, spoke against the headquarters move and criticized the agency for **what they considered its lack of transparency** about the proposal over the last several years. State funding for the APA headquarters was first allocated in the state's 2022 budget. **The agency started posting documents** related to the headquarters this summer.

"Please, open the doors, let the public in, and let the public comment," Wilson said. "I think it would be better for the whole project."

In response, Brosseau called the agency's latest efforts "a robust public outreach process," adding that the agency is "committed to transparency around this project."

Should the new headquarters get to a stage where it will be under the agency's own permit review, there will be a formal public comment period, too.

jj

October 30, 2025 at 6:37 pm

Well said! Downtown revitalization is a NYS priority, and this is a no brainer for the APA and Saranac Lake.

Ken

October 30, 2025 at 6:38 pm

Thank you Gwendolyn, for this article. As this is a hard subject for blue collar people living under the umbrella of this organization. THERE is zero wrong with the Ray Brook location. Has anyone reading this article ever had to access the Ray Brooke location. These employees are so so helpful… It is a nightmare dealing with this crazy creation of government overreach. Leave them where they are. Save the over regulated people under the blue line banner alone. Stop costing New York taxpayers, nonsense costs for a relocation of an agency that is totalitarian… Massive waste. In simple terms; a Joke.

Keith Murphy

October 30, 2025 at 8:24 pm

With the scheduling of the APA's first public information session not until December, which is the same time they said they hoped to sign the binding lease with the village, how can the APA seriously say they are having a "robust public outreach process"? My recollection is that Director Rice promised public forums a year or more ago. Regardless of your impressions of this $40 million dollar expenditure of taxpayer money, isn't the process far from transparent?

Zachary Denton

October 30, 2025 at 8:29 pm

Waste of money. Corrupt organization

Todd Eastman

October 30, 2025 at 11:27 pm

What is the APA's Board stance on this?

jj

October 31, 2025 at 6:40 am

"Downtown revitalization is a statewide priority" and in that context this is beneficial. I agree this is an "unique and historic opportunity" for the APA. The @ the APA's core is a "Balancing act: a mission is to find a balance between strong environmental protection and sustainable economic opportunities for the local communities." This is an absolute positive economic opportunity.

Bill Keller

October 31, 2025 at 6:58 am

Downtown revitalization is a tax dollar give away to business owners that need to spruce up their buildings. In Warrensburg, NY the wealthy business owners got a building face lift, new roofs, paint, etc. "The Town of Warrensburg will use New York Main Street funds to assist in the renovation of commercial and residential units in mixed-use buildings in the heart of the historic hamlet", to the tune of $300,000. Why do our tax dollars continue to go to private individuals? Does the state fund maintaining your property?

Tobin Sturgess

October 31, 2025 at 8:03 am

Because without investment from programs like DRI and NY Main Street, our downtowns will continue to look rundown, no one will bother stopping in our quaint little Adirondack hamlet and businesses will continue to fail. Economic development is a valid use of grant money. It's worked for Saranac Lake and numerous other communities across the state.

I don't understand why the Explorer continues to parrot the likes of Jim Connolly and Steve Erman. Lest we forget when Steve opposed the Adirondack Rail Trail. Good thing we didn't listen to him when he was at the APA…

Jack Mulholland

October 31, 2025 at 8:58 am

I would think we could .ake better use of 40 million dollars.

S. McHugh

October 31, 2025 at 10:44 am

Why would Governor Hochul give $40 million to 40 people (APA) who already have a home, instead of giving $40 million to 85 property tax paying people who don't. This spot is a key location for working class housing, which the village and Governor Hochul should consider their #1 priority.

Tobin Sturgess

October 31, 2025 at 11:47 am

I think it would be better to look at it as $40 million for 6 million acres. It's amazing the work that 40 ish people can do for 6 million acres, despite being woefully underfunded for 50 years and receiving no substantial investment from the NYS budget since the agency was founded in 1973. A very long overdue investment in the Agency.

And, as a reminder, there are no developers looking to put in working class housing in Saranac Lake. You and others continue to bring this up but no one is knocking at the door. There is no one else right now willing to invest $40 million in Saranac Lake.

S McHugh

October 31, 2025 at 4:21 pm

APA already has a fine home.
There are a thousand other uses of this property that are much more beneficial for the Village of Saranac Lake. This isn't one of them, but it's the only one on the table.
Who can dispute the need for housing of working people here, which benefits every villager many times over.
I don't think the Brains of the village will have trouble finding a developer/builder to build 55-60 one and two bedroom apartments with a $40 million head start.

Ken

November 1, 2025 at 10:26 am

Hahaha, I hear you.

Stephen

October 31, 2025 at 10:45 am

I think moving the APA headquarters to Saranac Lake is an excellent idea. Bringing more jobs and people to the downtown hamlet will be a real benefit to the community. I'm pleased to see this project moving forward.

Mike

October 31, 2025 at 3:28 pm

40 million in tax cuts for the people in Saranac Lake would go a lot further.

Jeanne

October 31, 2025 at 4:16 pm

40 million ? This is crazy! Keep APA where they are! I've lived in the Adirondacks for many years. This is crazy! Housing will make a difference in Saranac Lake not just for Saranac Lake but for Tupper Lake & Lake Placid !
Keep APA at Ray Brook total nonsence moving the APA !!

Ken

November 1, 2025 at 10:28 am

1000%

Jack Carney

October 31, 2025 at 6:09 pm

Another example of the APA's blind arrogance. Ray Brook, as other readers have noted, is perfectly adequate for the APA's effective functioning. Ultimately, an ill-timed expenditure of public monies — New Yorkers are about to go hungry and lose access to their medical care,

Tom Scozzafava

November 2, 2025 at 10:15 am

What a waste of taxpayers money!
NYS already has 2 closed prisons in the Adirondack Park that could and SHOULD be utilized for other state agency uses.
This state is a train wreck, and totally out of touch with reality.

Lara Kenalds

November 2, 2025 at 6:05 pm

Except you know well that none of the existing Agency staff lives near Moriah or Gabriels. Would be 10x the disruption. Very interesting how you turn your back on the agency after they advocated for your $9 million water grant in Moriah. But whatever is ok for me and not for thee, right?

Tom Scozzafava

November 3, 2025 at 8:51 am

Not sure what "9 million " you are referring to??
As for what's right for me and not for you, it's about whats right for the taxpayers, not the employees that don't want to drive a few miles to work!
Certainly didn't think about the employees when Hochul closed Moriah Shock!
Again the hypocrisy is astounding.

Lara Kenalds

November 3, 2025 at 10:54 am

Sorry, $3.5 mil to Moriah.

I am sure it's less about the employees driving more to work than it is putting the HQ in the capital of the Adirondacks in an area the general public can easily access. But I am sure not inconveniencing the majority of the employees is a big factor in moving the Agency HQ.

https://www.northcountrypublicradio.org/news/story/50362/20240823/north-country-communities-get-water-infrastructure-funding

Johnnie beechnut

November 2, 2025 at 11:23 am

The APA should remain where it is now. The proposed new location should be torn down. ALL of the money left over from the demolition should be used for shoreline restoration and storm water runoff control at the site. Isn't that what the APA would recommend if someone else came to them with this project?

Bill Tadhams

November 3, 2025 at 10:51 am

Umm, no. The building is on the national register of historic places. Unless you are the east wing of the White House, this isn't allowed. The new building isn't within the setback of the Saranac River, so no, they Agency wouldn't advocate tearing it down.

Johnnie beechnut

November 3, 2025 at 5:22 pm

The Owd factory in Tupper Lake is a "Historic Site", simply politics. The politicians put it on the registry so tax payers can pay 90% of a housi ng project. An effort to remove these eyesores from the historic registries should be advocated by local politicians and the APA.

Stephen Erman

November 5, 2025 at 3:25 pm

APA says downtown is their "preferred alternative" but nothing has been provided to the public about any other alternatives. Building where they are in Ray Brook is the most obvious one but on this there is silence. The Ray Brook option was to have cost $15-20 million in 2022, $20 million LESS than what the "preferred option will cost." Why is downtown preferred at a time when NYS is facing fiscal peril due to expected funding cuts from the federal government. Full disclosure would be appreciated by the tax paying public.

Tobin Sturgess

November 7, 2025 at 8:43 pm

Steve, remember when you worked for the APA and you said that the Adirondack Rail Trail would be an economic loser for the region? Here's a good article that memorializes that disastrous take. Why should anyone believe you now?

https://www.northcountrypublicradio.org/news/story/30982/20160212/adirondack-park-agency-approves-controversial-rail-trail-plan

Stephen Erman

November 8, 2025 at 7:39 pm

Tobin – You need to read the full record on the proposal to remove the rails. I never said the recreational trail should not be built. I said that the rails should be retained from Saranac Lake to Tupper Lake AND that the recreational trail should be constructed alongside the rails. I also said that it was short-sighted to remove rails which could prove valuable for passenger transportation in the future. Once they were removed, they would not return. The recreational trail is an economic asset. It is your mistaken characterization that I said it would be "economic loser."

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Adirondack EXPLORER

LAND USE

What's going on in Loon Lake?

Loon Lake residents sue APA, companies over alleged subdivision site clearing



By Gwendolyn Craig
November 24, 2025



A cleared area near where a proposed beach area is planned on the western side of Loon Lake in Franklin County. Photo courtesy of Protect the Adirondacks

Since the spring, residents around Loon Lake in Franklin County have watched roadwork machinery going in and out of the old golf course on the east side of the lake and logging equipment on the west side. Using drone photography this fall, they discovered the owners of hundreds of acres of forestland on the west side had clear cut what appeared to be over an acre. And the logging seems to be continuing.

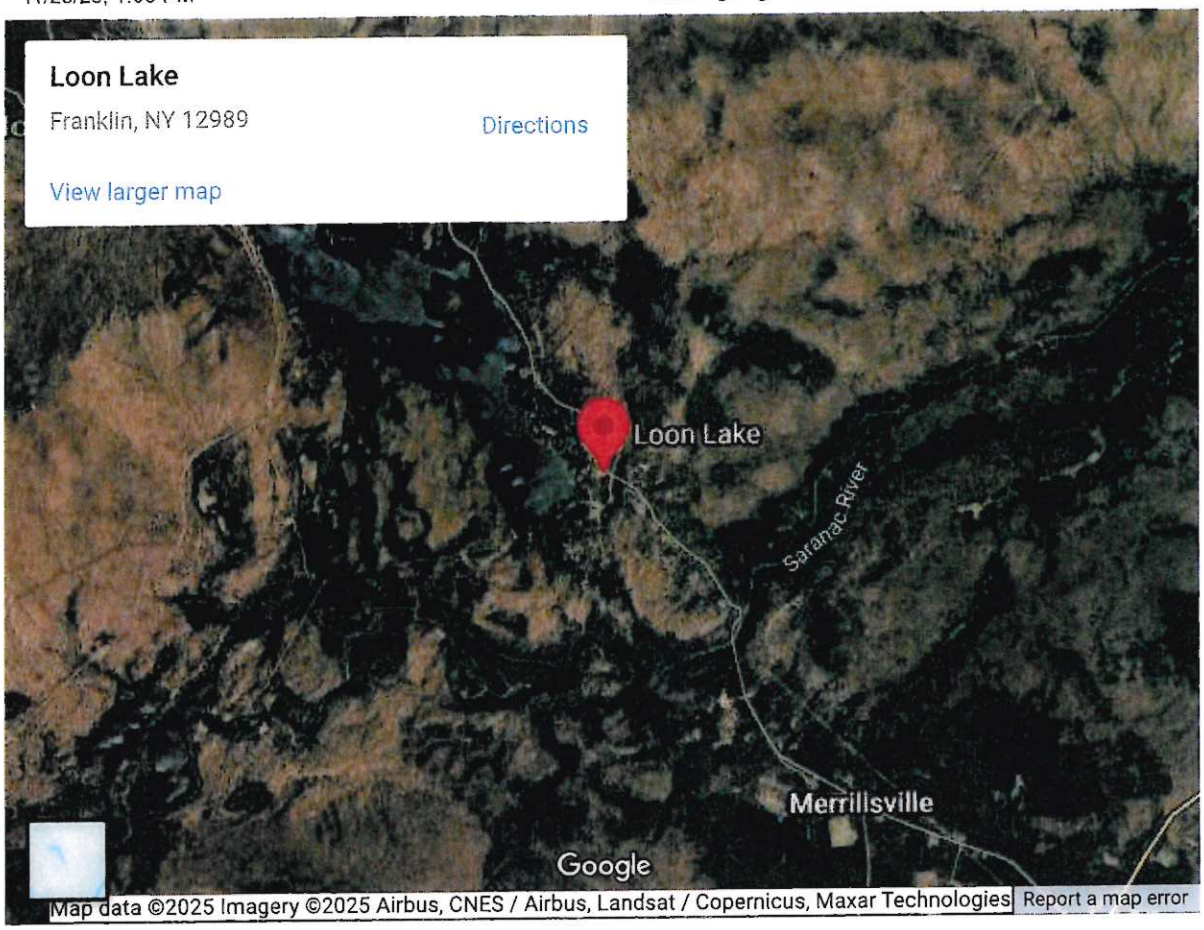
Seasonal resident Gunter Pfau said it "was quite horrific to see this beautiful wilderness, this beautiful ecological gem, being destroyed without care."



Construction, including what appears to be grading, near where a proposed beach area is planned on the western side of Loon Lake in Franklin County. Photo courtesy of Protect the Adirondacks

A scenic and historic community in the **northern Adirondacks, Loon Lake has hosted the nation's wealthiest families from the Vanderbilts to the Rockefellers, a number of U.S. presidents, authors and composers.**

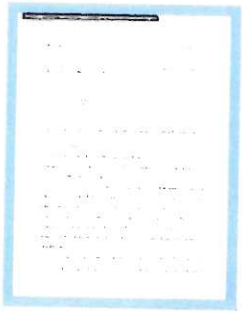
While the private lake some 18 miles northeast of Saranac Lake is known for its seclusion, at least twice landowners with substantial holdings around the lake have sought to subdivide. Neighbors soon realized those companies are attempting to do so again.

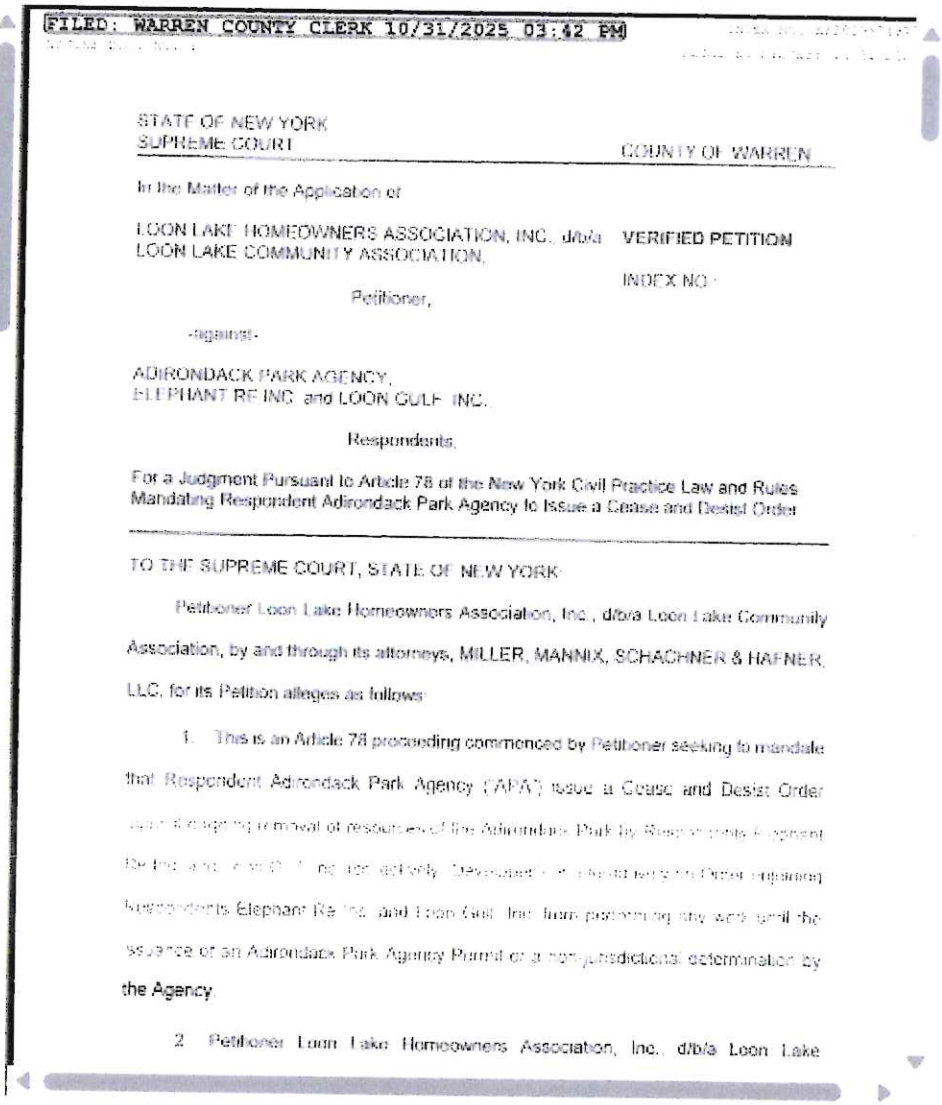


RELATED COMMENTARY: What makes Loon Lake so special

A pre-application filed with the Adirondack Park Agency (APA) shows one of two corporate landowners is seeking to subdivide its golf course area on the eastern side of the lake, with plans for a beach on the western side. Neighbors are not only concerned about the proposed subdivision plans. They fear subdivision work is already underway without permits, and state agencies are allowing it to happen.

The APA and the state Department of Environmental Conservation (DEC) say the logging done so far is legal, but the Loon Lake Community Association was not satisfied.





FILED: WARREN COUNTY CLERK 10/31/2025 03:42 PM

STATE OF NEW YORK
SUPREME COURT COUNTY OF WARREN

In the Matter of the Application of

LOON LAKE HOMEOWNERS ASSOCIATION, INC., d/b/a LOON LAKE COMMUNITY ASSOCIATION,

Petitioner,

-against-

ADIRONDACK PARK AGENCY, ELEPHANT RE INC. and LOON GULF INC.,

Respondents.

VERIFIED PETITION

INDEX NO.:

For a Judgment Pursuant to Article 78 of the New York Civil Practice Law and Rules Mandating Respondent Adirondack Park Agency to Issue a Cease and Desist Order

TO THE SUPREME COURT, STATE OF NEW YORK:

Petitioner Loon Lake Homeowners Association, Inc., d/b/a Loon Lake Community Association, by and through its attorneys, MILLER, MANNIX, SCHACHNER & HAFNER, LLC, for its Petition alleges as follows:

1. This is an Article 78 proceeding commenced by Petitioner seeking to mandate that Respondent Adirondack Park Agency ("APA") issue a Cease and Desist Order [illegible] removal of resources of the Adirondack Park by Respondents Elephant Re Inc. and Loon Gulf Inc. [illegible] Petitioner requesting Respondents Elephant Re Inc. and Loon Gulf Inc. from performing any work until the issuance of an Adirondack Park Agency Permit or a non-jurisdictional determination by the Agency.

2. Petitioner Loon Lake Homeowners Association, Inc., d/b/a Loon Lake

Loon Lake homeowners court document

Download

The organization, which represents about 90 families, filed a lawsuit in Warren County State Supreme Court against the APA, which oversees public and private development in the 6-million-acre park, and two major landowners. **A change.org petition** calling on the APA and DEC "to pause all development activity until full environmental impact studies of the entire development are completed and made public," has also garnered 1,781 signatures as of Nov. 21.

Saranac Lake realtor Brian Draper is representing Loon Gulf and Elephant Re, the two corporations involved in the land clearing and roadwork and both part of the same New York City-based property management firm. Draper told the Explorer the landowner declined to comment.

A subdivision proposal

Residents have long enjoyed the "benign neglect" of Loon Gulf, which owns 380 acres on the western side of the lake, said Stuart Lucks, co-president of the Loon Lake Community Association. Elephant Re owns 443 acres on the eastern side, including the defunct golf course.



Loon Lake in Franklin County. Photo by George Stowers

But a subdivision application request Elephant Re made to the APA this spring showed plans for 52 lots, developed in two phases. The project is called "Loon Lake Heights."

While Elephant Re and Loon Gulf did not submit any plans for the western side of the lake, the pre-application map includes a small glimpse of the western shore and a note: "Beach area for Loon Lake Heights." It appears to be near where the companies are logging.

This isn't the first subdivision proposal the companies have tried for on Loon Lake.

The same owners started the process for an ecotourism resort and housing in 2013. Records show consultants were waiting on whether the APA board would issue a permit for the Adirondack Club and Resort, one of the

biggest subdivision projects to come before the agency, planned for Tupper Lake. While the agency eventually permitted the Tupper Lake project, it took years. Lawsuits followed and the project never happened.

In the 1970s around when the APA was first created, developers had tried for a large subdivision on Loon Lake then, too. The agency had issued a permit, but it never was built.

In addition to Draper, the Explorer reached out to Jeffrey Heidings, president of the Wall Street-based Siren Management Corp. that Loon Gulf and Elephant Re are listed under. Heidings referred questions to Richard Radice, founder and managing member of Treehouse Consulting Group, an accounting firm. Radice, who was the project representative for the subdivision proposal in 2013, did not return the Explorer's voicemail.

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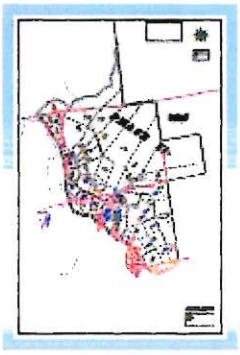

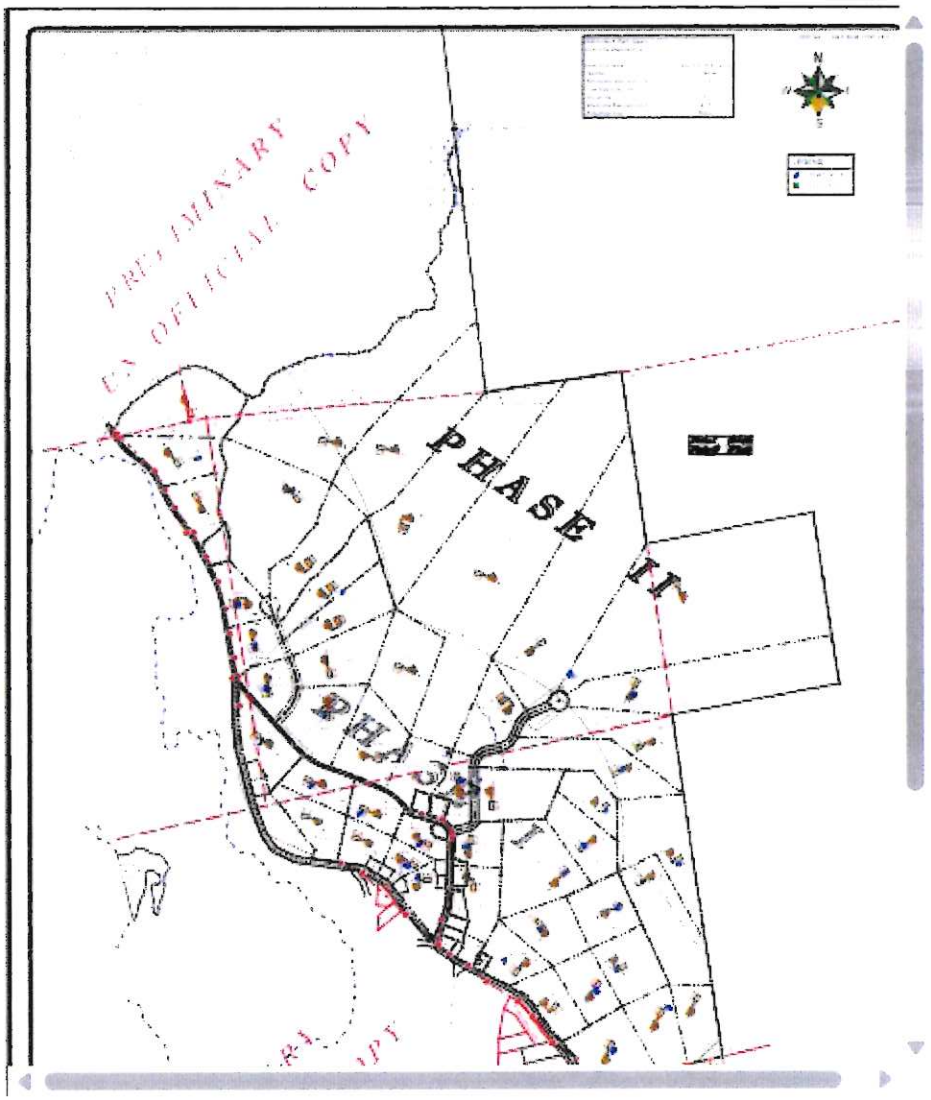

loon lake map

001563

Download

Residents question current work

Draper has advertised lots for sale as part of "Loon Lake Heights," and one was listed "pending" as of Nov. 11. It appears the lot listings have since been removed from Say Real Estate's website.

The Explorer found those lots were still advertised on other real estate websites as of Nov. 21 with a note, "new subdivision being offered in the Hamlet of Historic Loon Lake … Subject to receiving all permits and approvals from state and local agencies."

The APA visited the area and on Oct. 16 sent a letter to Draper warning him not to do any subdivision preparation without a permit. That included "road construction, grading, installation of utilities, excavation, clearing of building sites, or other landscaping, or in the case of subdivision, the conveyance of any lots."

The community association contacted the APA with concerns about the tree cutting and other construction work.

After another site visit, the APA wrote to Draper on Oct. 31 that the "timber harvesting" did not require agency approval. It did not meet any jurisdictional triggers, such as being closer than 100 feet from the shoreline and 25 acres or more of clearcutting. Staff emphasized that subdivision site preparation was not allowed, but closed the enforcement investigation.

That same day, the community association sued the agency, Elephant Re and Loon Gulf, seeking a cease and desist order until the APA issued a permit or non-jurisdictional determination.

George Stowers, who moved to Loon Lake in 2020 and lives there year round, said watching the forest destruction has had an emotional impact on him and his wife. A volunteer water steward, he is concerned about the environmental stress a subdivision could have on Loon Lake. He is also worried about the impacts of the current work.

The Adirondack Center for Loon Conservation has also expressed concerns about the impacts of subdivisions on the area's namesake species.



Loons on Loon Lake in Franklin County. Photo by George Stowers

Protect the Adirondacks and Adirondack Wild: Friends of the Forest Preserve have written the APA with concerns about the tree removal and where it is in relation to the subdivision proposal. They, too, want the APA to halt the current work until permits are sorted.

Claudia Braymer, executive director of Protect the Adirondacks, was also amazed Draper had listed the subdivision lots for sale. Braymer saw that as a violation of the APA's Oct. 16 letter warning not to convey any of the lots.

The APA declined comment, citing pending litigation.

"We're trying to get the agency to enforce its regulations," Braymer said. "I have a hard time with their response that there's no violations when there's a pending application for a subdivision in the same exact area and they just wrote to the applicant that they can't undertake the project."

What's next

Pfau said he and about a dozen other Loon Lake residents have pooled their money and made an offer to purchase the hundreds of acres to conserve it, but it so far has not been accepted.

They're also frustrated that the two companies are contesting their tax assessments with the town of Franklin since 2019. The western parcel is assessed at $1,816,000 and Loon Gulf is seeking that to be reduced to $125,000. On the eastern side, Elephant Re's land is assessed at $256,000 and is seeking a reduction to $50,000.

And although the court case is ongoing, the community association was unsuccessful in getting an immediate temporary restraining order from Warren County Supreme Court Justice Martin Auffredou to keep Loon Gulf from tree clearing and other work.

Stowers worries the whole site could be cleared by the time the matter is heard on Jan. 30.

Dean Dipilato, a lawyer from DeWitt representing Elephant Re and Loon Gulf, called the matter "a policy disagreement" in a court filing and dismissed residents' fears that this is an "environmental emergency."

"Should a genuine violation later be identified, the APA possess ample authority to order cessation and remediation, including replanting or stabilization measures," Dipilato wrote. "In addition, the APA remains actively engaged in monitoring the site. Its continuing oversight eliminates any credible risk of future harm during the pendency of this proceeding."

The DEC said it is also watching the timber activities there.

rumrum

November 24, 2025 at 5:22 pm

where do the residents live? ….that's what I thought

Tobin Sturgess

November 24, 2025 at 5:54 pm

Is it a pre-application or an application? The article can't seem to make up its mind. Because… There's a big difference when it comes to litigation, not that anything is necessarily ripe for a court to be able to decide on anything. Also, why is this filed in Warren County Supreme Court? Do you think you'll get a more favorable judge instead of holding it in Essex County where the project site is located?



Bob Dillon

November 25, 2025 at 9:58 am

I was thinking the same thing about where this case was filed. Was that in error? There is a larger "Loon Lake" in Warren County and could this have been a mistake?



Melissa Hart

November 25, 2025 at 10:40 am

Hi Bob and Tobin. We're still trying to figure out why the case was filed in Warren County vs. Franklin County, or Essex County (where APA is located). We will give an update when we know more. But this incident is indeed happening in the community outside of Vermontville.



Melissa Hart

November 25, 2025 at 11:26 am

PS we just uploaded a copy of what was filed.

Bernard Elser

November 24, 2025 at 10:57 pm

Paving paradise. Shameful.

John M. Sullivan

November 25, 2025 at 1:51 am

Thank you for leading with that picture. Most clear cutting logging operations that I have seen leave bushes, scrub and small trees not worth cutting. The land is cleared only to the extent needed to harvest lumber. This looks like preparations for a parking lot. The DEC may have its technical standards, but it is clear that it is being used to further the plans of hedge funds and destroy the character of the lake for sake of profit.

adkack

November 25, 2025 at 6:37 am

they'll do the work and deal with the fall out after. money always wins

Meriweather L

November 25, 2025 at 7:20 am

And yet the article states the site is in Franklin County…..

Todd Eastman

November 25, 2025 at 8:41 am

The article states the site is in the town of Franklin. "They're also frustrated that the two companies are contesting their tax assessments with the town of Franklin since 2019."

Jay

November 25, 2025 at 8:01 am

Thank you Gwendolyn.
Adirondacks are forever wild and should remain so. It truly is heartbreaking to watch the natural world be mowed down. The residents want THIS, not whatever hairbrained idea will waste time and money (and displace animals) in its place.

David M. Weeks

November 25, 2025 at 8:05 am

Seems that the APA could care less about the "Forever Wild" moniker. And yet people still support the people in charge of this agency. Time to clean house and get real environmental advocates working there. As it stands…the almighty tax dollar is the rule of the land. The park is being chipped away bit by bit until the point comes when very little wilderness is left. Sad. Too much damage already done.

Todd Eastman

November 25, 2025 at 8:36 am

Developers appear to be jumping the regulatory gun and expect to be forgiven after the fact. The APA seems be ambiguous in the permit realm and the neighbors are demanding clarity.

"The APA and the state Department of Environmental Conservation (DEC) say the logging done so far is legal, but the Loon Lake Community Association was not satisfied." Were there site visits by the APA and/or the DEC before determining that the actions were OK?

Jenny Kershner

November 25, 2025 at 9:00 am

Yes. APA and DEC said all is fine. Gave the thumbs up. No permit needed. They have turned pro development. Wonder if they are being paid off,

Joan Grabe

November 25, 2025 at 8:43 am

The people of Loon Lake might get new neighbors and houses but the people of Lewis might get an artillery range. This current APA /DEC process is not working any more.

Jim

November 25, 2025 at 9:36 am

Yes NOBODY should be able to live or build a home in the Adirondack's. Isn't that what you want except the people that are already there !! You people are ridiculous. There's six million acres in the Adirondack's stop your whining.
I know someone will text if one doesn't others will. People bring tax dollars to the town, and support the local businesses!!

Malcolm gardner

November 25, 2025 at 10:10 am

I do not think that it right what they people are doing because they have money when I was young I you could cut tree and you had to have permit are governmor let rich people do what they feel like poor people hand are tie

walter Birmann

November 25, 2025 at 10:55 am

There have always been 'sayings' that sometime need repeating'.....one is "I've got mine so I don't want any changes'.....another is "What happened to my Property Rights as per the Constitution".....and "don't and shouldn't all taxpayers have the same Property Rights" and not be 'selectively excluded'?.....just some issues that 'many people like to conveniently forget'.....how so.....Huh?
I have 'no skin' in 'this' game there; but over the last 50 years or so, it seems be'many, may be most 'Property Rights' have been taken over by Government Agencies and Bureaucracies 'on all levels' and controlled allegedly sometimes 'over and above' Constitutional inclusion.....I've watched it mostly in 'small town Zoning' where 'arbitrary and capricious' mentality has allegedly influenced many basic 'Privite Property Rights'.....guess you all know that and why 'Comprehensive Plans' and 'Zoning Law' require a 'Zoning Board of Appeals'.....bottom line is I would ask the owners of existing properties already there and 'liveable' shouldn't be able to 'take another's property owner's rights over 'his neighbor's property' beyond the 'health and safety' considerations and 'common sense/necessary ordinances necessary for 'same'.....plain and simple.
For the many entrapraneurally challenges who have succeeded because the entrapraneur 'had the funds to fight for their property rights' and accomplish their 'American Dream' there are 'those that didn't have enough financial backing 'get their Dream', they had to leave it 'all on the table', with their 'tail between their legs' because they didn't have the financial backing to 'fight city hall'.....again .....plain and simple.....so 'yes', 'Money Talks'; but should it really have to be that way.....'I say no'.....as the laws are all 'on the books'.....but if Government turns it's back on you and you don't have the money to 'fight back', you 'ain't gonna getter done'.....Aye ?

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NEW YORK STATE | Adirondack Park Agency

KATHY HOCHUL
Governor

BARBARA RICE
Executive Director

November 26, 2025

(By E-Mail: mnorfolk@norfolkbeier.com)

Matthew D. Norfolk, Esq.
Norfolk Beier PLLC
The Outpost
55 Barn Road, Suite 201
Lake Placid, New York 12946

Re: APA Project 2021-0276
Recusal Request

Dear Mr. Norfolk,

I am in receipt of your letter dated November 24, 2024 to Administrative Law Judge David Greenwood requesting his voluntary recusal for the above project.

While your letter does not follow the requirements set out in section 508.8 of the Agency's regulations, including the form and standard required under Section 303 of the State Administrative Procedure Act, I am deeming your November 24th letter as a challenge under section 580.8 to my decision to appoint Judge Greenwood as hearing officer. As set out below, please submit any additional materials you wish me to consider in reviewing Judge Greenwood's selection by November 28, 2025 at 3 P.M. Responding affidavits, if any, including any submitted by Judge Greenwood, must be received by Monday, December 1, 2025 at 3 P.M. I shall issue my decision thereafter pursuant to 580.8(d).

I note that your letter suggests Judge Greenwood be disqualified because he was employed with the Adirondack Council from 1993 to 2000, and that the Adirondack Council has taken public positions on your client's proposed project. Further, you state that "applicable judicial ethical standards" require his disqualification, however, none of those standards are cited.

Even accepting your unsworn statements as true, they do not appear to identify a disqualifying connection or relationship to the Adirondack Council's public comments on the project, nor any fact upon which to suggest that Judge Greenwood was involved in the Council's submissions to the Agency about the project. Without more, prior employment with an organization that has taken a position – one way or the other – on an adjudicatory hearing would appear insufficient to create an appearance of bias. Your

letter also does not seem to include any specific information that challenges Judge Greenwood's impartiality.

Accordingly, as noted above, I am providing you with additional time to submit any information you believe might address these deficiencies, or to raise any other issues you wish to address, so I have a complete record upon which to render my decision. Please submit any additional materials you wish me to consider in reviewing Judge Greenwood's selection by November 28, 2025 at 3 P.M. Responding affidavits, if any, including any submitted by Judge Greenwood, must be received by Monday, December 1, 2025 at 3 P.M. I shall issue my decision thereafter pursuant to 580.8(d).

Sincerely,



Barbara Rice
Executive Director

cc: Hon. David Greenwood (By E-Mail)
Chief Administrative Law Judge Michele M. Stefanucci (By E-Mail)
Damion K. L. Stodola, Counsel (By E-Mail)

NORFOLK BEIER PLLC
ATTORNEYS AT LAW

November 26, 2025

Via Email Only
N.Y.S. Adirondack Park Agency
Attn: Ms. Barbara Rice, Executive Director
1133 NYS Route 86
Ray Brook, New York 12977
barbara.rice@apa.ny.gov

Re: APA Project 2021-0276
Request for Recusal of David Greenwood as Hearing Officer

Dear Ms. Rice:

I am in receipt of your letter of November 26, 2025, in response to mine of November 24, 2025, *which is addressed to Administrative Law Judge ("ALJ") David Greenwood* wherein I request he voluntarily recuse himself as the hearing officer to preside over the public hearing to be scheduled in the above-referenced proceeding. I did not submit a request to you or anyone at the Adirondack Park Agency. I had no obligation to even copy you on the letter. ALJ Greenwood has been directly asked to recuse himself. He is the one that my clients and I expect to respond to the request for his recusal. ALJ Greenwood has an independent duty as an administrative law judge and attorney to assess whether he should recuse himself.[1] In light of the foregoing, I will not withdraw my request to ALJ Greenwood that he voluntarily recuse himself. If ALJ Greenwood voluntarily recuses himself, my clients will have no need to consider filing a challenge of his designation as the hearing officer pursuant to 9 NYCRR §580.8.

Furthermore, I stated in my November 24, 2025, letter that the request sent to ALJ Greenwood seeking his voluntary recusal is not a challenge of ALJ Greenwood's designation as the hearing officer pursuant to 9 NYCRR §580.8 or State Administrative Procedure Act ("SAPA") §303. Indeed, I have not filed a challenge or application of any kind to date, nor do I wish to do so at the moment. You have no authority to convert my request to ALJ Greenwood to voluntarily recuse himself to a challenge pursuant to 9 NYCRR §580.8 or SAPA §303, or otherwise. You cannot compel me to file challenges and other applications of any kind. That would be unlawful, as is the case now. Accordingly, I object to your attempt to do so and repeat that I have not filed a challenge on my clients' behalf.

Additionally, even if you had the authority to unilaterally convert my November 26, 2025, letter to ALJ Greenwood to a challenge under 9 NYCRR §580.8, to do so now would prejudice my

1 I will not waste my clients' financial resources citing to the ethical standards ALJ Greenwood must follow. I am sure he is well-aware of them, and the APA should have competent legal counsel that can provide you with the standards I reference above and in my letter of November 24, 2025.

clients and be contrary to the procedural structure for challenging a hearing officer's designation under 9 NYCRR §580.8. Pursuant to 9 NYCRR §580.8(a), ALJ Greenwood is required to "make full disclosure, as part of the record, of all information he deems relevant to the issue of bias or other disqualification." ALJ Greenwood has yet to make such disclosure. To file a challenge of his designation before he makes full disclosure of all information he deems relevant to the issue of bias or other disqualification, frankly, would be a stupid thing to do. Any challenge of ALJ Greenwood's designation will not be submitted until after ALJ Greenwood's disclosure of all information he deems relevant to the issue of bias or other disqualification; that is, if he does not recuse himself.

Also, pursuant to 9 NYCRR §580.8(b), "any issue concerning the disqualification of the hearing officer shall be resolved in a pre-hearing conference, if possible." Notably, the filing of a challenge is not needed to have a pre-hearing conference. Here, it is undoubtedly possible to have a pre-hearing conference to address issues concerning ALJ Greenwood's disqualification – if, of course, ALJ Greenwood does not voluntarily recuse himself as I have requested on behalf of my clients. Notwithstanding the foregoing, if ALJ Greenwood does not voluntarily recuse himself, a conference should not be had until he complies with 9 NYCRR §580.8(a) and makes "full disclosure, as a part of the record, of all information he deems relevant to the issue of bias or other disqualification."

Finally, 9 NYCRR §580.8(b) states, in pertinent part, "[a]ll parties *shall be given sufficient opportunity to challenge* his [the hearing officer's] designation by the filing the affidavit referred to in section 303 of the State Administrative Procedure Act with the executive director, on notice to the hearing officer and other parties." (Emphasis added.) For you to direct me to submit papers in support of a challenge, notably which I did not file, in just two days, one of which is Thanksgiving, is absurd. It is an abuse of discretion, seriously prejudices my clients, demonstrates a bias in general, and gives the appearance that you are punishing my clients for requesting ALJ Greenwood voluntarily recuse himself, or, perhaps for filing the application for an APA permit in the first place. I am certain the NYS Supreme Court would agree with me on all fronts.

In closing, I will not be filing papers at this time to challenge ALJ Greenwood's designation as the hearing officer and I object to and reject your unauthorized, extra-jurisdictional attempt to convert my letter of November 24, 2025, to ALJ Greenwood to a challenge of his designation as the hearing officer pursuant to 9 NYCRR §580.8. If and when I file such a challenge, I will follow the rules and regulations governing such an application, and I expect you, as the Executor Director, to do the same.

Kindly include this letter in the official record of the above-referenced project application.

Nothing in this letter is intended to waive any claim or defense Mr. Hopmeier and Unconventional Concepts, Inc. possess or may possess in the future.

[SIGNATURE ON FOLLOWING PAGE]

Sincerely,

Norfolk Beier PLLC



By: Matthew D. Norfolk, Esq.

cc: Michael Hopmeier

NEW YORK STATE | Department of Environmental Conservation

KATHY HOCHUL
Governor

AMANDA LEFTON
Commissioner

December 1, 2025
(Via Email Only)

Barbara Rice
Executive Director
Adirondack Park Agency
1133 State Route 86
Ray Brook, NY 12977

Re: APA Project 2021-0276
Sponsor/Applicant: Michael Hopmeier/Unconventional Concepts, Inc.

Dear Executive Director Rice,

By letter dated November 20, 2025, I was appointed to serve as hearing officer for the Agency's hearing on the above referenced project application pursuant to section 580.8(a) of the Agency's regulations. By this letter I make full disclosure, as part of the record, of all information relevant to the issue of bias or disqualification. Prior to accepting the appointment as hearing officer in this matter I ensured that I had no professional or financial connection with Michael Hopmeier, Unconventional Concepts, Inc., Diversified Upstate Enterprises, LLC, Pulsifer Logging, LLC and James Pulsifer and determined that there was no issue of bias or other disqualification pursuant to 9 NYCRR 580.8 of the Agency Regulations. Additionally, I considered potential parties or intervenors to the Agency's hearing on the project application and ensured that I have no current or recent professional or financial connections that might raise an issue of bias or other disqualification.

The role of hearing officer in this matter, as set forth in APA Project Order 2021-0276 issued November 14, 2025, is to develop an evidentiary hearing record on the three issues identified in the Order. The Agency is not requesting that the hearing officer make findings of fact or conclusions of law and reserves to itself the exclusive right to make its own findings of fact and conclusions of law as part of its final Agency determination and order pursuant to 9 NYCRR 580.18. I am confident that I can fulfil the duties of hearing officer in this matter impartially and without any bias to any current or future party with respect to any determination I may make during the hearing.

Sincerely,



Hon. David Greenwood
Administrative Law Judge

cc: Mattew D. Norfolk, Attorney for the applicant
Michele M. Stefanucci, Chief Administrative Law Judge
Damion K. L. Stodola, APA Counsel
Shane Kelly, Norfolk Beier PLLC
Angela Bates, APA

NEW YORK STATE | Adirondack Park Agency

KATHY HOCHUL
Governor
BARBARA RICE
Executive Director

December 3, 2025

(By E-Mail: mnorfolk@norfolkbeier.com)

Matthew D. Norfolk, Esq.
Norfolk Beier PLLC
The Outpost
55 Barn Road, Suite 201
Lake Placid, New York 12946

(By E-Mail: david.greenwood@dec.ny.gov)

Honorable David Greenwood
Administrative Law Judge
NYS Department of Environmental Conservation
Office of Hearing and Mediation Services
625 Broadway, First Floor
Albany, NY 12233-1550

Re: APA Project 2021-0276
Recusal Request

Dear Mr. Norfolk and Judge Greenwood:

I write to address the challenge Mr. Norfolk raised to the appointment of ALJ Greenwood. (Letter from Mr. Norfolk dated November 24, 2025, "Norfolk Request".) In response, I offered Mr. Norfolk and ALJ Greenwood an opportunity to address the conclusory allegations of bias contained in the Norfolk Request. Mr. Norfolk declined to supplement his initial letter and ALJ Greenwood submitted a response. (Letter from Mr. Norfolk dated November 26, 2025; letter from ALJ Greenwood dated December 1, 2025.) As set out below, I find no reason at this time to disrupt ALJ Greenwood's selection as hearing officer. This letter, in addition to those referenced above, will be included in the hearing record.

Mr. Norfolk alleged that ALJ Greenwood should "voluntarily recuse" himself, because there is "undoubtedly" an appearance of impropriety based on ALJ Greenwood's past employment with the Adirondack Council, an organization that submitted comments in opposition to the proposed project. (Norfolk Request at pp. 1-2 and Ex. 1.) Yet, an exhibit Mr. Norfolk attached in support of his request reflects that such employment ended in 2000, 21 years before Mr. Norfolk's client submitted his proposal to the Agency and 22 years before the Council commented on the proposal. The span of over two decades—which time span Mr. Norfolk does not explicitly mention in his letter—undermines an inference upon which to conclude that ALJ Greenwood was involved in the Council's public comments.

As explained in my letter dated November 26, 2025, despite the clear procedural mechanisms in place for challenging the selection of a hearing officer, the Norfolk Request instead requested ALJ Greenwood "voluntarily recuse" himself, which circumvents the disqualification procedures under applicable law and rule.[1] In the interest of fairness and to ensure this matter was included in the record, I requested Mr.

[1] *See* APA rule 580.8; SAPA section 303.

Norfolk provide facts that might support his allegation that there was "undoubtedly" an appearance of impropriety in ALJ Greenwood's selection, mindful that employment alone—and which ended over two decades prior to Council's public comment on the project—would appear insufficient to create an appearance of impropriety or bias. I also offered ALJ Greenwood an opportunity to submit any information he deemed relevant.

Mr. Norfolk declined the request. (Norfolk letter dated November 26, 2025.) ALJ Greenwood submitted a disclosure confirming that: (i) he had "no professional or financial connection" to the parties; (ii) "no current or recent professional or financial connection" that might raise an issue of bias or other disqualification concerning potential parties or intervenors; and (iii) he is confident that he can fulfill his duties impartially and without any bias. (ALJ Greenwood Letter dated December 1, 2025.)

In considering the materials before me, I am unable to find any fact that supports Mr. Norfolk's allegation of bias or that there is "undoubtedly an appearance of impropriety" in ALJ Greenwood's selection. Despite being invited to do so, Mr. Norfolk has not identified a specific disqualifying connection or relationship between ALJ Greenwood and the Adirondack Council's public comments on the proposed project; to the contrary, the only fact Mr. Norfolk included in his submission suggests ALJ Greenwood's employment ended 21 years prior to Mr. Norfolk's client project application and 22 years before the Adirondack Council submitted its public comment on the proposed project. This timeline undermines any inference upon which to conclude that ALJ Greenwood was involved in the Council's submission.[2]

To the extent Mr. Norfolk suggests that my request for additional information conflicts with the provision that "all parties shall be given sufficient opportunity to challenge [the hearing officer's] designation by filing the affidavit referred to in Section 303 of the State Administrative Procedures Act", he is wrong. Setting aside the absence of factual material sufficient to raise any issue of bias or impropriety, Mr. Norfolk's letter circumvented applicable rules governing the process for doing so. In short, I did not, as Mr. Norfolk incorrectly suggests, set a deadline for challenging the designation of the hearing officer; instead, I responded to a facially improper request, ensured it became part of the hearing record, and afforded Mr. Norfolk an opportunity to supplement the conclusory allegations of bias in his letter, which he declined to do.

[2] Even if such employment overlapped—which in this case it does not—there is still no allegation of fact suggesting a connection, relationship, or other fact to challenge the impartiality of the ALJ. That an organization ALJ Greenwood used to work for—prior to attending law school and 21 years before the project at issue was submitted to the Agency—expressed opposition to the proposed project is by itself an insufficient basis for disqualification.

Based on the foregoing, I find no reason to disqualify ALJ Greenwood from serving as the hearing officer in this matter.

Sincerely,

Barbara Rice
Executive Director

cc: Chief Administrative Law Judge Michele M. Stefanucci (By E-Mail)
Damion K. L. Stodola, Counsel (By E-Mail)

NORFOLK BEIER PLLC
ATTORNEYS AT LAW

December 5, 2025

Via Email Only
Ms. Barbara Rice
Executive Director
NYS Adirondack Park Agency
1133 State Route 86
Ray Brook, New York 12977
barbara.rice@apa.ny.gov

Re: Disqualification of ALJ David N. Greenwood
APA Project 2021-0276 (the "Project")
Sponsor/Applicant: Michael Hopmeier/Unconventional Concepts, Inc. (collectively, the "Applicant")

Dear Executive Director Rice:

As stated in my letter to ALJ David N. Greenwood requesting he recuse himself, dated November 24, 2025, based upon his Linked-In profile (*see* https://www.linkedin.com/in/david-greenwood-5a71979/ (last visited December 5, 2025)), for seven years ALJ Greenwood was employed by The Adirondack Council as its Policy Analyst. As you know, The Adirondack Council has taken an official position against approval of the Project. It filed with the Adirondack Park Agency letters of opposition and has publicly lobbied against the Project.

A judge is to act at all times in a manner that promotes public confidence in the integrity and impartiality of judges, to refrain from allowing family, social, political or other relationships to influence his or her judicial conduct or judgment and to avoid even the appearance of impropriety. "[D]oubts as to the existence of a conflict of interest are resolved in favor of disqualification in order to avoid even the appearance of impropriety." *Janczewski v. Janczewski*, 2019 NY Slip Op 01062, 2, 169 A.D.3d 773, 774 (2nd Dept. 2019) (citations omitted). Judges must recuse themselves "in cases where their impartiality 'might be reasonably questioned.'" *See* Advisory Comm on Jud Ethics Op 19-76 (2019) *quoting* Rules Governing Jud Conduct (22 NYCRR §100.3(E)(1)).

The appearance of justice would be better served by ALJ Greenwood's voluntary recusal. I am confident that ALJ Greenwood recognizes that an adjudicatory hearing should never be conducted save in a manner and under circumstances that reflect complete impartiality. "Not only must there be no partiality, in fact, even the appearance of partiality is to be avoided." *See Johnson v. Hornblass*, 93 A.D.2d 732, 733 (1st Dept. 1983). ALJ Greenwood's impartiality is reasonably questioned by the Applicant and his presiding over the adjudicatory hearing herein creates an appearance of partiality or impropriety.

When you offered ALJ Greenwood to submit an *affidavit* to respond to the Applicant's request for recusal, ALJ Greenwood failed to do so. Rather, he submitted an unsworn overly broad boilerplate statement, dated December 1, 2025, wherein he asserts that he had "no *current* or *recent* professional or financial connections that might raise an issue of bias or other disqualification." (Emphasis added.) He does not state that he had no *past* or *former* professional or financial connections that might raise an issue of bias or other disqualification. In fact, he utterly fails to mention in his unsworn statement The Adirondack Council, let alone provide reasons to support his apparent belief that his past employment, specifically with The Adirondack Council, is not grounds for disqualification. The Applicant and the public at large are left guessing what ALJ Greenwood's position is on the issue of whether his former employment with The Adirondack Council is relevant to the issue of bias or other disqualification.

Moreover, it is reasonable to presume that given the Applicant's request for recusal ALJ Greenwood would have also disclosed whether or not he is or was a member of The Adirondack Council, and if he *was* a member of the environmental group, provide the date his membership terminated. This information must be disclosed by ALJ Greenwood.

Pursuant to 9 NYCRR §580.8(b):

> **Any issue concerning the qualification of the hearing officer *shall be resolved in a pre-hearing conference if possible*. All parties shall be given sufficient opportunity to challenge his designation by filing the affidavit referred to in section 303 of the State Administrative Procedure Act with the executive director, on notice to the hearing officer and the other parties.**

(Emphasis added.)

As plainly stated in §580.8(b), issues concerning ALJ Greenwood's qualification shall be resolved in a pre-hearing conference if possible. Having such a conference is certainly possible as is resolving the issue of ALJ Greenwood's qualification raised by the Applicant. If the issues of qualification cannot be resolved at such a conference, the parties are to be "given sufficient opportunity to challenge his designation."

As a consequence of ALJ Greenwood's refusal to recuse himself and in light of the provisions of §580.8(b), the Applicant reserves its right to file a challenge of ALJ Greenwood's designation as the presiding administrative law judge. Any such challenge by the Applicant will be submitted to you after the pre-hearing conference if the issue of ALJ Greenwood's qualification is not resolved thereat, as contemplated by §580.8(b).

[Signature on Following Page]

Respectfully,

Norfolk Beier PLLC



By:
Matthew D. Norfolk, Esq.

cc: Hon. David N. Greenwood, ALJ
Hon. Michele M. Stefanucci, CALJ
Grace Sullivan, Esq., APA Senior Attorney

NEW YORK STATE | Adirondack Park Agency

KATHY HOCHUL
Governor

BARBARA RICE
Executive Director

December 11, 2025

(by email: mnorfolk@norfolkbeier.com)

Matthew D. Norfolk, Esq.
Norfolk Beier PLLC
The Outpost
55 Barn Road, Suite 201
Lake Placid, New York 12946

Re: APA Project 2021-0276
Recusal Request

Dear Mr. Norfolk,

I am in receipt of your letter dated December 5, 2025. Across several letters, I have clarified the process for submitting challenges to ALJ Greenwood's selection as hearing officer. Again, you have declined to follow that process and mischaracterized the record. Again, I will outline the process.

If you wish to challenge ALJ Greenwood's selection, then please comply with the applicable rules and submit an affidavit pursuant to section 303 of the State Administrative Procedure Act and section 580.8(b) of Agency Regulations, which you have yet to do. This process provides parties opportunity to challenge the hearing officer's selection and provides the hearing officer and parties opportunity to respond. When or if I receive a such an affidavit, I will then provide the parties and the hearing officer a schedule to provide responding affidavits and schedule a conference to address any further challenge if possible. I will then issue my determination pursuant to 580.8(d), without limiting my discretion to allow any further submissions if I deem it necessary pursuant the same provision. I will then publish the materials and my determination as part of the record.

Sincerely,

Barbara Rice
Executive Director

cc: Hon. David Greenwood (by email)
Chief Administrative Law Judge Michele M. Stefanucci (by email)
Damion K. L. Stodola (by email)

NORFOLK BEIER PLLC
ATTORNEYS AT LAW

December 11, 2025

Via Email Only
Ms. Barbara Rice
Executive Director
NYS Adirondack Park Agency
1133 State Route 86
Ray Brook, New York 12977
barbara.rice@apa.ny.gov

Re: Disqualification of ALJ David N. Greenwood
APA Project 2021-0276 (the "Project")
Sponsor/Applicant: Michael Hopmeier/Unconventional Concepts, Inc. (collectively, the "Applicant")

Dear Executive Director Rice:

I am in receipt of your letter of December 11, 2025, in response to mine of December 5, 2025. Please consider this letter in reply to yours of December 11, 2025.

With your letter of December 11, 2025, it is the first time you acknowledged that a pre-hearing conference is required if issues concerning Administrative Law Judge ("ALJ") Greenwood's qualification are raised. This is a good step in the right direction. However, you continue to proceed in noncompliance with 9 NYCRR §580.8. Section 580.8(b) states, in pertinent part:

> **(b) Any issue concerning the qualification of the hearing officer shall be resolved in a pre-hearing conference if possible.**

Now you are advising me to file a challenge against ALJ Greenwood's designation, if my client wishes to do so, before having the pre-hearing conference required pursuant to §580.8(b). The plain language used in §580.8(b) makes it clear that when an issue has been raised concerning an ALJ's designation that issue is to be resolved at a pre-hearing conference, if possible. No formal "challenge" is necessary before holding the pre-hearing conference.[1] If that were the case, §580.8(b) would have stated so. An issue simply must be raised; something the Applicant did here. The intent of §580.8(b) is to have the parties and the ALJ attempt in good faith to resolve issues of qualification to avoid the filing of a formal challenge. If a resolution cannot be accomplished, then a party may file a challenge. Yet, again, you are instructing me to file a challenge, if the Applicant wishes to do so, before the mandatory pre-hearing conference. This is contrary to §580.8(b). Based upon the foregoing, on behalf of the Applicant, I hereby object to

1 The word, "challenge," is a specific term used in §580.8(b). A "challenge" is a procedural device.

your directive for the Applicant, if it wishes to do so, to file a challenge of your designation of ALJ Greenwood before the pre-hearing conference required under §580.8(b).

In your letter if December 11, 2025, you also state that if my client were to file a challenge, thereafter you will order a conference to be scheduled "to address any further challenge." If it is your intent to permit other parties – none of which exist at the moment – to file a challenge and participate in the mandatory pre-hearing conference, I have no objection to that. That approach promotes administrative economy. If it is your intent to permit me as counsel for the Applicant to file more than one challenge, I have no objection to that. In light of the ambiguity demonstrated above, I ask that you clarify what you mean when you say "any further challenge" may be addressed at the pre-hearing conference.

On another note, it is my understanding that my letter, dated November 25, 2025, requesting you investigate whether members of Adirondack Park Agency staff are making public comments on the Project has not been made a part of the official record of the Project application. Kindly include said letter in the record. A copy of my November 25, 2025, letter is attached hereto for your convenience.

Respectfully,

Norfolk Beier PLLC



By:
Matthew D. Norfolk, Esq.
Attachment
cc: Hon. David N. Greenwood, ALJ
Hon. Michele M. Stefanucci, CALJ
Grace Sullivan, Esq., APA Senior Attorney
Damion Stodola, Esq., APA General Counsel

NORFOLK BEIER

November 25, 2025

Via Email Only
N.Y.S. Adirondack Park Agency
Attn: Ms. Barbara Rice, Executive Director
1133 NYS Route 86
Ray Brook, New York 12977
barbara.rice @apa.ny.gov

Re: APA Project 2021-0276
Sponsor/Applicant: Michael Hopmeier/Unconventional Concepts, Inc.

Dear Ms. Rice:

We have reason to believe an employee at the Adirondack Park Agency ("APA") or a proxy for an APA employee may be publicly commenting on the above-referenced application under the alias, "Tobin Sturgess." Tobin and Sturgess are characters in the popular television show, "The Walking Dead." Attached are the comments we suspect were posted online by an APA employee or his or her proxy.

As you will read, one comment disparages my firm and suggests that its attorneys, including myself, are unethical and conducting ourselves in an inappropriate way in the representation of the project sponsor, Mr. Michael Hopmeier, and the applicant, Unconventional Concepts, Inc. In other comments involving the above-referenced project, "Tobin Sturgess" comments either defend or applaud the APA's actions within the application process. In one comment, he or she cites to 9 NYCRR §§580.2 and 572.8(b) (provisions of the APA Act) in doing so.

"Tobin Sturgess" has also commented on news articles not involving the above-referenced project but involving the APA in other matters. Those comments are included in the attachment. In those comments, "Tobin Sturgess" again defends and supports the APA. Notably, in one comment on a news article about litigation against the APA for apparently finding clearcutting near Loon Lake legal, "Tobin Sturgess" questions whether the individuals suing the APA have standing and why they filed the proceeding in Warren County.

Based on the comments of "Tobin Sturgess," it is clear that he or she or his or her proxy possesses substantial knowledge about the above-referenced project, APA permit review procedure in general, the Adirondack Park Agency Act, past actions of the APA, APA Staff, and the APA's potential relocation to Saranac Lake.

If "Tobin Sturgess" is, indeed, an employee of the APA or his or her proxy, the entire review process of the above-referenced project has been compromised. Public awareness of the project

was and is generated in large part by the news media. Many members of the public read the articles and the comments related to the articles posted by others. Public opinion is certainly influenced by the articles and the comments. I would be shocked if no one who submitted comments to the APA in connection with the above-referenced project did not read the "Tobin Sturgess" comments. As you know, one factor the APA Board considered when ordering a public hearing was the number and nature of the comments submitted to the APA. Furthermore, if "Tobin Sturgess" is an APA employee or his or her proxy, any FOIL responses by the APA, whether relating to the above-referenced project or the other matters on which "Tobin Sturgess" has commented, that do not include the "Tobin Sturgess" comments are deficient and contrary to New York State Public Officers Law.

In light of the foregoing, on behalf of Mr. Hopmeier and Unconventional Concepts, Inc., I request that you conduct an investigation to determine whether an APA employee or his or her proxy is "Tobin Sturgess" and report to me your findings. If "Tobin Sturgess" is an employee of the APA or a proxy for an APA employee, approval of the above-referenced project without a public hearing must be reconsidered by the APA Board.

If "Tobin Sturgess" is not an employee of the APA or his or her proxy, my clients and I have no gripe. Every member of the public has the right to publish his or her opinion and true and accurate facts about the above-referenced project. Frankly, we hope that is the case. It would be unfortunate for the APA and my clients otherwise. Regardless, my clients and I look forward to the results of your investigation requested herein.

Kindly include this letter in the official record of the above-referenced project.

Nothing in this letter is intended to waive any claim or defense Mr. Hopmeier and Unconventional Concepts, Inc. posses or may posses in the future.

Sincerely,

Norfolk Beier PLLC

By: Matthew D. Norfolk, Esq.

Attachments

cc: Mr. Michael Hopmeier
Mr. John Burth

Adirondack EXPLORER

APA could send proposed cannon testing range to rare public hearing

The Adirondack Park Agency board will discuss the proposal to test-fire howitzers at its Nov. 13-14 meeting



By Gwendolyn Craig
November 7, 2025



The missile silo in Lewis. Michael Hopmeier, its owner, proposes to test-fire howitzers nearby on a logging company's lands. Photo by Tom French

The Adirondack Park Agency (APA) is preparing to potentially hold its **first adjudicatory hearing in 14 years** over a **proposed artillery testing range** in the northeastern Adirondacks. Such a hearing, which APA staff are recommending, is the only way the agency can significantly modify or deny a permit.

This is the first artillery testing range the agency has ever reviewed.

The **agency posted a draft order** on its website identifying three issues a hearing would address for Unconventional Concept's plan to test-fire howitzers in the town of Lewis. The draft order is part of meeting materials for the agency's regulatory committee for its **Nov. 13-14 meeting.**

RELATED READING: APA hearings, explained

Ben Brosseau, APA assistant public information officer, wrote Monday morning after the story posted: "The referral to a hearing will seek, through an independent, fair, and impartial process, to fully address the substantive and significant questions surrounding this project and ensure a complete record upon which the Agency will ultimately render its final determination."

The order remains unsigned and it appears the APA board will vote on whether to send it to a hearing. It's still possible the agency board could approve the project.

The issues, paraphrased, include:

1. Whether the project is compatible with "ensuring overall conservation, protection, preservation, development and use of the unique scenic, wildlife, recreational, open space, ecological, and natural resources of the Adirondack Park."
2. Whether the project is compatible with the rural use land classification and whether the project should be considered a "commercial use."
3. Whether the "testing range would have an undue adverse impact upon the natural, scenic, ecological, wildlife, recreational or open space resources of the park." For example, the agency questions the potential noise, ecological, health and safety impacts.

Michael Hopmeier, of Unconventional Concepts, has received six notices of incomplete application since November 2021 when he first applied for an agency permit. It wasn't until this September that APA staff said his application was complete.



Michael Hopmeier, owner of Unconventional Concepts, answers questions at a community meeting in Lewis. Photo by Tim Rowland

Hopmeier proposes to test the internal ballistics of portable 155mm howitzers by test-firing them up to 30 times per year on weekdays from 10 a.m. to 4 p.m. The testing site is on 197 acres of property owned by a local logging company. The testing would involve firing steel projectiles into a pile of sand, using privately owned Big Church Mountain as a backstop.

Hopmeier has declined to say who is sponsoring the testing, but in a letter to the agency suggested it was "to enhance the public good by improving national security." Originally it was pitched as a project for the U.S. Army at Benet Laboratories in Watervliet, but a stop-work order was issued in August 2022. It's unclear if the Army renewed its proposal with Unconventional Concepts.

Most complete project applications in recent years get approval at the staff level or go before the agency board and are approved with minor adjustments. Staff, however, are recommending the project go to an adjudicatory hearing before an administrative law judge.

Besides the questions staff want a hearing to address, the order outlines why an adjudicatory hearing is necessary. Among those reasons include the degree of public interest. The agency said it has **received 1,400 comments so far.** Of those, just 19 support the project.

Hopmeier could not be immediately reached for comment on Friday. **But in a letter dated Nov. 6,** he criticized the agency and the comments submitted on his proposal.

He was particularly annoyed that the APA approved a permit for **NYCO Minerals, now Imerys, to mine more than 300 feet underground** down the road in the town of Lewis. The mining operation takes place on a rare parcel of land classified in the park as for industrial use. That application remains pending with the state Department of Environmental Conservation.

"(W)e do not understand how it can be acceptable to destroy parts of the Park, but unacceptable to use firearms in the Park," Hopmeier wrote.

Hopmeier, who also owns a former nuclear missile silo in the town of Lewis, touted his company as "an exemplary steward of the land and environment. We have spent significant time and many hundreds of thousands of dollars cleaning up the property."

Environmental groups have been calling for a hearing on the test-firing range.

Jackie Bowen, director of conservation at the Adirondack Council, sent a letter to the agency on Oct. 30. "(F)iring projectiles up to 30 times per year--presents unique risks and potential impacts that warrant the highest level of scrutiny," she wrote. "We therefore urge the Agency to advance this application to a full adjudicatory hearing to ensure a complete and robust record to safeguard the Adirondack Park for current and future generations."

The last time the APA held such a hearing was in 2011 over the Adirondack Club and Resort in Tupper Lake, a subdivision proposal involving 206 single-family homes, 125 multi-family homes, a 60-room inn, redeveloped marina and ski area. The hearing involved 4,000 pages of records, seven full days of meetings across three months.

Ultimately the project was approved in 2012, but **the project never happened.**

Editor's note: This story was updated Monday morning to include a comment from the Adirondack Park Agency.

Todd Eastman

November 7, 2025 at 6:14 pm

"Hopmeier proposes to test the internal ballistics of portable 155mm howitzers by test-firing them up to 30 times per year on weekdays from 10 a.m. to 4 p.m."

Hard to see what value such infrequent testings would bring in production or design. Without more information about the tests, the APA and citizens have nothing to base a permit on. What issues were raised in Watervliet?

Steve Hendershot

November 10, 2025 at 9:21 am

Are you a ballistics engineer to know what is valuable and what is not?

Todd Eastman

November 11, 2025 at 1:20 am

Nope not a ballistics expert, but I did read Mad Magazine… 😎

Bob

November 7, 2025 at 8:35 pm

"(W)e do not understand how it can be acceptable to destroy parts of the Park, but unacceptable to use firearms in the Park," Hopmeier wrote."

Firearms like a 155 mm howitzer?

There is a quiet joy in stepping into the woods at dawn, when the air is crisp and the forest seems to hold its breath. Walking among tall trees, listening to birds and the soft crunch of leaves, hunting with my trusty portable 155 mm howitzer (it is, after all, just a firearm) becomes less about outcome and more about attunement to the rhythms of the land—patience, observation, and the slow accumulation of moments that remind you how small you are in a living, changing world.

Bethany Slifka

November 8, 2025 at 7:36 am

Number of Howitzers? 30 times per year. By what religious organization? In a rural unmonitor setting for how many years? The Adirondacks natural landscape is for outdoor enthusiasts to enjoy. Not for a high power rifle club to use for a weekend get away. Sponsorship by and with what organizations. Sounds to me a informative conversation with Watervaliet permit board needs to be addressed. Please, keep our Adirondack park a safe environment for the next generation.

Steve Hendershot

November 10, 2025 at 9:26 am

Why are you talking about a high power rifle club? They are everywhere throughout the park called fish and game clubs or rod and gun clubs. Do you even know what a high powered rifle is? So yes "high power rifle clubs do belong in the park and were here long before environmentalists started thinking they own the park.

Jim Reinhard

November 9, 2025 at 9:20 am

Haha

Zachary Denton

November 12, 2025 at 4:33 pm

There is minimal impact. Do you even know how loud one actually is? These complaints are completely blown out of proportion. Its good for the town. This is his private property first and foremost, and second, there is absolutely nothing dangerous or damaging that is occurring. We blast in mines, shoot fireworks, have shooting ranges (all over the place) on private property everywhere. I also think this is not a place for people who aren't residents of Lewis to comment. This is not a park wide issue, and there are no designates hiking and camping areas nearby.

Bill Keller

November 12, 2025 at 6:12 pm

At close range, a 155mm howitzer can generate about 180 dB, and a 105mm howitzer produces around 148 dBA at a distance of 25 meters. Even at distances of 500 feet (about 150 meters), artillery fire is listed at 150 decibels, posing a risk of hearing damage to unprotected ears. The sound of artillery fire can travel long distances, sometimes over 100 miles, depending on atmospheric conditions, wind direction, and terrain.

Zachary Denton

November 12, 2025 at 8:05 pm

Its not a full charge. You clearly aren't educated on what is occurring, like most people writing and reading these articles. Its a reduced charge, shot at a closer range, to mimic an impact at long range. Do you also know that a general hunting rifle produces up to 180 decibels? People don't hear those 100 miles away. The fear is absolutely diaproportional to the risk.

Bill Keller

November 12, 2025 at 8:33 pm

What fear, this does not belong in the Adirondack Park. The Army canceled the contract awhile back so who is he testing Howitzer barrels for? You might think it's a great idea, others not so much. The testing can be at a reduced charge but not always. "The agency said it has received 1,400 comments so far. Of those, just 19 support the project". In your opinion the public doesn't matter.

Todd Eastman

November 8, 2025 at 8:43 am

It seems Mr. Hopmeier did not perform his due diligence regarding zoning and permitting within NYS, and especially within the Adirondack Park's Blue Line.

His letter to the APA reflects an attitude incompatible with participating in the public process. If his firm were to receive a permit, would Hopmeier honor that permit? If the letter to the APA represents his views, compliance to the permit's terms seems like a big maybe....

Bob

November 8, 2025 at 9:35 am

"...reflects an attitude incompatible with participating in the public process."

I agree.

The letter, in my mind, reflects an air of entitlement, as though Mr. Hopmeier can bully his way through the complaints he characterized as "unrelated to reality."

Mr. Hopmeier's body language in the photo of him at the community meeting in Lewis is, I think, quite telling.

Tobin Sturgess

November 8, 2025 at 9:35 am

I hope the former APA attorney who worked on this application (and come to think of it the ACR adjudicatory hearing) and now works for Hopmeier's attorney at Norfolk Beier is honoring her lifetime bar. Seems a bit fishy.

Joan Grabe

November 8, 2025 at 12:07 pm

I have never heard such an insane idea as a firing range in a state park ! Our state park !!!! If the APA approves this without a public hearing we should file a class action suit to stop this project and disband the APA. I would be happy to be part of this suit.

Lara Kenalds

November 8, 2025 at 7:41 pm

The article is literally saying that there is a draft order for an adjudicatory hearing on the APA website, which is a required prerequisite for potentially denying it some day. Call off the hounds on a class action lawsuit (you'd need an article 78 actually) and disbanding the Agency.

Joan Grabe

November 9, 2025 at 11:32 am

They haven't had an adjudication public meeting in years !! They are increasingly ineffective. Class action suits are highly effective and they are not immune to such actions !

Tobin Sturgess

November 10, 2025 at 3:59 pm

Class action? Who is the class? You living in saranac lake does not make you have standing or qualify you as a class for a project in Lewis.

And the other thing you don't point out is that time after time these last few years when the agency was sued over not holding an adjudicatory hearing the agency has come out victorious because the staff is giving a hard look at potential environmental impacts and addressing that during project review and therefore not need a hearing. Upper saranac lake, white lake, lower saranac lake, lake George. Every single time the judge and the law sides with the agency.

They would be doing the right thing by sending Hopemeier to adjudicatory hearing.

stephanie

November 8, 2025 at 4:06 pm

This is the mission statement of the Adirondack State Park. Does anyone believe testing ballistic missiles falls within the mission statement? Read for yourself: "The mission of the Adirondack State Park is

to protect its public and private resources while balancing environmental conservation with sustainable economic development for residents. The park's founding mission was for "the free use of all the people for their health and pleasure" and for watershed protection. Various organizations contribute to this mission, such as the Adirondack Park Agency (APA), whose goal is to protect both public and private resources, and the Adirondack Council, which focuses on ensuring the ecological integrity and wild character of the park for future generations. "

Steve Hendershot

November 10, 2025 at 9:30 am

I don't see anything is this that says this is not permitted.

Zachary Denton

November 12, 2025 at 4:36 pm

Balancing economic development. I think it is addressed. Many members of the town of Lewis are in favor

Bill Keller

November 9, 2025 at 10:28 am

1400 public comments with just 19 in favor. That should be enough to say no to this unbelievable proposal.

Barbara Grant

November 9, 2025 at 7:37 pm

I agree

Zachary Denton

November 12, 2025 at 4:36 pm

Unfortunately the media, including this newspaper. Have portrayed this in a very poor way, and a very biased way. I hope this succeeds. I'm from Lewis and know many residents that do not care and think this is positive for the town. Please don't comment on something you know nothing about.

Brandon

November 10, 2025 at 7:18 am

He plans to do the test firing on land owned by Pulsifers Firewood. Perhaps if everyone in Lewis stops buying firewood from them, and publicly ridicule them for being a part of this fiasco, then maybe their attitude would change and not be willing to let the testing happen on their property. It all sounds to me like a few rednecks getting together to have a party firing the biggest guns they have vs any kind of real testing. Wouldn't real testing take place at a military base and have government backing it up. I live in Lewis, and over the years have

been appalled by some of the things that are allowed to go on here. It's time for a new Town Supervisor for sure. Time to end the Good Old Boys Club!

Jeanne

November 10, 2025 at 12:12 pm

The Mission of the Adirondack State Park is……? If you don't know it..learn it!
It's 100% a No from me!

Glenda Smith Rowe

November 11, 2025 at 3:47 pm

This is insane. Who is behind this? Who owns the land? Who benefits?
At this time in our government agencies and leaders, I would be suspicious of who, what, why, when and how. NO to this idiocy.

Kim

November 11, 2025 at 4:52 pm

Seems that ballistic firearms are incompatible with the concept of 'park'.

Zachary Denton

November 12, 2025 at 4:37 pm

I would say the same thing about putting in a 1000 acre solar farm. Nobody thats against this seems to be against that.... funny

Zachary Denton

November 12, 2025 at 8:15 pm

I would like to address the irrational concerns this newspaper wants to apparently propagate. Didn't know a local paper could be so good at propaganda.

Most people that have concerns are concerned with ruining the Adorondack forever wild ascetic. These same concerned individuals tend not to care about ecological impact of most outdoor recreation. Think ski resorts, mtn bikers and tourists in sneakers on a 46er trail. A lot of the concern is self absorbed, manisfested something similar to "I don't want to hear canons going off in the woods", which is wrong beacuse its not even a full charge., but I digress. Think this way, I'm a hunter and I don't want more hiking trails because it disrupts the wildlife. That doesn't mean there shouldn't be hikers, and hikers could say I can't hunt because they might hear my gun. Doesn't mean I shouldn't be able to hunt. Also, what about the states Amendment to let Mt. Vanhovenburg sit on state land!! Don't think that's compatible with the state constitution, but it makes the governor too much money. This guy at least wants to put his howitzer on private land.

Lastly, you can't convince me that solar panels = forever wild. Not compatible whatsoever, but this paper is all in on EV and putting up 1000 acre solar farms accross the landscape.

Enough of compatibility with the ADKs. The discussion should be is this safe. And it is. And, he actually cleaned this site up drastically, following all of the federal protocols to ensure it was environmentally clean. The paper should celebrate it, not denigrate it.

Bill Tadams

November 13, 2025 at 6:00 pm

That's the whole point of a constitutional amendment – for the people to vote to make a 50 year old oversight legal and add 2,500 acres to the forest preserve.

Also, there are no 1,000 acre solar farms in the park. The largest proposed/approved one is the Boralex Foothills solar project in Mayfield and its 200 acres. And, the APA didn't even approve that, it was preempted by ORES.

A howitzer testing projects that adds no real jobs to the Lewis or Adirondack economy is nowhere close to a good comparison to a solar project. No one wants to hear giant cannons firing into mountain sides in this park. A solar farm makes no noise. A howitzer is not a gun you would hunt with. The sound and vibration levels are exponentially higher.

Adirondack
EXPLORER

GOVERNMENT

Artillery weapon testing proposal moves forward in Lewis

Four years after original application, public invited to weigh in on howitzers testing plan



By Gwendolyn Craig
October 16, 2025



The missile silo in Lewis. Michael Hopmeier, its owner, proposes to test-fire howitzers nearby on a logging company's lands. Photo by Tom French

Nearly four years after submitting a proposal to test-fire howitzers in the Adirondacks, Michael Hopmeier's **application to the Adirondack Park Agency is complete and out for public comment.**

The project in the town of Lewis involves firing steel projectiles into a pile of sand, **using the privately owned Big Church Mountain as a backstop**. Firing will take place between 10 a.m. and 4 p.m. on weekdays, up to 30 times per year, according to the application description.

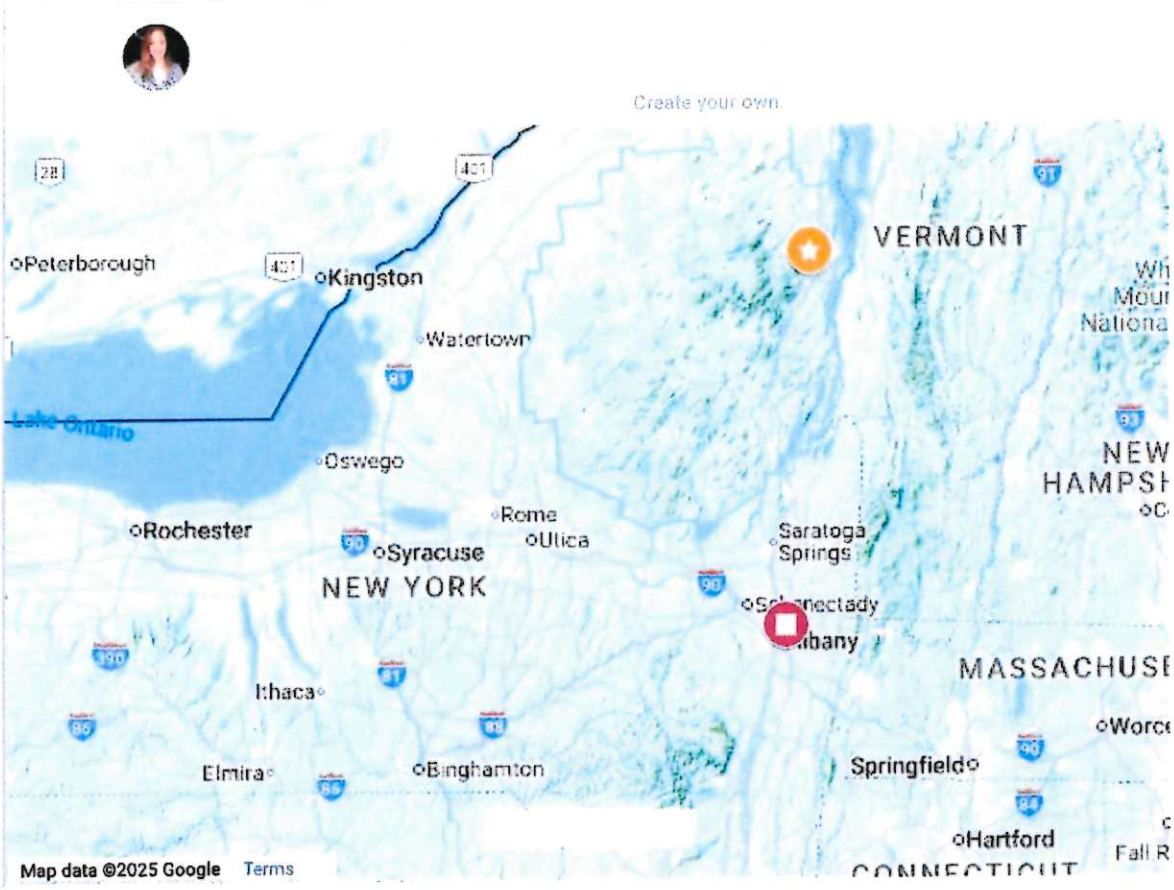
The goal is to test the internal ballistics of a portable 155 mm howitzer barrel "to ensure the most efficient means of manufacturing and recurring cost of ownership, thereby reducing waste and cost, as well as improving performance," according to the initial application.

To learn more and submit comments, go to https://apa.ny.gov/contact/ApaCommentPopup.cfm?ProjectNumber=2021-0276.

Hopmeier, president and principal investigator for a private security consulting firm in Florida called Unconventional Concepts, Inc., declined to say who was sponsoring the testing.

The initial application pitched it as a project for the U.S. Army at Benet Laboratories in Watervliet, **but a stop-work order was issued in August 2022.** The Explorer's latest inquiry to an Army spokesperson bounced back with a note about being furloughed. The U.S. government remains shut down.

The APA first received Hopmeier's application in November 2021 to test howitzers on 197 acres owned by James Pulsifer on Hale Hill Lane near the Jay Mountain Wilderness. Over the years it issued six notices of incomplete application and **denied his appeal after the fifth one.**



Staff have now deemed the application complete and the agency is collecting public comments on it through Oct. 30.

The agency has **already collected dozens of comments** from nearby residents over the last several years, many who are against the idea of a firing range.

This is the first munitions testing facility application to ever come before the APA, and has environmental groups concerned about the precedent it could set and the impacts on the neighboring Jay Mountain Wilderness.



Thursday's meeting

Public meeting gets testy as residents push back against military drills, weapons testing

READ MORE

Hopmeier said he would not address the community's concerns via a newspaper article, but noted that he would be answering questions at a local meeting. **The town of Lewis posted** that Unconventional Concepts will hold an informational meeting at 6 p.m. on Thursday at the Lewis Firehouse.

The APA board, which oversees public and private development in the park, is expected to vote on the application at its November meeting.

Hopmeier told the Explorer he was glad the agency finally got through his application. It's a process, he said, "that should have been able to be handled in 60 to 90 days."

Hopmeier owns a former **Atlas F nuclear missile silo** nearby the proposed test site in Lewis, where he is already conducting indoor ballistics testing. He was **recently under fire for hosting military exercises conducted** by private contractors with retired and active military. Called Jaded Thunder, the exercises in September involved gunfire and Black Hawk helicopters flying low, alarming neighbors.

John Casseriy

October 16, 2025 at 7:16 am

Not a good look here. Thanks for the info.

djr

October 16, 2025 at 7:24 am

Freedom is not free!



Tom Vawter

October 16, 2025 at 3:21 pm

Trite Clicheé.

Steve Hendershot

October 17, 2025 at 2:02 pm

Maybe but oh so fitting! Your statement is also cliche in a fancier way making it simply cliche.

Melissa Eisinger

October 16, 2025 at 7:42 am

I wrote a comment at the site provided in this article and when I pressed 'comment' the program said 'forbidden' with no explanation.



Melissa Hart

October 16, 2025 at 8:56 am

On the APA site?

Audrey

October 16, 2025 at 9:23 pm

I was able to send a comment using the link.

Troy P

November 6, 2025 at 6:19 pm

The same had happened with me.

However, it did offer a direct email link to send in comments.

It wasn't quite as easy to see as it should have been. But I just checked the file for public comments (available at the APA website that asked for comments) and my comment was collected as were many of hundreds of others, primarily via email.

The total amount of pages of public comments is 1622.

I randomly read about 100 different comments and not one was in favor of this project moving forward.

Bob

October 16, 2025 at 7:43 am

"Hopmeier told the Explorer he was glad the agency finally got through his application. It's a process, he said, "that should have been able to be handled in 60 to 90 days."

Ah, yes. I can't think of a better location for an artillery weapon testing site than a public-private land conservation park designed to protest our natural resources.

"Kilgore: Smell that? You smell that?
Lance: What?
Kilgore: Howitzers, son. Nothing else in the world smells and sounds like that. I love the sound of howitzers in the morning. You know, one time we had a hill bombed, for 12 hours. When it was all over, I walked up. We didn't find one of 'em, not one stinkin' tree. The smell, you know that gasoline smell? The whole hill. Smelled like… victory."

May I suggest that the artillery weapon testing site be called "Jaded Blunder"?

Steve Hendershot

October 16, 2025 at 9:20 am

So dramatic! BTW, it's all being done on private land so should only be evaluated on the effects to public land or another person's land.

Bob

October 16, 2025 at 10:00 am

An artillery weapon testing range is no small matter. There's quite a lot to be evaluated to assess the public and private impact:

Safety and hazard management; range geometry, size and topography; environmental and public health; airspace, waterways and transport corridors; community, noise and land-use compatibility; fire risk and vegetation management; infrastructure, operations and instrumentation; and legal, cultural and historic constraints.

Jeff LaMarca

October 16, 2025 at 12:11 pm

What one does on private land often affects adjacent land that one does not own. If I buy the property next door to your home, and use it to play with explosives, will you be okay with that because it's my own private land, that I own, and I should be able to do whatever I want on my private property?

This guy owns 197 acres. That's less than one third of one square mile. A 155mm howitzer is a huge cannon that's towed behind a vehicle. A cannon of that size can be heard for 100 or more miles away depending on wind and topography. That's 31,000 square miles.

frank m haskell

October 22, 2025 at 4:58 pm

The Army is also testing new 155 munitions that have a range of over 100KM. It sounds like what they want to do in Lewis County is test barrels sort of like how the Vulcan gets tested by firing into the side of a mountain. Because, if I read this right, they are testing the barrels. I don't know enough to say that's it definively, But when they toss out 155MM like they have done it seems like they don't care what the public thinks and they have to have the feedback to meet some condition of the states by laws .
The barrels might be manufactured here in NYS at the Arsenal. Too much guessing. Sorry I can't be more helpful with the facts at hand.

Joan Grabe

October 16, 2025 at 2:35 pm

An artillery testing range ??? You are taking Laissez Faire to a new level.

ADKresident2

October 16, 2025 at 2:42 pm

Well, a 155mm howitzer discharge is 178 to 181 decibels depending on factors like the specific charge and projectile. This is an extremely loud noise that can cause immediate and permanent hearing damage. For comparison, a jet engine at takeoff is around 130 dB. The noise of a 155mm howitzer can travel for well over 100 miles, with specific distance depending heavily on weather, terrain, and atmospheric conditions. So unless you're aware of some way of keeping the noise pollution on the privately owned land, the effects on public land, including the Forest Preserve and the lands of Town of Lewis neighbors seems to be pretty significant.

Steve Hendershot

October 17, 2025 at 2:20 pm

If you're talking about noise pollution then you would also be opposed to a rod and gun club because one of the most common hunting rifles is a 30-06 which has a range of 160-175 dB. The club I belong to is open from 9:00am-7:00pm Mon.-Sat.. That sounds much more intrusive.

Jody

October 16, 2025 at 2:45 pm

Vonnegut would approve.

Todd Eastman

October 16, 2025 at 6:16 pm

… and so it goes…

Bob

October 16, 2025 at 8:39 am

There are numerous factors in choosing a site for an artillery weapon testing range. Here are just two considerations that are particularly applicable to the Adirondack Park:

— Environmental and public-health factors

Contamination potential (metals and explosive residues): assess risks for lead, copper, antimony, TNT/RDX/HMX and other contaminants from munitions; plan for monitoring and remediation.

Emerging contaminants (plastics, microplastics): shooting-range sources (cartridge components, packaging) can introduce plastics that persist in soil.

Habitat, protected species and water resources: avoid critical habitats, wetlands, groundwater recharge areas, and sensitive ecosystems; perform Environmental Impact Assessment (EIA).

Regulatory compliance: federal/state environmental rules for military munitions, cleanup, and permitting will constrain site choice and future use.

– Fire risk and vegetation management
Wildfire potential and ground vegetation: live-fire operations can start fires; site must allow vegetation control, firebreaks, and local firefighting access.

What will Hopmeier propose next? A radioactive waste disposal site?

Susan Weber

October 16, 2025 at 9:54 am

I hope you posted this terrific comment to the APA site!!!
This testing is a travesty.

Dan Canavan

October 16, 2025 at 2:26 pm

I wonder if a Public Nuisance Tort law Suit would be an option for the many upset residents of Lewis to address "michael come lately" private business and land owner Michael Hopmeier; whose actions are interfering with the use and enjoyment of their private property?
Just a thought.....

Jeff

October 16, 2025 at 1:05 pm

You forgot noise pollution, which would contaminate public and private land areas thousands of times larger than Hopmeier's own property. These aren't glorified machine guns – they're 155mm howitzers, which are massive long-range heavy artillery cannons that are towed behind a heavy vehicle.

Richard

October 16, 2025 at 8:42 am

If this isn't the type of nuisance that the APA was intended to prevent, then nothing is. Even a Town Planning Board wouldn't allow outdoor artillery fire. Do your job for once APA and protect the qualities that make the Park an quiet oasis of natural resources.

Joan Grabe

October 16, 2025 at 8:55 am

OMG ! If the APA passes this proposal it should shut down immediately !! What an asinine proposal !! We are always preaching wilderness and ways to strengthen snd preserve it and this moron wants to test cannons and artillery shells in the middle of it ????

Steve Hendershot

October 16, 2025 at 9:24 am

On private land! Worry about your land and public land and leave his alone. My neighbor has a compost pile that smells bad when the wind blows my way. Should I file an APA grievance?

Susan Weber

October 16, 2025 at 9:56 am

You are totally wrong. It's always been ok to control what is done on private lands. That's what zoning is, environmental regs, septic and sewer...It all protects the public from stupid stuff like this proposal.

Bob

October 16, 2025 at 10:24 am

Or, you could just talk to your neighbor, explain the issue, and see if he could move the compost pile to a different part of his property next season. You could even offer to help.

Cooperation and consideration can go a long way, especially among neighbors.

Steve Hendershot

October 17, 2025 at 2:28 pm

Oh, I have. He has a lot of space to move it to and I have a small tractor and offered to use that to move it. He's angry that I don't have one.

Maryann

October 25, 2025 at 1:03 pm

I'm totally against this project. Have we gone completely insane?is nothing sacred,the lives of our people and wild life.this weapon has been around since 1941. Many countries make these weapons. Why do they have to be tested in our mountains.

Joan Grabe

October 16, 2025 at 2:38 pm

No, you should adk him politely to move it.

ADKresident2

October 16, 2025 at 2:44 pm

Do you actually work for or with the applicant Steve? What's your interest in misleadingly minimizing the impact of this proposal?

Steve Hendershot

October 17, 2025 at 4:03 pm

I do not even know him and know little about his organization. I believe in the laws on the books and the process surrounding them. If the laws deny or support the project then I support that decision. What i don't like is the not in my back yard scenario or I don't like it so I'm going to complain. Are the people that are complaining about this on here also attending APA meetings when they are implementing laws?

Bob

October 16, 2025 at 9:25 am

They are not creating a bombing range; it's just 30 tests a year. That's absolutely nothing relative to everything else that occurs in the park. The contamination, pollution, noise, etc. collectively will not come close to the amount created by everyone else driving to a

trailhead and wanting to see and experience the wilderness in a safe, environmentally clean way. Does everyone condemn this stay home all year and never use any resources? Somehow, I doubt it.

Adktracker

October 16, 2025 at 9:27 am

Amen to Richard and Joan. It is a ludicrous proposal and the APA should shoot it down immediately (ha).
Seriously though, this is not a pro or anti military issue, it's an issue of appropriate use of natural resources.
Fireworks alone cause incredible disruption to wildlife, now they (and humans) would have to contend with this?
Have some foresight- if this precedent is set, what will be allowed in the future as the needle gets pushed?

Pat Boomhower

October 16, 2025 at 9:30 am

Camping on Long Lake in the late 60's: Dad says "Isn't it so peaceful here?" In the next few minutes, a fighter jet from Plattsburgh made a low-level run down the lake destroying that peace! This practice was finally forbidden not long after.

Yes, we do need places for practice and testing but the Adirondacks is not the place

Jeff

October 16, 2025 at 1:22 pm

Unfortunately, it's only gotten worse. Fighter jets from Vermont and Massachusetts – not the Air Force, but the state-based Nat'l Guards – regularly tear up the skies all over the Adirondacks, creating extreme noise pollution that can be heard (and even felt) across thousands of square miles of our forest preserve. There are often 2 or 3 in the sky at a given time, circling and circling, and you're lucky if you get 20 minutes of peace before they're back again.

Tom

October 16, 2025 at 5:19 pm

Maybe you should move… save your hearing… They don't fly in New Jersey much…

djr

October 19, 2025 at 2:17 pm

Tearing up the skies is along pre-approved flight corridors during pre-approved times. The difference between the Air Guard & Air Force is minimal at best and you really have no way of knowing who is in the cockpit of those aircraft.

Jeff

October 20, 2025 at 11:45 am

The "pre-approved times" are basically all day every day, and they're not in "corridors" (as in hallways) – they're multiple jets circling and circling overhead. I DO know who's in the cockpit because I spoke with someone at Ft Drum, who has authority over that airspace, and they said that they're F-16s and F-35 from Vermont and Massachusetts Air Nat'l Guard (the Reserves), not the Air Force and not from Ft. Drum (which now flies only Reaper drones).

Steve Hendershot

October 17, 2025 at 4:05 pm

"Not in my back yard"! Where would you propose they do mountainous low level training? BTW, I still see fighter jets from VT doing low level flying.

Boreas

October 18, 2025 at 9:28 am

Simulators??

There ARE mountainous areas in the US that are not under NYS Forest Preserve protection. BLM lands for instance?!? I question the logic behind routine, noisy F-35 exercises in the heavily populated Northeast to begin with. They rattle my windows with just about every flyover. I am in their flight pattern from BTV. The old B-52 overflights into Plattsburgh were less obnoxious. The previous F-16 squadron was not really much of an issue, IMO.

Howitzer testing and "armed" military maneuvers with low Blackhawk overflights does not seem at all compatible with a Forest Preserve Wilderness area next door. Absurd. Fort Drum, yes. The hamlet of Lewis and Jay Range Wilderness Area, idiotic. Where does it end? The Park is about 1/2 private land. Is this type of land use compatible with Article 14 and the Forest Preserve? Is this a precedent/trend we want to give a leg up within the Park? Firm NO from my viewpoint.

djr

October 19, 2025 at 2:20 pm

What would you do with the folks who live right outside Fort Drum? Appease them by trying to close the base and if successful love all those great jobs, jobs, jobs!

Jeff

October 20, 2025 at 11:51 am

They're not doing "mountainous" or "low level" training. They're not allowed to fly below 10,000 feet over the Adirondacks. Haven't you seen these jets? They fly way up in the sky, and apart from the noise it's hard to distinguish their altitude from a commercial aircraft. They aren't zigzagging between peaks like in a silly Hollywood movie. They're doing their noise pollution in the Adirondacks simply because VT and MA residents won't tolerate it.

Diane Cuff-Carney

October 16, 2025 at 9:43 am

If this is a Florida-based company then why are they choosing to use public land in the Adirondacks to test their destructive weapons? They should use the land of their Howitzer corporation, Florida, to test out their weapons and leave our beautiful environment alone. This is an arrogant, presumptive, ill-advised plan. Who is to benefit? Certainly not the citizens of Lewis, or the citizens of the Adirondacks or the citizens of the great state of New York.
Bad idea.

Hodgkisl

October 16, 2025 at 4:36 pm

Probably because the barrels are produced in the Watervliet arsenal, this is far closer to that than Florida, and the barrels is what they are reviewing. This is likely related to the modernization efforts that are currently being worked on at the arsenal.

So yes, many residence of the state of New York benefit and are involved in this manufacturing and the results of the testing.

Troy P

November 6, 2025 at 6:44 pm

IF we take the assumption that you make here is true.
What you state is accurate when you say many residents of NY state benefit.

However.
I ask two questions.

A. If these barrels are in fact being produced at Watervliet, which is owned and operated by the US Army. What would keep them from testing them at Fort Drum artillery range which is more than 20,000 acres?

B. If this were as you suggest, for the direct benefit of the Watervliet Arsenal, why then didn't the permit request die when the US Army itself issued a stop work order in 2023 ?

Tom

October 16, 2025 at 5:20 pm

Yeah, can't imagine how improving weapons would be any benefit to the defense of America.

djr

October 20, 2025 at 7:55 pm

I think they are using teir own land, not public land.

Wayno17

October 16, 2025 at 9:55 am

The US military is responsible for safe guarding the country and artillery is a vital part of their mission. Personally I think it might be fun to watch, like fireworks, maybe they can set up a viewing area. I understand people's concerns though, 6 hours a day for 30 days is a lot if it is constant firing, maybe it could be further restricted to a certain amount of rounds each day for a limited time within the 6 hour window.

Currently, some people may find the VT national guard jets and Fort Drum aircraft annoying, on the other hand some of us like the thrill of watching low flying combat aircraft. It is a huge park and a certain amount of military usage seems reasonable to me. The idea that this proposal may set a bad precedent seems like a fear tactic. The APA can certainly make it clear that this is a one off decision and there is no intention to turn the Park into a military shooting gallery. I am not full out advocating for passage because obviously all the ramifications are not covered in this article BUT I do not think this proposal should be dismissed out of hand either. IMO, the APA should give it a fair hearing and rule on the merits without some anti-military bias.

John Sheehan

October 16, 2025 at 11:02 am

This is not the U.S. military. They issued a stop-work order for this project. It is a Florida company. You will not be allowed to watch. The APA already approved a series of tents to hide the operation from "spy drones." The fact that the APA has sent this to public comment means it doesn't intend to hold an adjudicatory public hearing. Such hearings — involving sworn testimony and an administrative judge — are required before the APA can deny any permit application. So, the APA has already decided to approve this and is only giving the public a chance to vent about the decision after-the-fact.

Tobin Sturgess

October 16, 2025 at 3:06 pm

That's not necessarily true, John. 580.2 of the Agency regs only allows the APA to make a determination as to when a hearing is required no later than 60 calendar days after the Agency declares the application to be complete. 572.8(b) of the Agency regs requires the Agency to solicit public comment on an application within 15 days of mailing the notice that the application is complete. So, just declaring it complete and asking for comments does not preclude an adjudicatory hearing. This should by all intents and purposes go to adjudicatory hearing…..

John Sheehan

October 22, 2025 at 5:05 pm

Thank you for that clarification. Upon further reflection, I believe you are right.

walter Birmann

October 16, 2025 at 10:12 am

I agree with Djr……..".Freedom is not always Free"……..Aye ?

William Marshall

October 16, 2025 at 11:05 am

The concept of private land seems to be lost on the peace loving transplants infiltrating the Adirondacks. The current mindset of the opposition to anything military don't remember the real world war 2 or have a clue what freedom costs. Human nature will NEVER allow world peace so if this country wants to continue with some semblance of freedom then continued development of military technology is a necessity and the sparsely populated area of private land here is a proper place for it. The Jay Mountain wilderness is not threatened by this proposed activity. As for the APA, which was conceived by wealthy individuals in the 1960's, that already had their private land holdings here, let us depress future development for anyone else moving forward. The Adirondacks are dying a slow death for the real local resident born people as intended and has become a true recreational playground for the more financially fortunate individuals. For what little inconvenience this artillery project would create occasionally, for so few people, it seems to be an ideal place and small price to pay for our future as a country. I speak from a military veterans perspective that most people opposing this project will never understand. Thank you for listening.

ADKresident2

October 16, 2025 at 2:49 pm

Again, Steve Hendershot's false equivalence for the use of "private land" to engage in activities that travel far beyond that private land and effect the private lands and public lands of others. The "loigic" here, focused mostly on disparaging those interested in preserving our natural resources, is pretty transparently unconvincing.

Wayno17

October 16, 2025 at 2:58 pm

I am so tired of hearing the APA blamed for every economic issue inside the Park. The fact is that the US in general and NY in particular have lost jobs and people at an alarming rate for a multitude of reasons, many rural areas all over NY are bleak, middle PA is destitute and, frankly, gross. The issue isn't the APA, the issue is the belief by most of the wealthy in this country that they have no responsibility for anything besides making money. Corporations left the northeast for the south in the 60's, 70's and 80's and then moved overseas in the 90's and 00's. They hid behind this false flag of "fiduciary responsibility to share holders" and used it as an excuse to abandon any responsibility to the communities that supported them for years. When Reagan was elected the trickle turned into a flood and when Bush gave China favored nation status the flood turned into a tsunami.
The Adirondacks is first and foremost a Park, everyone who lives there knew that from the day they bought or rented their first residence. The APA was created to conserve the beauty of the park for future generations and put some regulations to the Forever Wild premise. It is slow and bureaucratic at times and could maybe use some permit reform, however to blame it for the economic situation of the towns in and around the Park ignores the larger forces at work. And no, the MAGA movement will not change anything, it will simply increase the huge gap between the super wealthy and the rest of us to what existed in the Gilded age. That is ironically when clear cutting of the land lead to the creation of the Park in the first place.

Dan Canavan

October 16, 2025 at 3:14 pm

Thanks for your perspective. I believe you are diminishing the issue at hand by implying that many of the people in opposition are not real local born residents and that because they may or may not have served in the military, that they don't have the intellect to look at this issue objectively. I believe the majority of the residents of Lewis are capable of seeing the larger world view, as part of their analysis of this issue at hand. Many residents have expressed their opinion for and against. I disagree with you that Lewis is an "ideal

place" for Mr. Hopmeier's private business ventures. I suspect you don't reside in Lewis? Correct me if I'm wrong. This impacts our quality of life and interferes with the enjoyment of our private property. This issue is not about protecting our country. Let's not forget the US Army issued a stop work order for the howitzer testing and that Mr Hopmeier has apparently secured some "private" contracts. If you research toxicity of Howitzers to the environment you will see that this can be detrimental and toxic. The Army stated they have all the resources they need at this time for testing Howitzers without Mr. Hopmeier's assistance. His business ventures not only impact the "so few people", but his actions may pollute the aquifer that all of the residents near his property secure their drinking water. If you research toxicity of Howitzers to the environment you will see that this is a real issue. So our children grand children may have to deal with the negative environmental fallout in the future? I said before and I'll say it again, maybe a Public Nuisance Tort law suit should be investigated by the many concerned residents of Lewis, impacted by Mr. Hopmeier's business ventures.

Bill Keller

October 16, 2025 at 5:38 pm

Yes, the world's a dangerous place. That's not the point. There are plenty of other places in the US that can support this type of testing. Places like military gun ranges. Seems if the US Army put a stop work order out in August, 2022 then it should stop.

Boreas

October 18, 2025 at 9:38 am

"The Jay Mountain wilderness is not threatened by this proposed activity."

That may be your opinion, but does not make it fact. Show us the studies to support your opinion. One would think they would be required by the APA as part of the application process, let alone adjudicatory public hearings. Studies on environmental and health impacts on Nature and humans in the area have not been done, nor will they. The APA has shirked its responsibility and lost its teeth.

Barbara Ann Delaney

October 16, 2025 at 11:57 am

This application proposal by Michael Hopmeier, an out of state nonresident defense contractor has no place in the Adirondack Park and should wisely be rejected once again by the APA. The noise and residue from cannon testing is harmful to the environment. It effects precious soil, water, air quality and animal habitat. There are more suitable venues for weapons testing, such as the Fort Drum military range.
The APA should stand its ground and honor its mission to protect the Adirondack Park from thoughtless, greedy, interlopers.

djr

October 19, 2025 at 2:25 pm

Do out of state non resident people who have vacation homes have any place in the park?
You are going down the wrong road with that one.

stephanie

October 16, 2025 at 3:09 pm

"Stewardship of nature is the responsible management and protection of the natural environment and its resources for the benefit of present and future generations. It involves an ethical duty to safeguard ecosystems and promote sustainability through actions like reducing waste, restoring habitats, conserving water, and making eco-conscious choices.

Core components

Responsible management:
Taking a proactive and careful approach to managing natural resources like water, forests, and wildlife.

Protection and restoration:
Actively working to protect environments from harm and restore damaged ecosystems, which can include activities like cleaning up litter or removing invasive species.
Sustainability:
Ensuring that resources are used in a way that they will be available for future generations, not just for the present one.
Ethical obligation:
Recognizing a moral responsibility to care for the environment, as it is interconnected with human well-being."

Allowing an artillery range inside the park sounds like the opposite of stewardship.

Boreas

October 18, 2025 at 9:45 am

Well said, stephanie. This isn't a simple private land rights issue. It needs to be weighed against the overarching principles of the constitutional Adirondack Park's Article 14. Get a constitutional amendment first to allow it in the FP. Nothing less. If it is THAT important to NYS, let the "owners" of the Park vote on it as an amendment.

Greg Dixon

October 16, 2025 at 5:23 pm

There is an existing artillery range at Fort Drum. No need for another in the Adirondack Park. End of discussion.

Aidan P Canavan

October 16, 2025 at 5:42 pm

I strongly oppose the proposed howitzer testing in the town of Lewis. This project does not belong in the Adirondack Park, especially near the Jay Mountain Wilderness. Firing heavy artillery, even into sand, risks noise pollution, wildlife disturbance, and contamination from metal and propellant residue.

Approving a private munitions testing site here would create a harmful precedent and undermine the park's purpose of conservation and public enjoyment. The Adirondack Park is meant to protect nature and provide peace, not serve as a weapons testing ground.

I urge the Adirondack Park Agency to deny this application to preserve the environment and character of the region.

Todd Eastman

October 16, 2025 at 6:20 pm

I can't seem to find the rules and regulations concerning howitzer testing in NYS code or in the local land management documents. This needs land use needs a real hearing.

Boreas

October 18, 2025 at 9:47 am

One would think so. A constitutional amendment while they are at it.

Mike

October 16, 2025 at 9:04 pm

The same people who are against the testing are the same people who embrace LED lights that have had incalculable effects on insect and bird populations in the Adirondacks. Light pollution will have far lasting negative impacts than a cannon test.

ADKresident2

October 17, 2025 at 2:57 pm

Do you have a source supporting this claim, or it this just your opinion?

Mike

October 17, 2025 at 6:58 pm

You can start with this:
https://www.adirondackexplorer.org/environment/lights-out-for-birds/

Bob

October 17, 2025 at 8:37 pm

Thanks for the reference. But you still haven't supported your claim that "the same people who are against the testing are the same people who embrace LED lights that have had incalculable effects on insect and bird populations in the Adirondacks."

mark lafountain

October 18, 2025 at 6:41 am

Proof please?!

Mike

October 18, 2025 at 10:59 am

I would but posts are now censored. Oh well.

Melissa Hart

October 18, 2025 at 12:22 pm

Not sure what you mean? There is no censoring going on.

Paul

October 18, 2025 at 1:06 pm

Mellisa, aren't you moderating the content before it is public? So if you can suppress or remove a comment, that is censorship as defined in the dictionary. It's fine – but it is what it is.

Emilie Allen

October 18, 2025 at 1:31 pm

Paul: We do moderate, but this means allowing all commentary unless it violates our commenting policy, which you can review here: https://www.adirondackexplorer.org/commenting-policy/

djr

October 19, 2025 at 2:29 pm

They are also the same people who embrace the construction of unsightly wind turbines which ruin the viewshed for thousands of people. If you live in the wrong spot your previously beautiful view is now gone.

Edward Michaels

October 16, 2025 at 9:16 pm

As General Smedley Butler said in 1934: "War is a racket." Hopmeier is not doing anything to aid in the protection of the safest country in the world, he is trying to take advantage of the Adirondacks and it's residents, to cash-in on the Military Industrial Complex racket. President Dwight D Eisenhower warned us of the same thing in his farewell address.

Boreas

October 18, 2025 at 10:01 am

Well put. Started with the missile silos within the Park, putting us in the crosshairs of our Cold-war enemy. Should we continue the military/industrial complex to overreach Article 14 established within the Park? Certainly not why I moved here 30 years ago. This is a precedent that needs to be fully studied and adjudicated before implementation and after a constitutional amendment. Same with any

future paramilitary "maneuvers" on private land within the Park. This makes the old low-level A-10 training near Fort Drum and in the HPW seem quaint.

djr

October 20, 2025 at 6:19 am

War may be a racket but thank God our leaders pursued the development of new military hardware in the late 30s or we would all be speaking German or Japanese, mayby both.

djr

October 20, 2025 at 6:34 am

"President Dwight D Eisenhower warned us of the same thing in his farewell address". I am pretty sure that he did not feel that way when he was the Supreme Commander in Europe during WW2. As the combatant commander he was requesting and receiving all type of military hardware that was being produced by the Military Industrial Complex, thank God! There are excesses, of course, but paying contractors to develop and build new weapons systems has worked since the founding of the USA!

Reply

Warren Noble

October 16, 2025 at 10:38 pm

So this exercise of futility should not happen on our near the Adirondacks. To much at stake here not to mention the disruption of wildlife and local people from the noise heard for how many miles? And of course the environmental pollution impacts that future generations will have to suffer. There are other places to test cannon barrels not in or near the Adirondack Park. Just my thoughts and have a quiet day…

Mike

October 17, 2025 at 7:26 am

Can you please list the environmental pollution impacts that will make future generations suffer?

Todd Eastman

October 17, 2025 at 8:48 am

https://www.sciencedirect.com/science/article/abs/pii/S2215153223000818

Mike

October 17, 2025 at 12:14 pm

Theres an armed conflict in the Adirondacks! WOW!

ADKresident2

October 17, 2025 at 3:07 pm

So you asked Todd for evidence of environmental impacts and he provided documentation of an actual study, which you then misleadingly tried to make sound ridiculous by suggsting that it only applied to armed conflicts, while intentionally ignoring the next three words of the same sentence: "and military activities" – maybe like firing off howitzers? If you want to debate, you should do so in good faith.

Mike

October 18, 2025 at 4:45 pm

Sure, apples are oranges.

djr

October 19, 2025 at 2:31 pm

Testing artillery tubes is research & development, not military activity.

Jack Carney

October 17, 2025 at 10:41 am

Are we at war? Purpose of these artillery shoots? Disturb the peace and tranquility of those of us who live and visit here? of the thousands of wild creatures that have made the Adks. home for thousands of years? Why not Florida and the now defunct Alligator Alcatraz? Of course, such a solution would only cause distress to the indigenous folks who claim the area has spiritual significance for them. Well, how about NOWHERE, the original intent of this commentary.

BigE

October 17, 2025 at 9:09 pm

I live in the area and think this project makes sense. The site is on private land in Lewis, not in the Forest Preserve, and the testing plan is limited to just a few shots on select days under controlled conditions. They're not building a base or running constant operations.

With proper sound monitoring and safety measures, the impact will be minimal. The natural landscape already provides a backstop, and nothing about this proposal permanently changes or damages the land.

What it would do is create some good-paying technical jobs, bring in professionals for short-term stays, and generate local tax revenue, all without adding traffic, pollution, or year-round noise.

There's a lot of talk about protecting the park, which we all support, but we also need to allow reasonable, low-impact projects like this to happen if we want our towns to survive.

Todd Eastman

October 18, 2025 at 8:52 am

What are the number of projected local jobs coming from this proposed facility?

Thanks

Dan Canavan

October 18, 2025 at 2:47 pm

BigE that is fine and dandy that you feel the "impact will be minimal", but you are incorrect that Mr. Hopmeier's various "experiments" have not been disruptive to many residents of Lewis. Come from where ever in the area you live and we can find plenty of Lewis residents who will be happy to disagree with you. And furthermore, in the ten years that Mr. Hopmeier has owned the silo property it is said he has provided "10" jobs. I would like a break down of this employment. My understanding is that they are part-time supplemental cleaning, maintenance and security positions. I would be interested if any of these jobs have benefits such as health insurance, retirement plans etc. I don't know, but would like to know for anyone in Lewis looking for a good job. Can any of the employment he provides be enough income and benefits to purchase a home and raise a family? How many Lewis Town residents are employed by Mr. Hopmeier? Not Mr. Tibbits or Mr. Dominic. Not sure the great economic boon to Lewis is a reality….Just saying.

Boreas

October 18, 2025 at 10:11 am

"There's a lot of talk about protecting the park, which we all support, but we also need to allow reasonable, low-impact projects like this to happen if we want our towns to survive."

The impact has neither been established nor even studied! Just because the projectiles are not going beyond the property does not mean the project's "impacts" will not effect humans, wildlife, and livestock well beyond the property. I live in the Town of Chesterfield and will be well within earshot of the proposed project. The minimal benefits to the Town of Lewis must be weighed against all of the negatives.

Andrea Fernandes

October 18, 2025 at 4:14 pm

A big country like America. Why would you need to put this sort of thing in a preserve? It's like putting a strip club or a liquor store next to the elementary school

djr

October 19, 2025 at 6:27 am

Putting a strip club or a liquor store next to the elementary school is probably less harmful to children than what is being taught in many elementary schools today.
FYI, this planned activity is not happening in a preserve.

djr

October 19, 2025 at 6:37 am

Does anyone know the details of the planned testing? The site is obviously not large enough to fire artillery to its max range which for a 105 howitzer is 7 miles. Is this under contract to the War department? Why specifically is it needed? What noise can be expected and what mitigation is planned? etc, etc. All these questions and more need to be answered and fully understood before I would be for or against the project.

Lucinda Barry

October 19, 2025 at 4:19 pm

Is Governor Hochul aware of this site and request to expand?
Perhaps, the public should contact her office as well as the APA.

Paul Pribis

October 21, 2025 at 10:24 am

Your sound level data is inaccurate. A 155 on a zone 8 firing reaches the compressibility limit if air, slightly over 280 db, 3 feet off the muzzle, as measured with cup gages. Sound levels within the ways is considerably less.

Steven McCullough

October 22, 2025 at 5:58 pm

Perhaps Mr. Hopmeier should do his testing at his Unconventional Concepts property in Florida.

Neeny Tyo

October 22, 2025 at 6:53 pm

ABSOLUTELY NOT. He can test it in Florida. Our mountains are full of wildlife, flora and fauna, hikers, and MISSILES FREE. Do not open this gate. We've been bamboozled enough with government crap we can't control. God help us, we CAN control this. GET OUT.

Marly Grosso

October 22, 2025 at 9:43 pm

What an awful thing to have to raise our voices to these days and wonder if our politicians, lawyers and council will actually protect the rights and wishes of NY State home owners, visitors and business owners alike. This should have never even made it this far- 4 yrs since this came to light- disgusting! Let's hope he's not buying the people in power and this will be thrown out right away and sent back to Florida!

stephanie

October 22, 2025 at 10:22 pm

Eleven people are responsible for granting this permit. Therein lies the problem. What are their credentials for understanding the impact this will cause to the environment and wildlife that reside within the park? It reminds me of the decisions by mayors/councils in small municipalities all around the state of New York that destroyed historic buildings in the name of "urban development" back in the 60s (Dunkirk, NY, being one of them). Eight members are direct governor- appointed. The remaining three members are state officials. It would appear that the governor is the person that needs to be petitioned to stop this permit from being granted. "The Adirondack Park Agency (APA) Board includes Mark Hall (Chair), Arthur Lussi, Benita Law-Diao, Daniel Wilt, Jose Almanzar, Kenneth Lynch, Rush Holt, and Zoë Smith as appointed members. Three additional seats are filled by the designees of the state Department of State, Department of Environmental Conservation, and Department of Economic Development."

djr

October 23, 2025 at 4:56 am

Adirondack Park Agency (APA) Board's credentials are that they are politically connected, period!

seszoo

October 23, 2025 at 8:28 am

On private land , Being a commercial enterprise or business ,If done during the daytime and only 30 times a year in a Safe manner with no danger to the public , or environment ,Maybe with a public schedule printed up ,so people aren't surprised at the noise , It shouldn't be a problem , How many people would they be employing there and how much traffic would they bring ..Especially on it being on Private land . Where we are in a rural part , we have neighbors who have targets set up on their land and they're liable to be out their shooting any time of the day , not too much at night, It isn't constant with Sats. and Sundays the biggest time , especially now with the Hunting seasons upon us , It's their private land , and they are neighbors so we don't let it bother us , sometimes even go in our back yard to do the same .

Walker

October 24, 2025 at 10:48 am

"Florida Man Applies to APA for Permit to Shoot Howitzer into Adirondack Mountainside"?? This is a joke, right? A new Dave Barry novel, perhaps?
The wildlife impact statement in the application must be a doozy!

Joseph McCarthy

October 24, 2025 at 6:28 pm

Please.... I miss Plattsburgh Air Force base . The low flying jets were awesome and loud. It made us feel safe and proud. It wasn't that bad.the same type of people were complaining about the emergency "temporary "helicopters at glens falls hospital. That were moved around the corner as they built a new emergency room. I worked with world war 2 and Vietnam veterans. I appreciate the veterans and the security they provide. Stop complaining... the only rights we have, is the right to do the right thing.

Jeanne

October 31, 2025 at 4:38 pm

I've read everyone's feedback here. Definately " NO" !!! I 'm speaking for the land, the animals, clean air clean water and peaceful enviornment. Do it in Florida! Common sense....Ridiculous idea!!

Mary Ann

November 1, 2025 at 7:27 pm

Follow the money. The town of Lewis will not profit from this project only local boy Jimmy and his sidekick Mike from Florida. Get real

Adirondack EXPLORER

NYCO mine gets APA OK to blast underground, expand hours

Company in controversial land swap deal awaits DEC approval for new mining proposal



By Gwendolyn Craig
September 18, 2025 Updated September 19, 2025



NYCO Minerals (foreground) is framed by the Jay Mountain Wilderness, which stretches behind the mine. Photo by Carl Heilman II

NYCO Minerals is one step closer to **unlimited underground blasting and expanded hours** for above-ground activities at its wollastonite mine in the town of Lewis after receiving an Adirondack Park Agency permit this spring.

The state Department of Environmental Conservation, however, is still reviewing three permit applications relevant to the project before it can begin the additional mining.

The APA, which oversees public and private development in the 6-million-acre mix of the park's public and private lands, **issued the permit without the full board's review for continued operation and expansion of an existing mineral extraction operation**. The mining operation is tied to a controversial state constitutional amendment voters passed in 2013, allowing the company to explore mining **opportunities in the "forever wild" forest preserve in exchange for land of the same value.**

The project approved by the APA allows for NYCO Minerals, a subsidiary of Paris-based industrial mineral company Imerys, to work hundreds of feet underground at the Oak Hill Mine off state Route 9 and Pulsifer Road.

NYCO wants to carve underground rooms to extract more wollastonite, a mineral used as a replacement for asbestos in items like paint, roof tiles and insulation.



NYCO constitutional amendment: A deal still unfulfilled

A look back at the 12 years of limbo

READ MORE

The proposal

There are currently four mines in New York that use the room-and-pillar mining method, according to the DEC. NYCO could be a fifth, should the DEC approve its permits.



Image 3 – Load/Haul Operations in Typical Room and Pillar Mine, Imerys – Marble Hill.

An example of room-and-pillar mining at an Imerys site. Photo screenshot from a Bowman report in Adirondack Park Agency application materials

Unlimited underground blasting at Oak Hill may take place between 9 a.m. and 6:30 p.m. Monday through Saturday.

The APA put no time restrictions on "underground mining activities occurring at least 300 linear feet from the underground portal."

Above-ground mining is limited to up to two blasts per week between Nov. 1 and March 31. After that, the mine can blast no more than three times per week above ground. Those blasts can occur between 11 a.m. and 5 p.m. Monday through Friday.

Other mining activities are allowed between 7:30 a.m. and 6 p.m. Monday through Saturday. The original permit did not allow for Saturday work.

The agency allows trucking between 7:30 a.m. and 6 p.m. on weekdays, with a cap of 108 truckloads of ore from Oak Hill and NYCO's Seventy Road site per day to the company's Willsboro processing facility.



View of NYCO Minerals' Oak Hill mine in the town of Lewis. Photo screenshot from NYCO Minerals Adirondack Park Agency application

Permit review concerns

The APA issued NYCO Minerals the new underground mining permit in April among more than a dozen other permits issued at the staff level.

Despite concerns raised by neighbors and environmental organizations, including requests from Protect the Adirondacks and the Adirondack Council to extend the 15-day public comment period that took place over the Thanksgiving holiday for the nearly 4,000-page application, the full APA board never reviewed the permit.

The APA board did not meet in April, citing "no actionable items."

"I think the judgment of when a permit should come up before the board is really suspect and particularly here when you have a constitutional amendment concerning NYCO," said David Gibson, managing partner of Adirondack Wild: Friends of the Forest Preserve. "The failure to bring this before the board given what's happened and given its history, to me, is very wrong."

Over the past several years **the APA board** has met less often, held shorter meetings and reviewed fewer permits. Some newer board members have inquired what constitutes a project worthy of their review, and staff have generally said any project can come before the board if board members wish it.

Keith McKeever and Ben Brosseau, both communications staff at the agency, did not respond to the Explorer's questions about why the project did not come before the full board and if the agency had any knowledge about the status of the mineral testing at Lot 8. Brosseau did provide a link to the permit publicly posted on the agency's website, which did not contain that information.

Board member Dan Wilt, chair of the APA's regulatory committee, also did not return the Explorer's two emails asking the same questions.

Reactions

The DEC is still reviewing the **amended mined land reclamation permit application**, a water withdrawal and a state pollutant discharge elimination system permit.

The DEC said it "subjects all applications for environmental permits, or modifications to existing permits, to a transparent and rigorous review process to protect public health and the environment."

In letters to the APA, two park residents requested the agency approve the permit to support the company and jobs.

Three people wrote with concerns about the proposal, not including the Adirondack Council and Protect the Adirondacks.

One nearby resident to the mine asked the APA not to expand the above-ground mining operations to Saturdays, considering residents only have two days of "peace" as it is.

Todd Eastman

September 18, 2025 at 10:08 am

It is more than disappointing that this permit did not come up for discussion with the full board prior to staff approval. If the staff is not answerable to the full board, then what or who dictates the staff's authority?

The permit text:
"As described in Agency Permit 96-76, the project site contains shrub swamp and emergent marsh wetlands, including a large wetland associated with Beaver Brook with a value rating of "1 ", and other wetlands with a value rating of "2". Construction of the existing access road to the site required the filling of 0.47 acres of wetlands; 0. 70 acres of new wetland area was created by excavation and natural revegetation to compensate
for this loss, as authorized by Permit 96-76."

Artificial wetlands are nowhere near the same as the natural wetlands the permittee plans to destroy.

A real public process with full APA board review and input would go a long ways towards restoring public trust in the Agency.

Stan Dellahur

September 18, 2025 at 2:22 pm

"What or who" dictates the staff's authority is 572.11 of the agency's regulations giving the deputy director of regulatory programs full discretion as to whether or not a project should be referred to the board, as well as the agency's delegating resolution. What else is conveniently left out is that this site is ALREADY a mine and they are proposing to go from an onerous surface mining technique to a less onerous underground mining technique. So there's that.

Todd Eastman

September 18, 2025 at 3:37 pm

The DD under 572.11 has some authorities, but Class B Industrial Use seems not to be included in the APA Act's description of the DD's available actions. If there has been a public meeting, the DD's discretion is permissible. Please explain the supporting text. Thanks!

Stan Dellahur

September 18, 2025 at 4:28 pm

Mineral extraction in moderate intensity, rural, resource management, and industrial Lane use areas in the Adirondack Park are class a regional projects, not class B. Further, the class B reference you make is only for towns that are approved local land programs. The town of Lewis is not one of those. Hence, the deference to the judgment of the deputy Director for regulatory program.

Here is a helpful resource:

https://morehousenewyork.com/wp-content/uploads/2024/03/APA-Jurisdictional-Table.pdf

Todd Eastman

September 18, 2025 at 9:03 pm

Stan, the DD is not apparently only granted project approval for Class B projects.

Stan Dellahur

September 18, 2025 at 10:15 pm

No, that's wrong. The regulations read:

" 572.11 Deputy director-regulatory programs authority to approve certain projects.
(a) The deputy director-regulatory programs may review and approve, or approve subject to conditions, and issue permits for, all projects OTHER THAN:
(1) class B regional projects in land use areas governed by an approved local land use program;"

The key is in the words "other than".

Paul
September 18, 2025 at 12:22 pm

4000 page application. Wow. That's pretty intense… Thes articles seem to always leave out the amount of land there is on Lot8 that NYCO is getting in exchange for the 1,500+ acres that will be added to the forest preserve, including land that could expand the Jay Mountain Wilderness. Then lot8 has to be reclaimed and that added back to the forest preserve. This seems like more than fair exchange for retaining part of the local economy. I think this is why some prominent environmentalists (Carl Heilman for example) supported this. How big is lot8 they are getting temporarily.

Paul
September 19, 2025 at 11:46 am

I just saw the article from the 17th with the map. That answers my question here.
Thanks.

ADKresident2
September 18, 2025 at 3:33 pm

Lewis is getting hammered from above (by military exercises) and below (by expanded mining). The APA and local political representative have completely failed to advocate for the preservation of the natural environment in Lewis and it's not like there's anything else there to preserve.

Tobin Sturgess
September 18, 2025 at 5:24 pm

The APA is a regulatory agency, not an environmental advocacy group. I think you might have also missed the part where there agency is holding a howitzer testing facility application in Lewis incomplete because of potential under adverse impacts and the agency board upheld the staff's decision. I would say that's a huge example of the agency doing the right thing and upholding its mandate in the APA act.

Boreas
September 19, 2025 at 10:20 am

They may have halted howitzer testing, but then there is this on the same property:

https://www.adirondackexplorer.org/community-news/military-exercises-in-adirondacks-anger-lewis-residents-over-noise-low-flying-aircraft/

Indeed, who is watching over the Park?? The Jay Wilderness is virtually next-door to this property. Certainly not elected or appointed officials. I think class-action suits may be more effective.

ADKresident2

October 12, 2025 at 3:58 pm

For now. There's another application for howitzer testing pending. We'll see.

Grant H Smith

September 18, 2025 at 4:45 pm

If you're going to stand by The Forever Wild edict, there should be NO mining in our Mountains that encompass the Adirondacks. Whatsoever!

This looks suspiciously like someone lining someone else's pockets. Are we ever going to improve our human behavior or are we just going to pursue our own riches like they do in Washington DC?

Lara Kenalds

September 18, 2025 at 5:25 pm

That's not how the APA act works. This is a park of public AND private land.

Paul

September 19, 2025 at 6:32 am

Article 14 has a very difficult amendment process that was followed here. The voters had the opportunity to vote. They did this is over. A few people complaining makes for a controversy these days especially if it's a group that makes a living complaining about stuff.

ADKresident2

October 12, 2025 at 3:59 pm

It's not over, if you read the article.

Tony T.

September 18, 2025 at 9:47 pm

Extraction economics should not be done here anymore, full stop. Go mine the suburbs. Lewis could be beautiful and full of tourists just like SLK, no reason to do this except to help some very rich people get richer. Tourism could be done better with more emphasis on eco

tourism (think bicycle trails instead of ATV trails, think canvas tents instead of large hotels, think local food instead of United Food Corp) young people want eco tourism they don't want to ride snow mobiles threw torn up wilderness, it's not the 1950s anymore. Work at making tourism sustainable and stop letting extraction economics ruin the viability of sustainable tourism. If places like Lewis and similar less pleasing towns cleaned up their act and worked at it they could prosper in a healthy way, and spread the tourism out more evenly so that people needing work in those towns wouldn't need to travel to Lake Placid. We are all connected and extraction economics always brings with it abusive behavior, drug addiction, and ruined environments. People who work in extraction economics have low life satisfaction and high rates of criminal activity. Listen to your hearts. Mother Earth is sick and there is nothing left for us to do but save her, this is your destiny, this is the time you choose to live.

mrdale14424

September 20, 2025 at 8:02 pm

Very well said, Tony T.!

Dan Canavan

September 24, 2025 at 4:03 pm

As a resident of Lewis; well said. thank you!

Robert DiMarco

September 22, 2025 at 9:17 am

Tony T. I just wish more Humans felt as you and I do. Very sad as without Mother Earth, there is nothing

Charles Heimerdinger

September 25, 2025 at 11:25 am

Drill baby drill!

ADKresident2

October 12, 2025 at 4:00 pm

Perhaps you'd be more at home in New Jersey?

Adirondack EXPLORER

APA takes steps toward potential lease for new Saranac Lake headquarters

If the plan moves forward, a final lease between the park agency and village would need approval of the state Attorney General's Office and Comptroller



By Gwendolyn Craig
October 30, 2025



A rendering shows the potential new Adirondack Park Agency headquarters planned for downtown Saranac Lake. Rendering courtesy of APA records

Adirondack Park Agency (APA) and Saranac Lake officials have **signed a term sheet outlining** parts of a lease agreement for the agency's nearly $40 million, three-building headquarters proposed for downtown Saranac Lake.

The terms do not say how much the APA will pay the village in rent, but the length of the lease is expected to be about 42 years with the option to renew a maximum of 16 more years.

APA officials have not said the headquarters will definitely be moved about 4 miles north from the hamlet of Ray Brook to 1-3 Main St. in Saranac Lake. They have **called it the "preferred site" and have not proposed alternatives.**

The term sheet is a sign the move appears settled, though it outlines a few possibilities where the agency could change course. The APA and the state Office of General Services (OGS) are still conducting "due diligence," including structural integrity studies of the former Paul Smith's Power and Light building in the village, according to the document. Title and other potential state permitting issues could terminate the deal.

Village Manager Bachana Tsiklauri signed the document on Oct. 16 and APA Executive Director Barbara Rice signed it on Oct. 22. The term sheet, which is a non-binding precursor to a lease, was posted to the **agency's website under a section about its headquarters.** A final lease will need the approval of the state Attorney General's Office and the state Comptroller, according to the term sheet.

Ben Brosseau, assistant public information officer at the APA, said the village and agency are continuing to negotiate the lease. The term sheet keeps the village from selling or leasing the village building during the "due diligence period."

Brosseau and Communications Director Keith McKeever appeared before **Saranac Lake village board members this week** to promote the proposal, with Rice sitting in the audience.



An overhead rendering shows the potential new Adirondack Park Agency headquarters planned for downtown Saranac Lake. Rendering courtesy of APA records

McKeever said the agency is working with OGS on the design and construction. In the next six to nine months, contractors will work on final designs. The agency could go out to bid for construction by the end of next summer, McKeever added.

The agency is planning a public information meeting this fall, likely in early December, about the headquarters move. It will be an open house format with renderings on display and staff mingling with the public to answer questions.

Since becoming the agency's **executive director in early 2022**, Rice has made it one of her priorities to move the agency's headquarters to her hometown. Rice, who came to the agency from former Gov. Andrew Cuomo and current Gov. Kathy Hochul's economic development offices and was a Franklin County legislator and Saranac Lake trustee, has focused her administration on local government outreach and hamlet development.

Many retired and **current APA staff** are against the move, records show.

An outstanding question current APA leadership has not fully addressed is why the agency would move from lands zoned specially for state administrative purposes at its current location to a hamlet where private development is encouraged.

Only state offices can utilize state administrative lands in the Adirondack Park, a conundrum already for the three closed prisons on forest preserve lands that remain vacant without a state use. Lawmakers have been working on a constitutional amendment, which is the only way to get those parcels out of the forest preserve and available for private use.

"Downtown revitalization is a statewide priority and sound land use planning," Brosseau wrote, in response to the Explorer's questions. "Building in Ray Brook is not a preferred alternative. It would require extensive tree clearing on state land and would disrupt day-to-day operations for a lengthy period of time. Furthermore, it does not achieve the improved transparency and increased public access goals that could be achieved by relocating into one of the park's largest hamlets–the village of Saranac Lake."

McKeever told village board members on Monday that the APA could rebuild on site, but "we decided let's walk the talk and consider doing something that's really consistent with the vision of the Adirondack Park Agency." He referred to a portion of the agency's mission, channeling growth into hamlets.

McKeever said it was a "unique and historic opportunity to do something big" that would benefit both the APA and the village.

Village board members were positive about the partnership and headquarters, which will involve renovating the historic Paul Smith's Power and Light Building, as well as building new offices in the hillside behind it. The agency also plans to revamp the river walk area, which will continue to be accessible to the public.

Deputy Mayor Matt Scollin called it a "no brainer."

Two members of the public, Stephen Erman, the agency's former economic adviser, and Mark Wilson, a Saranac Lake resident, spoke against the headquarters move and criticized the agency for what they considered its lack of transparency about the proposal over the last several years. State funding for the APA headquarters was first allocated in the state's 2022 budget. The agency started posting documents related to the headquarters this summer.

"Please, open the doors, let the public in, and let the public comment," Wilson said. "I think it would be better for the whole project."

In response, Brosseau called the agency's latest efforts "a robust public outreach process," adding that the agency is "committed to transparency around this project."

Should the new headquarters get to a stage where it will be under the agency's own permit review, there will be a formal public comment period, too.

jj

October 30, 2025 at 6:37 pm

Well said! Downtown revitalization is a NYS priority, and this is a no brainer for the APA and Saranac Lake.

Ken

October 30, 2025 at 6:38 pm

Thank you Gwendolyn, for this article. As this is a hard subject for blue collar people living under the umbrella of this organization. THERE is zero wrong with the Ray Brook location. Has anyone reading this article ever had to access the Ray Brooke location. These employees are so so helpful… It is a nightmare dealing with this crazy creation of government overreach. Leave them where they are. Save the over regulated people under the blue line banner alone. Stop costing New York taxpayers, nonsense costs for a relocation of an agency that is totalitarian… Massive waste. In simple terms; a Joke.

Keith Murphy

October 30, 2025 at 8:24 pm

With the scheduling of the APA's first public information session not until December, which is the same time they said they hoped to sign the binding lease with the village, how can the APA seriously say they are having a "robust public outreach process"? My recollection is that Director Rice promised public forums a year or more ago. Regardless of your impressions of this $40 million dollar expenditure of taxpayer money, isn't the process far from transparent?

Zachary Denton

October 30, 2025 at 8:29 pm

Waste of money. Corrupt organization

Todd Eastman

October 30, 2025 at 11:27 pm

What is the APA's Board stance on this?

jj

October 31, 2025 at 6:40 am

"Downtown revitalization is a statewide priority" and in that context this is beneficial. I agree this is an "unique and historic opportunity" for the APA. The @ the APA's core is a "Balancing act: a mission is to find a balance between strong environmental protection and sustainable economic opportunities for the local communities." This is an absolute positive economic opportunity.

Bill Keller

October 31, 2025 at 6:58 am

Downtown revitalization is a tax dollar give away to business owners that need to spruce up their buildings. In Warrensburg, NY the wealthy business owners got a building face lift, new roofs, paint, etc. "The Town of Warrensburg will use New York Main Street funds to assist in the renovation of commercial and residential units in mixed-use buildings in the heart of the historic hamlet", to the tune of $300,000. Why do our tax dollars continue to go to private individuals? Does the state fund maintaining your property?

Tobin Sturgess

October 31, 2025 at 8:03 am

Because without investment from programs like DRI and NY Main Street, our downtowns will continue to look rundown, no one will bother stopping in our quaint little Adirondack hamlet and businesses will continue to fail. Economic development is a valid use of grant money. It's worked for Saranac Lake and numerous other communities across the state.

I don't understand why the Explorer continues to parrot the likes of Jim Connolly and Steve Erman. Lest we forget when Steve opposed the Adirondack Rail Trail. Good thing we didn't listen to him when he was at the APA…

Jack Mulholland

October 31, 2025 at 8:58 am

I would think we could .ake better use of 40 million dollars.

S. McHugh

October 31, 2025 at 10:44 am

Why would Governor Hochul give $40 million to 40 people (APA) who already have a home, instead of giving $40 million to 85 property tax paying people who don't. This spot is a key location for working class housing, which the village and Governor Hochul should consider their #1 priority.

Tobin Sturgess

October 31, 2025 at 11:47 am

I think it would be better to look at it as $40 million for 6 million acres. It's amazing the work that 40 ish people can do for 6 million acres, despite being woefully underfunded for 50 years and receiving no substantial investment from the NYS budget since the agency was founded in 1973. A very long overdue investment in the Agency.

And, as a reminder, there are no developers looking to put in working class housing in Saranac Lake. You and others continue to bring this up but no one is knocking at the door. There is no one else right now willing to invest $40 million in Saranac Lake.

S McHugh

October 31, 2025 at 4:21 pm

APA already has a fine home.
There are a thousand other uses of this property that are much more beneficial for the Village of Saranac Lake. This isn't one of them, but it's the only one on the table.
Who can dispute the need for housing of working people here, which benefits every villager many times over.
I don't think the Brains of the village will have trouble finding a developer/builder to build 55-60 one and two bedroom apartments with a $40 million head start.

Ken

November 1, 2025 at 10:26 am

Hahaha, I hear you.

Stephen

October 31, 2025 at 10:45 am

I think moving the APA headquarters to Saranac Lake is an excellent idea. Bringing more jobs and people to the downtown hamlet will be a real benefit to the community. I'm pleased to see this project moving forward.

Mike

October 31, 2025 at 3:28 pm

40 million in tax cuts for the people in Saranac Lake would go a lot further.

Jeanne

October 31, 2025 at 4:16 pm

40 million ? This is crazy! Keep APA where they are! I've lived in the Adirondacks for many years. This is crazy! Housing will make a difference in Saranac Lake not just for Saranac Lake but for Tupper Lake & Lake Placid !
Keep APA at Ray Brook total nonsence moving the APA !!

Ken

November 1, 2025 at 10:28 am

1000%

Jack Carney

October 31, 2025 at 6:09 pm

Another example of the APA's blind arrogance. Ray Brook, as other readers have noted, is perfectly adequate for the APA's effective functioning. Ultimately, an ill-timed expenditure of public monies — New Yorkers are about to go hungry and lose access to their medical care,

Tom Scozzafava

November 2, 2025 at 10:15 am

What a waste of taxpayers money!
NYS already has 2 closed prisons in the Adirondack Park that could and SHOULD be utilized for other state agency uses.
This state is a train wreck, and totally out of touch with reality.

Lara Kenalds

November 2, 2025 at 6:05 pm

Except you know well that none of the existing Agency staff lives near Moriah or Gabriels. Would be 10x the disruption. Very interesting how you turn your back on the agency after they advocated for your $9 million water grant in Moriah. But whatever is ok for me and not for thee, right?

Tom Scozzafava

November 3, 2025 at 8:51 am

Not sure what "9 million " you are referring to??
As for what's right for me and not for you, it's about whats right for the taxpayers, not the employees that don't want to drive a few miles to work!
Certainly didn't think about the employees when Hochul closed Moriah Shock!
Again the hypocrisy is astounding.

Lara Kenalds

November 3, 2025 at 10:54 am

Sorry, $3.5 mil to Moriah.

I am sure it's less about the employees driving more to work than it is putting the HQ in the capital of the Adirondacks in an area the general public can easily access. But I am sure not inconveniencing the majority of the employees is a big factor in moving the Agency HQ.

https://www.northcountrypublicradio.org/news/story/50362/20240823/north-country-communities-get-water-infrastructure-funding

Johnnie beechnut

November 2, 2025 at 11:23 am

The APA should remain where it is now. The proposed new location should be torn down. ALL of the money left over from the demolition should be used for shoreline restoration and storm water runoff control at the site. Isn't that what the APA would recommend if someone else came to them with this project?

Bill Tadhams

November 3, 2025 at 10:51 am

Umm, no. The building is on the national register of historic places. Unless you are the east wing of the White House, this isn't allowed. The new building isn't within the setback of the Saranac River, so no, they Agency wouldn't advocate tearing it down.

Johnnie beechnut

November 3, 2025 at 5:22 pm

The Owd factory in Tupper Lake is a "Historic Site", simply politics. The politicians put it on the registry so tax payers can pay 90% of a housi ng project. An effort to remove these eyesores from the historic registries should be advocated by local politicians and the APA.

Stephen Erman

November 5, 2025 at 3:25 pm

APA says downtown is their "preferred alternative" but nothing has been provided to the public about any other alternatives. Building where they are in Ray Brook is the most obvious one but on this there is silence. The Ray Brook option was to have cost $15-20 million in 2022, $20 million LESS than what the "preferred option will cost." Why is downtown preferred at a time when NYS is facing fiscal peril due to expected funding cuts from the federal government. Full disclosure would be appreciated by the tax paying public.

Tobin Sturgess

November 7, 2025 at 8:43 pm

Steve, remember when you worked for the APA and you said that the Adirondack Rail Trail would be an economic loser for the region? Here's a good article that memorializes that disastrous take. Why should anyone believe you now?

https://www.northcountrypublicradio.org/news/story/30982/20160212/adirondack-park-agency-approves-controversial-rail-trail-plan

Stephen Erman

November 8, 2025 at 7:39 pm

Tobin – You need to read the full record on the proposal to remove the rails. I never said the recreational trail should not be built. I said that the rails should be retained from Saranac Lake to Tupper Lake AND that the recreational trail should be constructed alongside the rails. I also said that it was short-sighted to remove rails which could prove valuable for passenger transportation in the future. Once they were removed, they would not return. The recreational trail is an economic asset. It is your mistaken characterization that I said it would be "economic loser."

Adirondack EXPLORER

What's going on in Loon Lake?

Loon Lake residents sue APA, companies over alleged subdivision site clearing



By Gwendolyn Craig
November 24, 2025



A cleared area near where a proposed beach area is planned on the western side of Loon Lake in Franklin County. Photo courtesy of Protect the Adirondacks

Since the spring, residents around Loon Lake in Franklin County have watched roadwork machinery going in and out of the old golf course on the east side of the lake and logging equipment on the west side. Using drone photography this fall, they discovered the owners of hundreds of acres of forestland on the west side had clear cut what appeared to be over an acre. And the logging seems to be continuing.

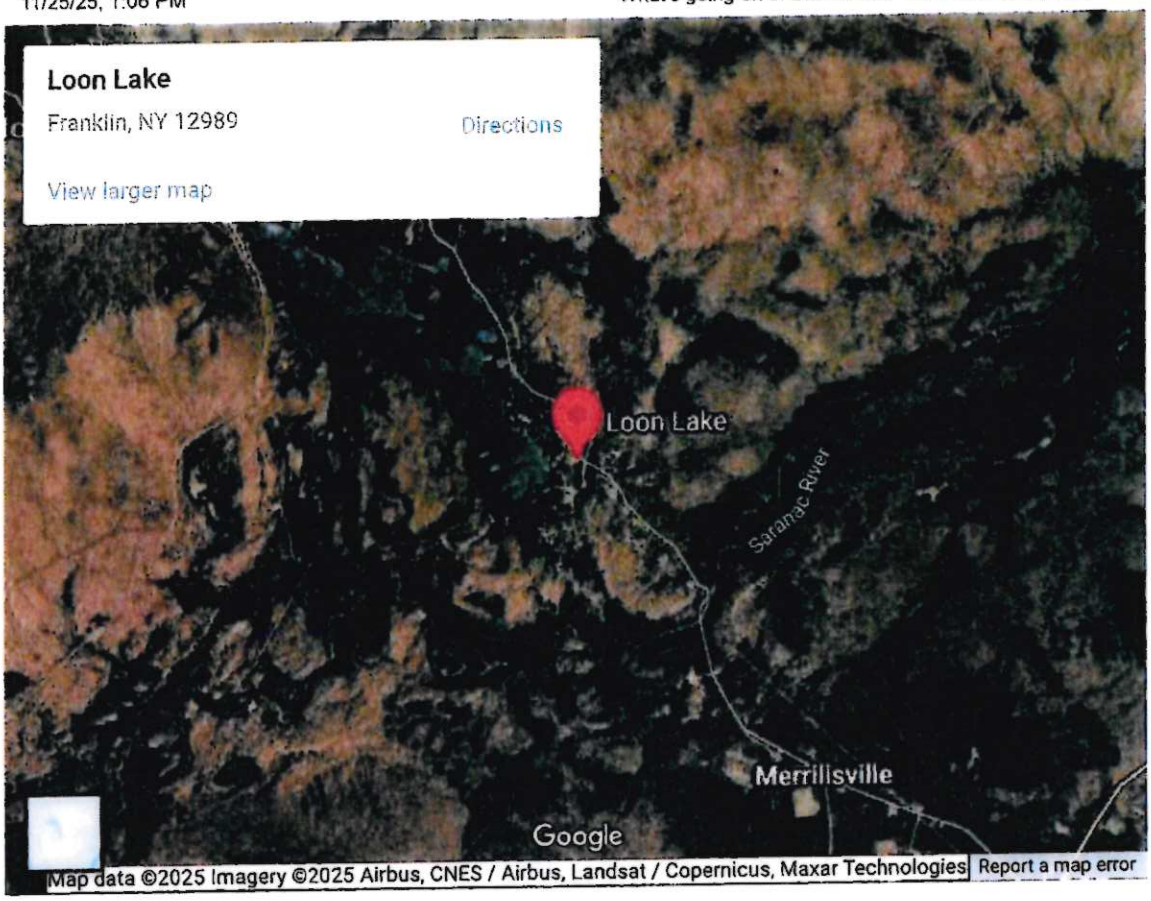
Seasonal resident Gunter Pfau said it "was quite horrific to see this beautiful wilderness, this beautiful ecological gem, being destroyed without care."



Construction, including what appears to be grading, near where a proposed beach area is planned on the western side of Loon Lake in Franklin County. Photo courtesy of Protect the Adirondacks

A scenic and historic community in the **northern Adirondacks, Loon Lake has hosted the nation's wealthiest families from the Vanderbilts to the Rockefellers, a number of U.S. presidents, authors and composers.**

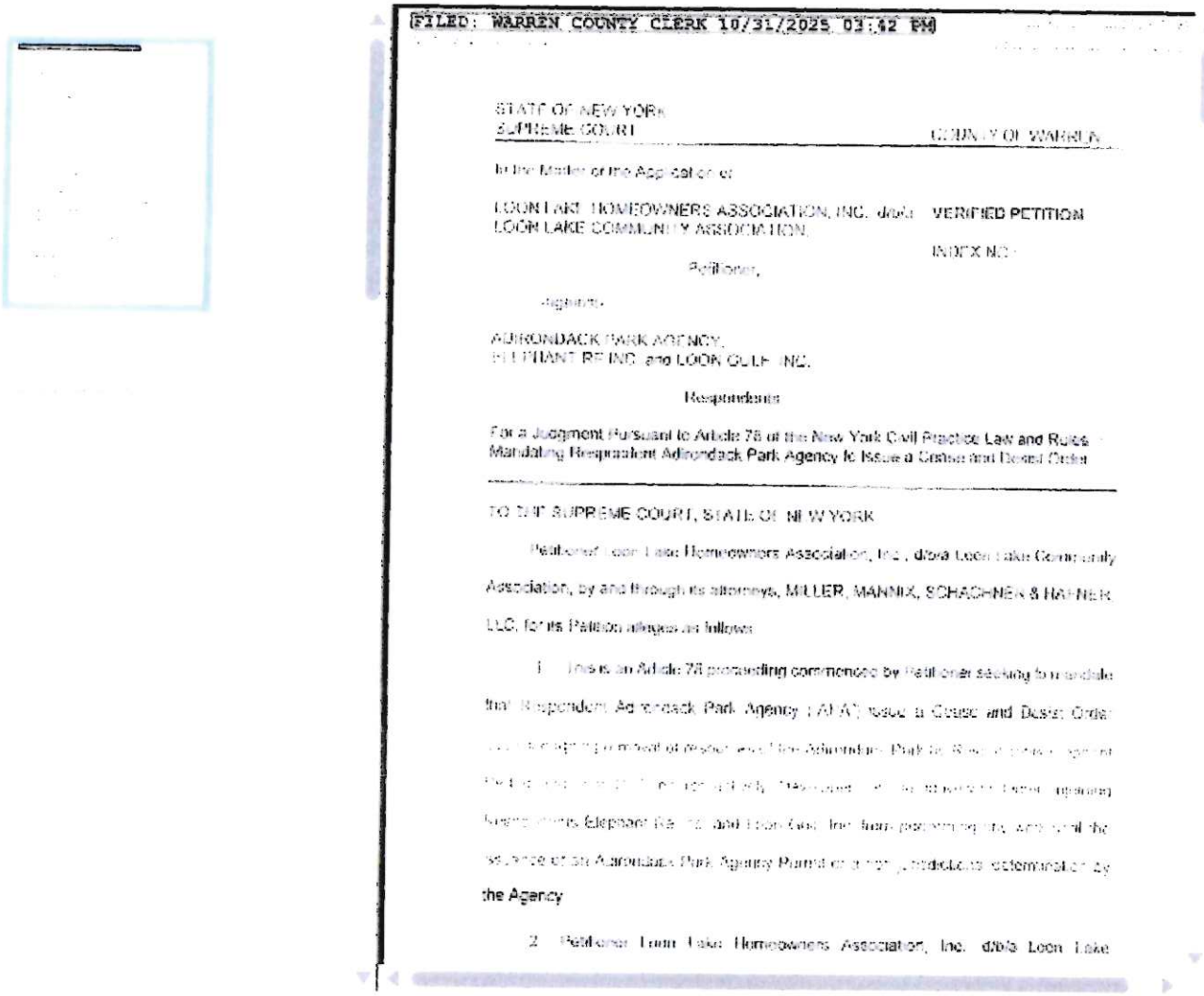
While the private lake some 18 miles northeast of Saranac Lake is known for its seclusion, at least twice landowners with substantial holdings around the lake have sought to subdivide. Neighbors soon realized those companies are attempting to do so again.



RELATED COMMENTARY: What makes Loon Lake so special

A pre-application filed with the Adirondack Park Agency (APA) shows one of two corporate landowners is seeking to subdivide its golf course area on the eastern side of the lake, with plans for a beach on the western side. Neighbors are not only concerned about the proposed subdivision plans. They fear subdivision work is already underway without permits, and state agencies are allowing it to happen.

The APA and the state Department of Environmental Conservation (DEC) say the logging done so far is legal, but the Loon Lake Community Association was not satisfied.



FILED: WARREN COUNTY CLERK 10/31/2025 03:42 PM

STATE OF NEW YORK
SUPREME COURT COUNTY OF WARREN

In the Matter of the Application of

LOON LAKE HOMEOWNERS ASSOCIATION, INC. d/b/a LOON LAKE COMMUNITY ASSOCIATION,

Petitioner,

-against-

VERIFIED PETITION

INDEX NO.

ADIRONDACK PARK AGENCY, ELEPHANT RE INC. and LOON GULF INC.

Respondents

For a Judgment Pursuant to Article 78 of the New York Civil Practice Law and Rules Mandating Respondent Adirondack Park Agency to Issue a Cease and Desist Order

TO THE SUPREME COURT, STATE OF NEW YORK

Petitioner Loon Lake Homeowners Association, Inc., d/b/a Loon Lake Community Association, by and through its attorneys, MILLER, MANNIX, SCHACHNER & HAFNER, LLC, for its Petition alleges as follows:

1. This is an Article 78 proceeding commenced by Petitioner seeking to mandate that Respondent Adirondack Park Agency ("APA") issue a Cease and Desist Order [illegible] the Adirondack Park [illegible] Elephant Re Inc. and Loon Gulf, Inc. from performing any and all the [illegible] of the Adirondack Park Agency Permit or [illegible] determination by the Agency.

2. Petitioner Loon Lake Homeowners Association, Inc. d/b/a Loon Lake

Loon Lake homeowners court document

The organization, which represents about 90 families, filed a lawsuit in Warren County State Supreme Court against the APA, which oversees public and private development in the 6-million-acre park, and two major landowners. **A change.org petition** calling on the APA and DEC "to pause all development activity until full environmental impact studies of the entire development are completed and made public," has also garnered 1,781 signatures as of Nov. 21.

Saranac Lake realtor Brian Draper is representing Loon Gulf and Elephant Re, the two corporations involved in the land clearing and roadwork and both part of the same New York City-based property management firm. Draper told the Explorer the landowner declined to comment.

A subdivision proposal

Residents have long enjoyed the "benign neglect" of Loon Gulf, which owns 380 acres on the western side of the lake, said Stuart Lucks, co-president of the Loon Lake Community Association. Elephant Re owns 443 acres on the eastern side, including the defunct golf course.



Loon Lake in Franklin County. Photo by George Stowers

But a subdivision application request Elephant Re made to the APA this spring showed plans for 52 lots, developed in two phases. The project is called "Loon Lake Heights."

While Elephant Re and Loon Gulf did not submit any plans for the western side of the lake, the pre-application map includes a small glimpse of the western shore and a note: "Beach area for Loon Lake Heights." It appears to be near where the companies are logging.

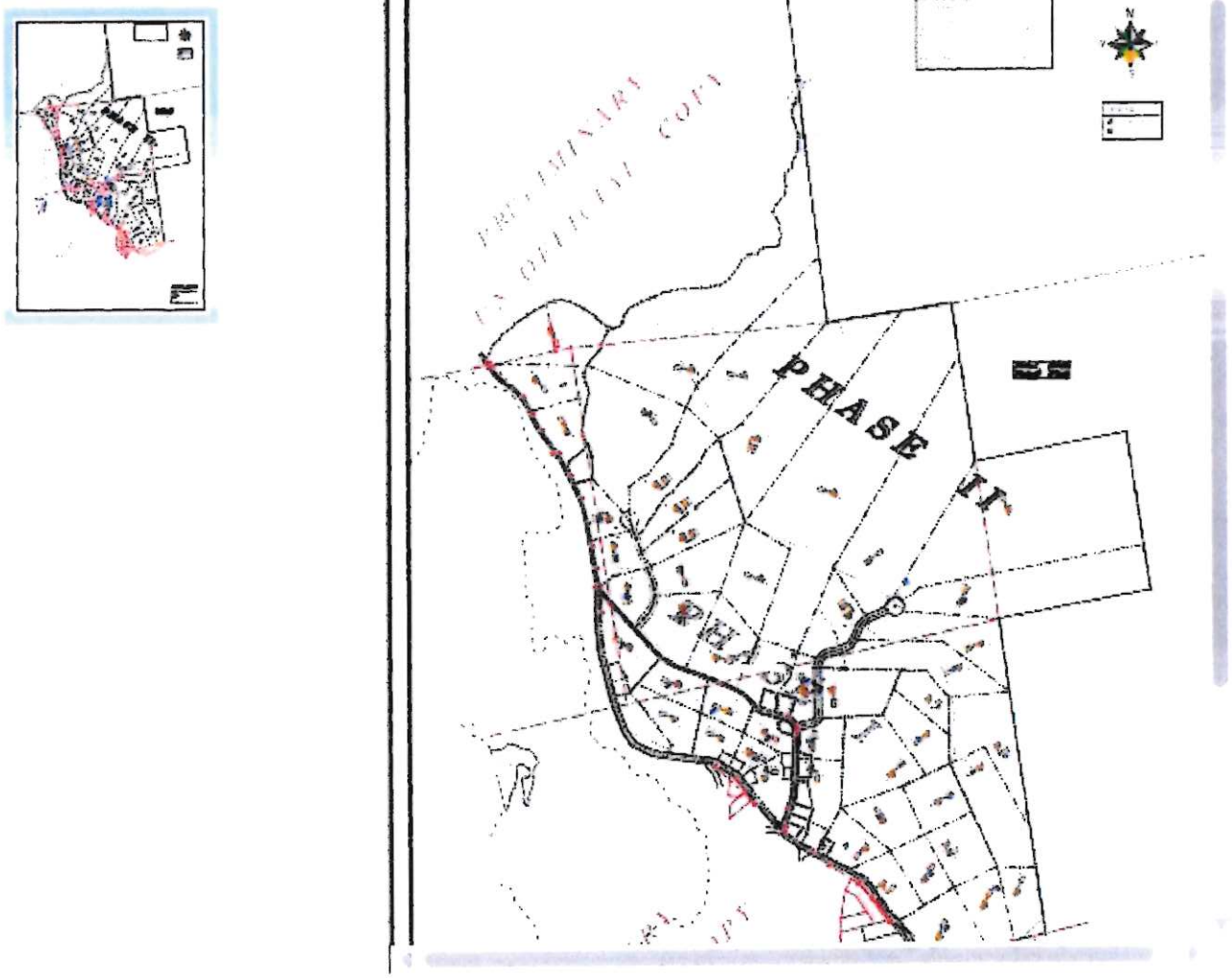
This isn't the first subdivision proposal the companies have tried for on Loon Lake.

The same owners started the process for an ecotourism resort and housing in 2013. Records show consultants were waiting on whether the APA board would issue a permit for the Adirondack Club and Resort, one of the

biggest subdivision projects to come before the agency, planned for Tupper Lake. While the agency eventually permitted the Tupper Lake project, it took years. Lawsuits followed and the project never happened.

In the 1970s around when the APA was first created, developers had tried for a large subdivision on Loon Lake then, too. The agency had issued a permit, but it never was built.

In addition to Draper, the Explorer reached out to Jeffrey Heidings, president of the Wall Street-based Siren Management Corp. that Loon Gulf and Elephant Re are listed under. Heidings referred questions to Richard Radice, founder and managing member of Treehouse Consulting Group, an accounting firm. Radice, who was the project representative for the subdivision proposal in 2013, did not return the Explorer's voicemail.



loon lake map

Residents question current work

Draper has advertised lots for sale as part of "Loon Lake Heights," and one was listed "pending" as of Nov. 11. It appears the lot listings have since been removed from Say Real Estate's website.

The Explorer found those lots were still advertised on other real estate websites as of Nov. 21 with a note, "new subdivision being offered in the Hamlet of Historic Loon Lake … Subject to receiving all permits and approvals from state and local agencies."

The APA visited the area and on Oct. 16 sent a letter to Draper warning him not to do any subdivision preparation without a permit. That included "road construction, grading, installation of utilities, excavation, clearing of building sites, or other landscaping, or in the case of subdivision, the conveyance of any lots."

The community association contacted the APA with concerns about the tree cutting and other construction work.

After another site visit, the APA wrote to Draper on Oct. 31 that the "timber harvesting" did not require agency approval. It did not meet any jurisdictional triggers, such as being closer than 100 feet from the shoreline and 25 acres or more of clearcutting. Staff emphasized that subdivision site preparation was not allowed, but closed the enforcement investigation.

That same day, the community association sued the agency, Elephant Re and Loon Gulf, seeking a cease and desist order until the APA issued a permit or non-jurisdictional determination.

George Stowers, who moved to Loon Lake in 2020 and lives there year round, said watching the forest destruction has had an emotional impact on him and his wife. A volunteer water steward, he is concerned about the environmental stress a subdivision could have on Loon Lake. He is also worried about the impacts of the current work.

The Adirondack Center for Loon Conservation has also expressed concerns about the impacts of subdivisions on the area's namesake species.



Loons on Loon Lake in Franklin County. Photo by George Stowers

Protect the Adirondacks and Adirondack Wild: Friends of the Forest Preserve have written the APA with concerns about the tree removal and where it is in relation to the subdivision proposal. They, too, want the APA to halt the current work until permits are sorted.

Claudia Braymer, executive director of Protect the Adirondacks, was also amazed Draper had listed the subdivision lots for sale. Braymer saw that as a violation of the APA's Oct. 16 letter warning not to convey any of the lots.

The APA declined comment, citing pending litigation.

"We're trying to get the agency to enforce its regulations," Braymer said. "I have a hard time with their response that there's no violations when there's a pending application for a subdivision in the same exact area and they just wrote to the applicant that they can't undertake the project."

What's next

Pfau said he and about a dozen other Loon Lake residents have pooled their money and made an offer to purchase the hundreds of acres to conserve it, but it so far has not been accepted.

They're also frustrated that the two companies are contesting their tax assessments with the town of Franklin since 2019. The western parcel is assessed at $1,816,000 and Loon Gulf is seeking that to be reduced to $125,000. On the eastern side, Elephant Re's land is assessed at $256,000 and is seeking a reduction to $50,000.

And although the court case is ongoing, the community association was unsuccessful in getting an immediate temporary restraining order from Warren County Supreme Court Justice Martin Auffredou to keep Loon Gulf from tree clearing and other work.

Stowers worries the whole site could be cleared by the time the matter is heard on Jan. 30.

Dean Dipilato, a lawyer from DeWitt representing Elephant Re and Loon Gulf, called the matter "a policy disagreement" in a court filing and dismissed residents' fears that this is an "environmental emergency."

"Should a genuine violation later be identified, the APA possess ample authority to order cessation and remediation, including replanting or stabilization measures," Dipilato wrote. "In addition, the APA remains actively engaged in monitoring the site. Its continuing oversight eliminates any credible risk of future harm during the pendency of this proceeding."

The DEC said it is also watching the timber activities there.

rumrum

November 24, 2025 at 5:22 pm

where do the residents live? ….that's what I thought

Tobin Sturgess

November 24, 2025 at 5:54 pm

Is it a pre-application or an application? The article can't seem to make up its mind. Because… There's a big difference when it comes to litigation, not that anything is necessarily ripe for a court to be able to decide on anything. Also, why is this filed in Warren County Supreme Court? Do you think you'll get a more favorable judge instead of holding it in Essex County where the project site is located?



Bob Dillon

November 25, 2025 at 9:58 am

I was thinking the same thing about where this case was filed. Was that in error? There is a larger "Loon Lake" in Warren County and could this have been a mistake?



Melissa Hart

November 25, 2025 at 10:40 am

Hi Bob and Tobin. We're still trying to figure out why the case was filed in Warren County vs. Franklin County, or Essex County (where APA is located). We will give an update when we know more. But this incident is indeed happening in the community outside of Vermontville.



Melissa Hart

November 25, 2025 at 11:26 am

PS we just uploaded a copy of what was filed.

Bernard Elser

November 24, 2025 at 10:57 pm

Paving paradise. Shameful.

John M. Sullivan

November 25, 2025 at 1:51 am

Thank you for leading with that picture. Most clear cutting logging operations that I have seen leave bushes, scrub and small trees not worth cutting. The land is cleared only to the extent needed to harvest lumber. This looks like preparations for a parking lot. The DEC may have its technical standards, but it is clear that it is being used to further the plans of hedge funds and destroy the character of the lake for sake of profit.

adkack

November 25, 2025 at 6:37 am

they'll do the work and deal with the fall out after. money always wins

Meriweather L

November 25, 2025 at 7:20 am

And yet the article states the site is in Franklin County…..

Todd Eastman

November 25, 2025 at 8:41 am

The article states the site is in the town of Franklin. "They're also frustrated that the two companies are contesting their tax assessments with the town of Franklin since 2019."

Jay

November 25, 2025 at 8:01 am

Thank you Gwendolyn.
Adirondacks are forever wild and should remain so. It truly is heartbreaking to watch the natural world be mowed down. The residents want THIS, not whatever hairbrained idea will waste time and money (and displace animals) in its place.

David M. Weeks

November 25, 2025 at 8:05 am

Seems that the APA could care less about the "Forever Wild" moniker. And yet people still support the people in charge of this agency. Time to clean house and get real environmental advocates working there. As it stands…the almighty tax dollar is the rule of the land. The park is being chipped away bit by bit until the point comes when very little wilderness is left. Sad. Too much damage already done.

Todd Eastman

November 25, 2025 at 8:36 am

Developers appear to be jumping the regulatory gun and expect to be forgiven after the fact. The APA seems be ambiguous in the permit realm and the neighbors are demanding clarity.

"The APA and the state Department of Environmental Conservation (DEC) say the logging done so far is legal, but the Loon Lake Community Association was not satisfied." Were there site visits by the APA and/or the DEC before determining that the actions were OK?

Jenny Kershner

November 25, 2025 at 9:00 am

Yes. APA and DEC said all is fine. Gave the thumbs up. No permit needed. They have turned pro development. Wonder if they are being paid off,

Joan Grabe

November 25, 2025 at 8:43 am

The people of Loon Lake might get new neighbors and houses but the people of Lewis might get an artillery range. This current APA /DEC process is not working any more.

Jim

November 25, 2025 at 9:36 am

Yes NOBODY should be able to live or build a home in the Adirondack's. Isn't that what you want except the people that are already there !! You people are ridiculous. There's six million acres in the Adirondack's stop your whining.
I know someone will text if one doesn't others will. People bring tax dollars to the town, and support the local businesses!!

Malcolm gardner

November 25, 2025 at 10:10 am

I do not think that it right what they people are doing because they have money when I was young I you could cut tree and you had to have permit are governmor let rich people do what they feel like poor people hand are tie

walter Birmann

November 25, 2025 at 10:55 am

There have always been 'sayings' that sometime need repeating'.....one is "I've got mine so I don't want any changes'.....another is "What happened to my Property Rights as per the Constitution".....and "don't and shouldn't all taxpayers have the same Property Rights" and not be 'selectively excluded'?.....just some issues that 'many people like to conveniently forget'.....how so.....Huh?
I have 'no skin' in 'this' game there; but over the last 50 years or so, it seems be'many, may be most 'Property Rights' have been taken over by Government Agencies and Bureaucracies 'on all levels' and controlled allegedly sometimes 'over and above' Constitutional inclusion.....I've watched it mostly in 'small town Zoning' where 'arbitrary and capricious' mentality has allegedly influenced many basic 'Privite Property Rights'.....guess you all know that and why 'Comprehensive Plans' and 'Zoning Law' require a 'Zoning Board of Appeals'.....bottom line is I would ask the owners of existing properties already there and 'liveable' shouldn't be able to 'take another's property owner's rights over 'his neighbor's property' beyond the 'health and safety' considerations and 'common sense/necessary ordinances necessary for 'same'.....plain and simple.
For the many entrapraneurally challenges who have succeeded because the entrapraneur 'had the funds to fight for their property rights' and accomplish their 'American Dream' there are 'those that didn't have enough financial backing 'get their Dream', they had to leave it 'all on the table', with their 'tail between their legs' because they didn't have the financial backing to 'fight city hall'.....again .....plain and simple.....so 'yes', 'Money Talks'; but should it really have to be that way.....'I say no'.....as the laws are all 'on the books'.....but if Government turns it's back on you and you don't have the money to 'fight back', you 'ain't gonna getter done'.....Aye ?

NEW YORK STATE | Adirondack Park Agency

KATHY HOCHUL
Governor

BARBARA RICE
Executive Director

December 11, 2025

(by email: mnorfolk@norfolkbeier.com)

Matthew D. Norfolk, Esq.
Norfolk Beier PLLC
The Outpost
55 Barn Road, Suite 201
Lake Placid, New York 12946

Re: APA Project 2021-0276
Complaint about comments on Explorer Website

Dear Mr. Norfolk,

I am in receipt of your letter dated November 25, 2025 asking the Agency to "conduct an investigation" to determine whether comments published on a publicly accessible website (that the Agency has no control over and which includes a comment made on a project unrelated to your client's) were made by one of the Agency's staff members or a "proxy". As described below, your request is without merit; indeed, such speculation does not even raise a plausible inference that would suggest a State employee is responsible.

That being said, I confirm that the Agency is aware of no fact upon which to suspect or much less suggest that any Agency staff member authored such comments. Indeed, hearing staff who have reviewed your client's project are State employees and they review all projects, including your client's, in a professional, fair, and impartial manner, consistent with applicable law and regulations governing such review.

If you have proof of any specific fact to substantiate your otherwise speculative claims, then I urge you to provide it. To date, you have not. Instead, your letter makes spurious claims that cherry picks one commenter's familiarity with the Agency's work and attempts to infer that the commenter's familiarity with the Agency's publicly disclosed work and citation to a State agency's publicly available regulations suggests the commenter is an Agency staff member. Far from insidious, the comments you attach are instead more consistent with the unsurprising inference that the public can easily find our regulations online as well as information on all the projects the Agency reviews.

As you point out, “[e]very member of the public has the right to publish [their] opinion”. Moreover, the Agency has no control over the website where these comments were published.

Your letter also states that if “‘Tobin Sturgess’ is an APA employee or his or her proxy, any FOIL responses by the APA … that do not include the ‘Tobin Sturgess’ comments are deficient and contrary to New York State Public Officers Law.” (Letter at p. 2.) Nonsense. There is a public and transparent process for commenting on projects, all of which are included in a fully disclosed public record for all to see. Further you cite no specific legal provision that would require an agency to provide in a FOIL response comments from a website it neither controls nor maintains.

Again, if you have actual evidence—as opposed to pure speculation—then please provide it. I note that had your letter been filed in court, your signature would constitute a representation that such motion is not being made for an improper purpose, is nonfrivolous, and has factual support after a reasonable inquiry.

You requested that your letter be included in the record. I am therefore copying ALJ Greenwood on this response and including your original letter for whatever treatment he deems appropriate or necessary.

Very truly yours,



Damion K. L. Stodola

cc: Hon. David Greenwood (by email)
Barbara Rice, Executive Director (by email)
John Burth, Deputy Director of Regulator Programs (by email)

Encl.: Email dated November 25, 2025 (with attached letter) from Norfolk to APA

NORFOLK BEIER PLLC
ATTORNEYS AT LAW

December 11, 2025

Via Email Only
Ms. Barbara Rice
Executive Director
Adirondack Park Agency
P.O. Box 99
Ray Brook, New York 12077
barbara.rice@apa.ny.gov

Re: APA Project 2021-0276
Sponsor/Applicant: Michael Hopmeier/Unconventional Concepts, Inc.
Request for Summary of Hearing Procedures

Dear Ms. Rice:

On behalf of the Sponsor in the above-referenced proceeding, we hereby request a summary of hearing procedures be made available pursuant to 9 NYCRR §580.2(e). The summary may be provided by email or other electronic means.

Sincerely,

Norfolk Beier PLLC

By:
Matthew D. Norfolk, Esq.

cc: Hon. David Greenwood, Administrative Law Judge
Grace Sullivan, APA Senior Attorney
Damion Stodola, APA General Counsel
Mr. Michael Hopmeier

Nicole Nolette
Chief Clerk

Essex Supreme and County Courts

Essex County Courthouse
7559 Court Street; P.O. Box 217
Elizabethtown, NY 12932
(518) 873-3370

RECEIVED
FEB 19 2026
Hearings and
Mediation Services

Judicial Assignment Notice

February 2, 2026

David N Greenwood

625 Broadway
Albany, NY 12233

RE: **Hopmeier, Michael vs. Board of New York State Adirondack Park Agency**

RJI No.: 15-1-2026-0021E
Index No.: CV26-0063
Pre-Note S&G Date: 01/30/2027
Post-Note S&G Date:
Type of Action: SP-CPLR Article 78 (Body or Officer)

In accordance with the directives of the Chief Administrative Judge, this case has been assigned to:

Honorable Allison M. McGahay
Essex County Courthouse
7559 Court Street; P.O. Box 217
Elizabethtown, NY 12932

Court rules require that all papers for signature or consideration by this Court, including but not limited to inquiries, motions and cross-motions, must first be presented to the County Clerk's Office along with indication or proof that a copy of such papers were furnished to the opposing party or parties or their attorneys. Neither the Court Clerk nor the Judge's Chambers are permitted to provide you with legal advice.

Nicole Nolette
Chief Clerk

Outlook

Re: Cannon Project in Lewis, NY

From Greenwood, David N (DEC) <david.greenwood@dec.ny.gov>
Date Mon 03/09/2026 8:44 AM
To Michael Audino <michaeljaudino@gmail.com>
Cc Sullivan, Grace (APA) <Grace.Sullivan@apa.ny.gov>; Hubbard, Jennifer M (APA) <Jennifer.Hubbard@apa.ny.gov>

Dear Michael J. Audino:

Thank you for your comment on Adirondack Park Agency (APA) Project No. 2021-0276. The APA is collecting public comments on this project during the public hearing that is ongoing. I will forward your comment to APA's hearing staff for inclusion in the record.

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
w: (518) 402-9004 | david.greenwood@dec.ny.gov
dec.ny.gov

From: Michael Audino <michaeljaudino@gmail.com>
Sent: Thursday, March 5, 2026 8:17 PM
To: Greenwood, David N (DEC) <david.greenwood@dec.ny.gov>
Cc: Michael Audino <michaeljaudino@gmail.com>
Subject: Cannon Project in Lewis, NY

You don't often get email from michaeljaudino@gmail.com. Learn why this is important

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Hon. David Greenwood,

My name is Michael Audino. I've been reading in the Adirondack Explorer about the cannon testing proposal offered by Mr. Hopmeier. I wish to offer some comments about the proposed firing range in Lewis, NY.

I spent 36 years working for Benet Laboratories in Watervliet, NY. I'm sure you are aware that Benet Laboratories is the design agency for Army and Marine Corps large caliber cannon that are produced at the Army's Waterviet Arsenal. I am a mechanical engineer and spent my entire career at Benet

Laboratories working various cannon topics. The last 6 months of my career was as the Acting Director of Benet Laboratories.

What I wish to share with you (and was briefly noted in the Jan/Feb issue of the Adirondack Explorer article) is the noise and shock waves generated during the firing of large caliber cannon. These cannon generate anywhere between 6 and 13+ mega joules of muzzle energy when fired. The chamber pressures (inside the cannon), depending if its an artillery cannon or a tank cannon, can reach 102,000 pounds per square inch. When I was working and we had guests come in who were not familiar with cannon, we would often compare the energy and thrust of a large caliber cannon to that of the launch of the Space Shuttle at its rear launch nozzles. The two scenarios are very similar in regards to thrust and the temperature generated. The noise and shock waves generated from a large caliber cannon will not go un-noticed by the residents in Lewis.

The Army has numerous firing ranges including Aberdeen, MD, Yuma, AZ, Ft Sill, OK.....and more. They are set up for this kind of testing and are located away from populated areas.

Back in the 1980s and 1990s, there was a contractor in Malta, NY called the Wright-Malta Corporation. That company (now long gone) conducted large caliber cannon testing similar to what Mr. Hopmeier wishes to do in Lewis. Area residents were regularly calling Wright-Malta and their town representatives about the noise generated from the cannon testing. At first, the firings were limited to certain times during the day. That did not stop the complaints and, eventually, the Wright-Malta Corporation pulled up its tent stakes and left. Prior to their departure, projectiles were captured in a very large, sand-filled, vessel.... far larger than what Mr. Hopmeier is currently proposing. The issue is that the muzzle end of the cannon cannot be covered since that is where the projectile departs the cannon. And that is where the noise and shock waves are generated during the firing test.

When I was monitoring firings at Aberdeen Proving Ground (for one of our designed cannons), the aftershock sometimes broke the windows of the cars in the parking lot. For me and other observers, we had to stand behind very thick concrete bunker walls.

The bottom line I'm offering is that large caliber firing tests should be done at various Army proving grounds where all safety equipment including a fire house, trained equipment monitors, safety personnel, etc. already exist.

Though I only spoke with him once, I am familiar with some of Mr. Hopmeier's proposals over the years since 2010. A few of the proposals were to be executed in the now defunct missile silo in Lewis.

Thank you for letting me take a bit of your time on this very important issue.

I would like to remain anonymous about this matter but feel free to use any of the information I have offered here.

If you would like to discuss this further, do not hesitate to call me at 518-209-3068.

Sincerely,

Michael J. Audino
Retired Engineer from

US Army Benet Laboratories

19 April 2026

Honorable David Greenwood
Administrative Law Judge
NYS Department of Environmental Conservation
Office of Hearing and Mediation Services
625 Broadway, First Floor
Albany, NY 12233-1550

Reference: APA Project 2021-0276

Dear Judge Greenwood,

I respectfully submit the following information for your consideration regarding Mr. Mike Hopmeier and his Unconventional Concepts, Incorporated (UCI) facility near Lewis, NY.

For 20 years, I served in the U.S. Army as an officer, retiring as a lieutenant colonel. For my first 10 years, I worked primarily with operational armored cavalry units – which included armored reconnaissance vehicles, tanks, heavy mortars, and large self-propelled artillery vehicles. My second 10 years involved technical support of Army research and development programs as well as teaching mechanical systems engineering at the U.S. Military Academy. After retiring, I spent 33 years as a contractor supporting DoD research, development, experimentation, and test programs. During my 43 years of technical work, I designed and directed numerous experiments and tests for various organizations within the Department of Defense (DoD) as well as for the Department of Justice. Most notably, one of my experiments at Fort Benning, GA was highlighted broadcast as a Fox News Special. In addition, as a military officer and as a contractor, I have served as a nationally recognized expert in a number of technical and military operations areas. Over that last 25 years, I have participated as an unpaid volunteer on many boards and committees within the National Academies of Sciences, Engineering, and Medicine (NASEM). This included serving as chair of a NASEM study committee addressing counter-drone technologies for small unit military operations. The final report for this study was one of the most "downloaded" reports in NASEM history. For two years, I also served as board Chair for the Assistant Secretary of the Army for Acquisition, Logistics, and Technology (ASA(ALT)). As a paid contractor, I have served on many committees and assessment teams within the DoD – especially efforts related to test and experimentation. I also developed and taught a class on "Prototyping and Experimentation" at the DoD National Defense University. For many years, I was a technical consultant supporting the DoD Test Resource Management Center in areas of developmental testing (DT) – i.e., testing the technical performance of military technologies and systems – and operational testing (OT) – i.e., testing the mission effectiveness of operational systems. According to Academia.com and as of 4/4/2026, more than 5,440 papers cite my work.

Before addressing the need for the UCI facility as a national asset, I want to discuss Mike Hopmeier. In 1999, I first met Mike at an experiment I designed and directed/executed in Fort Benning, GA. Since then, I have worked with Mike on a variety of experiment and test efforts. Mike is an extremely competent, technical professional and a person of unwavering integrity and deep patriotism, whose honesty, trustworthiness, and steadfast commitment to the security of the United States and the men and women of our military are beyond question. He has always acted in the best interests of the

government. Most importantly, Mike is a highly disciplined, technical professional who consistently placed "safety" at the forefront of every test and experiment we have worked together, ensuring risks were understood, mitigated, and rigorously controlled. As a professional, I have greatly benefited from working with Mike. I have learned a tremendous amount from him.

Experimentation and testing has changed dramatically over the last 30 years. Testing U.S. military systems today is orders of magnitude more complex than it was 30 years ago because the systems themselves—and the battlefields they must survive—have fundamentally changed. Military warfighting systems are more connected, more software-defined, more contested, and more interdependent, which makes proving technical performance and mission effectiveness vastly harder. In an attachment, I have provided a "not all inclusive" list of comparisons that highlight how testing has changed significantly, becoming extremely complex. The increase in complexity in both military technology/system/system-of-systems performance and test/experiment methodologies, has impacted DoD's ability to assess new warfighting systems and systems-of-systems in a number of ways, including:

1. Placing a tremendous strain on the availability of DoD test resources – availability of ranges, instrumentation, test personnel, time, etc. -- within its test base, known as the DoD Major Range and Test Facility Base (MRTFB).
2. Finding the time and resources needed to develop a well thought out and detailed test/experiment plan
3. Drastically increasing the time needed to thoroughly implement a test/experiment plan

In addition, the increase in complexity has significantly increased the need to develop prototype systems and systems-of-systems and to experiment with them on operational ranges. Prototyping and experimentation adds a significant burden onto DoD ranges and often cannot gain range access over higher priority DT and OT events. Finally, the complexity has also generated more of need for integrating the user (i.e., warfighter) much earlier into the development, experimentation, and testing (i.e., more user-system assessments in DT). Early user involvement increases the time needed to collect and assess data, especially the "qualitative" data of the user.

The UCI experiment and test facility near Lewis, NY is a national asset because it offers a significant augmentation to the MRTFB. Its value is not just "extra capacity" – providing a surge capability when the MRTFB is overloaded – but also specialization, agility, and risk-reduction to strengthen the entire DoD test and experimentation enterprise. For example:

1. The MRTFB is finite and heavily scheduled. The UCI facility can provide capacity during program spikes, urgent operational needs, high-priority modernization efforts, etc. This can help minimize bottlenecks and program/test schedule slips.
2. The UCI facility can support early DT as well as prototyping and experimentation, when systems are immature, unstable, and require rapid iteration. This can prevent immature systems from consuming scarce MRTFB range time, enable faster "test-fix-test" cycles, support subsystem-level debugging before full-system integration, and reduce the number of failed or aborted DoD full-scale test events. Thus, by the time a system reaches a DoD range, it is more stable, safer, and more likely to produce meaningful data.
3. The UCI facility can provide a niche, high-fidelity, or proprietary test and experimentation environment that may be too expensive or too narrow for DoD to build and maintain. In particular, the UCI facility can provide hardware-in-the-loop and warfighter-in-the-loop test and

experiment environments – especially for lower-fidelity, but highly important technical performance assessments (e.g., testing the performance of a large caliber gun). In addition, it can provide rapid prototyping, experimentation, and instrumentation capabilities. All of these capabilities – and others -- can expand the technical envelope of what can be tested before a system ever reaches a government range

4. The UCI facility can provide rapid reconfiguration and test/experimentation agility. It can re-instrument quickly, modify test setups in hours or days, support iterative software drops, and tailor environments to specific subsystems.
5. Using the UCI facility for early DT is often far cheaper than using a major DoD range because of its lower overhead, smaller safety footprint, minimal instrumentation complexity, smaller range support crews, and faster iteration (fewer wasted test days). This preserves Program Managers' funding and MRTFB resources for mission-level, high-fidelity testing.
6. The UCI facility can work with the DoD and intelligence community to rapidly provide unique threat capabilities. This can stress systems in ways that government ranges cannot replicate without major investment.
7. Mike Hopmeier and his team have also worked very closely with the Federal Aviation Administration (FAA), Federal Communications Commission (FCC), the Environmental Protection Agency (EPA), and other independent regulatory agencies and commissions to ensure that support from the UCI facility to the DoD, DHS, and other government entities is not hampered – especially in lost support time – by requests for event approval. This also ensures that the community outside of the UCI facility is appropriately protected.

As a side note, I have heard that there is some concern about noise generated from testing of large caliber guns. I know that highly competent individuals are addressing the technical aspects of this issue. I will leave it to them to inform you. Related to this issue, I am reminded of a phrase associated with the U.S. Marine Corps Air Station in Cherry Point, NC. The phrase is "**Pardon our noise, it's the sound of freedom**". This phrase is displayed on a sign outside the main gate, serving as a popular motto that characterizes the roaring, intense sound of jet aircraft and the base's 80-plus years of active training. Perhaps, the same phrase applies to the UCI facility.

In short, the UCI facility is a **much needed national asset** that helps enhance the survivability of our military personnel in war and supports the freedom of all U.S. citizens.

I hope this information is helpful for your review. I would be glad to provide any additional clarification if needed.

Respectfully,

Albert A Sciarretta

Albert A. Sciarretta, PE
Lieutenant Colonel, U.S. Army (Retired)
Independent Consultant
Former President of CNS Technologies, Inc.

Attachment: Comparison of tests in the 1990s versus today.

Dimension	1990s (Legacy Era)	Today (Modern Multi-Domain Era)
Test Ranges	Single-range events often sufficient	Distributed ranges, LVC integration, space and cyber range dependencies
Operational Domains	Air, land, sea tested mostly separately	Air–Land–Sea–Space–Cyber–EW integrated operations; multi-domain mission threads
Interoperability Requirements	Minimal; Service-specific systems	Joint interoperability mandatory – i.e., systems from all Services must work in all domains
System Architecture	Standalone platforms tested largely in isolation	Systems-of-systems requiring integrated operations and validation across Services
Software Complexity	Tens of thousands of lines of code; infrequent updates	Millions of lines; continuous updates; autonomy, AI and machine learning, cloud-connected support systems
Instrumentation	Limited telemetry, analog sensors	High-fidelity digital instrumentation, time-synchronized multi-range data fusion
Data Volume from Instrumentation	Megabytes to gigabytes per event	Terabytes to petabytes per event; complex classification and fusion requirements
Networking and Data Links	Limited networking; point-to-point comms	Highly networked, multi-node data fusion, resilient comms, cross-domain solutions
Analysis Burden	Manual analysis; smaller datasets	Automated analytics, ML-assisted triage, massive regression testing
Threat Environment	Predictable, limited electronic warfare (EW) and cyber threats	Contested electro-magnetic spectrum, advanced jamming, deception, cyber-EW convergence, GPS denial
Threat Systems	Conventional missiles, aircraft, and radars	Threats are faster, stealthier, and more maneuverable, and include drone swarms, long-range precision fires
Adaptation by our Adversaries	Slow, predictable threat evolution	Rapid iteration by near-peer competitors; threat models must be constantly updated
Cyber Requirements	Minimal; cyber not a core test dimension	Mandatory mission-based cyber survivability, red-team penetration, zero-trust validation
Safety and Certification	Traditional MIL-STD safety reviews	Autonomy assurance, software safety, cyber safety, AI behavior validation
Acquisition Oversight	Fewer stakeholders; simpler reporting	DOT&E, GAO, Congress, mission-based cyber, interoperability certification
Test Tempo	Episodic, platform-centric	Continuous, software-driven, iterative, integrated DT/OT, and at the speed of war

NEW YORK STATE | Adirondack Park Agency

KATHY HOCHUL
Governor

BARBARA RICE
Executive Director

In the Matter of the Application of

UNCONVENTIONAL CONCEPTS, INC.
AND MICHAEL HOPMEIER

APA Project No. 2021-0276

APA HEARING STAFF
SUMMARY OF ONGOING ISSUES

Dear Judge Greenwood,

On May 20, 2026, APA hearing staff received e-mail correspondence requesting clarification of the hearing staff's role in the above captioned hearing (Exhibit A). In particular, the e-mail raised concerns regarding the APA hearing staff's preliminary statement served on the Administrative Law Judge and parties to the hearing on April 2, 2026 (Exhibit B).

The staff statement was provided pursuant to the "Second Revised Scheduling Order" (Exhibit C) and 9 NYCRR 580.6(b) which requires agency staff to "state at the outset of the hearing which of the development considerations and other required findings it considers pertinent to the project and [to] *briefly* outline the evidence it intends to present." [Emphasis Added]. At the request of the intervening parties, Agency staff agreed to provide this statement earlier in the proceedings than is required under the regulations to promote transparency and facilitate the continuity of the hearing process.

The staff statement outlines each of the development considerations and provisions of the Act identified in the Project Order and provides a high-level overview of the evidence agency staff will likely present. As provided for in the staff statement, these are "preliminary comments as they relate to the identified hearing issues and relevant development considerations" and that the "proposed testimony and evidence are subject to modification at the Agency's discretion."

The May 20th e-mail contains several "requests" in connection with specific portions of the staff statement. The e-mail suggested that if the agency hearing staff does not comply with these "requests," then they are not meeting their obligations under Agency Regulations §580.6(a). This provision states that

> "the agency staff shall present evidence concerning the pertinent development considerations and the other required findings of §809(9) or §809(10) of the Adirondack Park Agency Act, the Wild Scenic and Recreational Rivers System Act, section 814 of the Adirondack Park Agency Act, or other applicable provisions of these regulations. The agency staff, while not a party to the hearing,

> shall have the right to participate fully in the hearing and shall act as an advocate for a full and complete record upon which an informed decision can be made. The staff is not required to assume the project sponsor's burden of proof."

These obligations must be balanced against §580.15(a)(2) which "preclude[s] immaterial, irrelevant or *unduly repetitious* evidence."

Agency hearing staff will continue to assess whether additional evidence should be provided by agency staff for the purpose of developing "a full and complete record upon which an informed decision can be made" as we move through the prehearing phases and hearing proceeding. The previously provided staff statement is intended to serve as a framework for the hearing structure and a high-level overview of the supplemental evidence the Agency intends to present at the hearing based on the Project Order, application, intervenors' petitions and any other project materials available prior to April 2, 2026. The statement is not a directive or a binding commitment. Considering the need for a comprehensive picture of the evidence intended to be presented at the hearing, the APA hearing staff propose the attached scheduling order (Exhibit D).

Finally, to allege at this phase in the hearing process, and almost two months after Agency hearing staff submitted its staff statement, that Agency staff has failed to meet their obligations under §580.6(a) is improper and a drain on administrative resources. At nearly every stage of the prehearing proceedings the intervening parties have questioned or challenged the APA hearing staff's approach to the hearing. These repetitive attempts to undermine the hearing staff's position reflect a deep misunderstanding of the purpose of §580.6 proceedings and the hearing staff's role in such proceedings. While the applicant and the intervening parties each have a clear desired outcome, APA hearing staff take no such position based on the information we have at this time. The APA Project Review Staff recommended this project proceed to a public hearing under §580.6 because they lacked critical information which would allow them to make a recommendation to the Agency Board as to the approvability of the proposed project *not* because they are seeking a denial. While it is true that a project cannot be denied without the opportunity for a public hearing, the recommendation to proceed to a hearing and Board's decision to order a hearing are not synonymous with a denial outcome.

The purpose of this hearing is to build a record upon which the board can make an informed decision regarding the requirements under §809(10)(a), (b) and (e). The applicant will present evidence it deems relevant to this determination. The intervenors will also present evidence in connection with their position on the project. The APA hearing staff will present supplemental evidence they believe is necessary for the board to make an informed decision. At the outset of the hearing, consistent with Agency regulations

§580.6(b), APA hearing staff will provide an updated statement concerning the pertinent development considerations and evidence it intends to present. After the hearing commences, "upon a sufficient showing by any person or party…the hearing officer may order the hearing staff to produce evidence with respect to the development considerations or other required findings." 9 NYCRR §580.6(c).

To date, the hearing proceedings have been hampered by preemptive, frivolous, tangential challenges and allegations. APA hearing staff respectfully request that each of the parties prioritize preparing for the evidentiary portion of the hearing and refrain from raising issues beyond the scope of the present proceedings.

Respectfully Submitted,

Grace Sullivan

Grace Sullivan
APA Hearing Staff – Attorney

EXHIBIT A

From:	VanCott, Paul
To:	Sullivan, Grace (APA); Hubbard, Jennifer M (APA)
Cc:	Ommen, Todd D.; Executivedirector@protectadks.org; Christopher Amato; David Gibson; pgitlen@WOH.com; Seitelman, Anna V.; Matthew D. Norfolk; Greenwood, David N (DEC)
Subject:	Email from Intervenors Regarding APA Staff"s role in the Adjudicatory Hearing
Date:	Wednesday, May 20, 2026 4:01:15 PM
Importance:	High

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

APA Hearing Staff –

Our collective thoughts on a revised hearing schedule in part reflect questions we have about Staff's intended role in the hearing, based on our review of the 4/2/2026 APA Hearing Statement. Please let us know who the witnesses for APA staff from Regulatory Programs, State Lands and RASS will be. We also ask for clarification and/or reconsideration by APA Hearing Staff of the following statements in the Hearing Staff Statement:

Staff statement

APA hearing staff do not have a recommendation regarding whether the project should be approved or denied, or regarding any conditions that may be included in an approval issued by the APA Board following the hearing.

Request

Please clarify and/or reconsider whether Staff will provide opinion testimony on the project's compliance with the APA Act 809(10) criteria ordered for adjudication by the APA Board, including testimony on whether any proposed conditions of approval would result in such compliance. Staff will participate fully in the hearing and hear and consider all of the testimony and evidence provided. Under 9 NYCRR 580.6(a), staff have an affirmative obligation to present testimony concerning pertinent APA Act 805(4) development considerations and the required findings of APA Act 809(10).

Staff will have the opportunity through its participation in the hearing to present testimony and to evaluate the credibility of witnesses, testimony and evidence presented by the applicants and the intervenors. Ultimately, after hearing all of the testimony and evidence provided on the potential impacts and benefits of the project, presumably John Burth, the appointed Deputy Director of Regulatory Programs ("DDRP"), will provide testimony on whether or not the project complies with the APA Act 809(10) statutory criteria for approval that the APA Board ordered for adjudication. As you know, in his capacity as DDRP John signs almost all of the permits issued by APA and is primarily responsible for all staff recommendations made on applications reviewed by the APA

Board. For all of those staff decisions or recommendations, John is thus at the heart of determining or recommending whether applications comply with the same APA Act 809(10) criteria the Board seeks to have adjudicated here. Through the hearing, the APA Board seeks opinion testimony from all parties and APA hearing staff on whether the project complies with those criteria and it is respectfully submitted that John's testimony on such compliance or noncompliance is critical to a full, complete and competent record.

Staff Statement on Commercial Use Testimony

A member of the Agency's Regulatory Programs division will provide testimony covering the use classification process and the considerations applicable to the Agency's use determinations.

Request

Please clarify and/or reconsider whether John Burth will provide testimony on whether the project is a listed use in APA Act 810 and the primary or secondary list of uses for Rural Use provided in APA 805 for the same reasons as discussed above. Again, this is a legal determination that John makes for every permit he signs and every application he is responsible for making a recommendation made to the APA Board. His opinion on this legal issue, which the APA Board ordered for adjudication, is critical to a full, complete and orderly record.

Staff Statement on whether the Applicants have submitted reliable, comprehensive and accurate noise information

APA hearing staff expect to retain an expert witness who will review the September 2023 sound study submitted by the applicant and submit a report regarding the accuracy and reliability of that study….APA staff members may also provide testimony concerning adjoining nearby land uses.

Request

Staff have identified the "pertinent" development considerations for this issue and intend to present testimony on the accuracy and reliability of the Applicants' noise analysis as required by 580.6(a) – APA staff's obligation to present testimony in this regard necessarily extends to expert testimony about the potential adverse impacts of the project's noise. The application contains additional noise information submitted by the applicants, both before and after the September 2023 sound study. It is respectfully submitted that until the applicants file their pre-filed testimony and supporting evidence, it is premature for staff's expert, and potentially a waste of public monies and staff resources, to review anything previously submitted in order to form an opinion as to

whether the applicants have submitted "reliable, comprehensive and accurate noise information." Further, given staff's obligation under 580.6(a), staff have a non-discretionary, affirmative obligation to present testimony about noise impacts on adjoining and nearby land uses, as well as with respect to the other pertinent development considerations (Note: Please correct the reference in the Hearing Statement to be adjoining and nearby land uses).

Staff Statement on Noise Mitigation Measures

APA hearing staff expect this question to be addressed by one or more expert witnesses appearing at the hearing.

Request

Staff have identified the "pertinent" development considerations for this issue and have an affirmative obligation to present testimony on Noise Mitigation Measures pursuant to 580.6(a). Please clarify and/or reconsider whether APA staff intend to present expert and/or staff testimony and evidence regarding this issue, as required by 580.6(a). It is respectfully submitted that, based upon 580.6(a) and since the APA Board ordered adjudication of this issue, it is incumbent upon staff to provide testimony on this issue as part of its review of the testimony and evidence submitted by the applicants and intervenors, and to offer expert opinion on whether any effective noise mitigation measures exist.

Staff Statement on Wildlife Impacts

APA hearing staff will provide testimony regarding existing habitats at and around the project site and species associated with those habitats. APA hearing staff also expect to retain an expert witness to provide a report and testimony regarding potential noise impacts to identified wildlife at and around the project site.

Request

Please clarify and/or reconsider this statement. What is the range "around the project site" staff will review? Will staff review the full range of species that typically and could potentially use those habitats? Will the uses account for migration and movement of species on a seasonal basis?

Staff Statement on Economic Issues, including Potential Impacts of the Project on the Value of Nearby Properties

APA hearing staff do not intend to present affirmative testimony on this issue. APA hearing staff expect evidence concerning potential economic impacts, including impacts on property

values, to be presented by the intervening parties.

Request

Staff have identified the "pertinent" development considerations for this issue and are required to present competent testimony on this issue pursuant to 580.6(a). Please reconsider this statement and any suggestion that only the applicants and the intervening parties have a responsibility to present testimony and evidence on the project's potential economic impacts and, per APA Act 809(10)(e), benefits. Staff have a shared responsibility for ensuring that the record includes full, complete and competent testimony and evidence on all of the hearing issues ordered for adjudication by the APA Board. Having recommended that the APA Board include the issues of potential adverse impact on nearby property values and "undue adverse impact," it is incumbent upon staff to provide experts, as needed, to review and provide competent testimony and evidence regarding the applicants' claims with respect to these issues, including the potential benefits of the proposed project. Expert or otherwise competent testimony and evidence is required from staff on the potential for adverse economic impacts of the project on nearby property values, as ordered by the APA Board, to evaluate any claims made by the applicants and to provide affirmative testimony as appropriate. Equally, expert or otherwise competent testimony and evidence is required from staff with respect to any assertions of benefits of the project made by the applicants. Staff's testimony and evidence on these questions, demonstrating that it has reviewed and considered the applicants' claims and information, if any, provided by the intervenors is required in order for John Burth to provide full, comprehensive and competent testimony on the APA Act 809(10) legal issues ordered for adjudication by the APA Board on staff's recommendation.

Conclusion

Overall, our requests for clarification and reconsideration reflect a belief that APA hearing staff's review role for the project must be continued through the hearing process, comply with 580.6(a) and encompass all of the issues ordered for adjudication in the hearing by the APA Board. This is all the more critical here because all of the testimony regarding the potential impacts and benefits of the project must be considered by all of the parties and APA hearing staff in forming opinions with respect to the legal issues ordered for adjudication by the APA Board. Just as staff have a responsibility to consider all of a project's impacts and benefits with respect to any project for which John issues a permit or makes a recommendation to the APA Board, that review responsibility must be fulfilled by staff here in order for John to provide the opinion testimony required on the APA Act 809(10) issues and to ensure that a full, comprehensive and competent record is provided to the APA Board.

We respectfully request that Staff respond to these requests at your earliest convenience

as they relate to the scheduling discussion you seek with ALJ Greenwood.

Thank you.

Paul

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EXHIBIT B

NEW YORK STATE | Adirondack Park Agency

KATHY HOCHUL
Governor

BARBARA RICE
Executive Director

In the Matter of the Application of

UNCONVENTIONAL CONCEPTS, INC. AND MICHAEL HOPMEIER

APA HEARING STAFF STATEMENT

APA Project No. 2021-0276

The Adirondack Park Agency ("APA") received an application for a proposed howitzer testing range from Unconventional Concepts, Inc. and Michael Hopmeier (the "Project Sponsors") on November 19, 2021. The project involves two parcels classified as Rural Use under the Adirondack Park Land Use and Development Plan Map. The first parcel, Tax Map Number 38.1-1-29.00 (Lot 29), an approximately 8± acre parcel located at 87 Hale Hill Lane, is owned by Diversified Upstate Enterprises, LLC, and would be used to store equipment associated with testing. The second parcel, Tax Map Number 38.1-1-31.000 (Lot 31), an approximately 197± acre parcel located at 195 Hale Hill Lane, is owned by Pulsifer Logging LLC and would be used as the testing site. Project Sponsors would be granted access to Lot 31 by the landowner to conduct testing.

The Project Sponsors propose placement and operation of a portable 155mm howitzer barrel assembly within a 100-foot by 100-foot crushed gravel pad on Lot 31. Each test would involve firing a steel projectile towards the designated target area. No explosive warheads are proposed. The howitzer is proposed to be fired up to 30 times per year on weekdays, between the hours of 10:00 am and 4:00 pm. A kinetic energy-absorbing system (a "soft catch system") is proposed at the eastern end of the range to capture projectiles.

By Order dated November 14, 2025, the APA Board directed the proposed project to proceed to a public hearing. Upon completion of the hearing, the Administrative Law Judge will submit a complete record of the proceeding to the APA Board. The Board must render a decision within 60 days of receipt of the complete record, unless otherwise extended by the hearing officer or by stipulation. 9 NYCRR §580.18(d).

At the hearing, the burden is on the applicant to demonstrate that the project meets all applicable statutory and regulatory requirements. 9 NYCRR §580.14(b).

The duties of APA hearing staff are set forth in 9 NYCRR §580.6. APA hearing staff are not a party to the hearing but have the right to participate fully and shall act to develop a full and complete record upon which the APA Board may base its decision. APA hearing staff, the applicant, and all parties are prohibited from communicating with the APA Board about the project outside of the hearing process. 9 NYCRR §580.17.

The following issues have been identified for review:

(1) Whether the proposed howitzer testing range is a commercial use (APA Act §810(2)(c)(16)), another use in APA Act §810(2)(c), or a use that is not "included on either the list of primary uses or the list of secondary uses for rural use areas" (APA Act §810(2)(c)(16)).

(2) Whether the howitzer testing range would have any adverse impacts upon the natural, scenic, ecological, wildlife, recreational, or open space resources of the park considering the development considerations contained in APA Act §805(4) and 9 NYCRR §574.5, including, but not limited to the following:

i. Whether the howitzer testing range involves any potential discharges, residues, or other pollutants that may adversely affect water resources, land resources, or air resources (APA Act § 805(4)(a)(1)-(3)).

ii. Whether the howitzer testing range would have any adverse impacts to land resources within the park, such as soils, forest, and open space resources, including the quality and availability of nearby lands for outdoor recreational purposes (APA Act §805(4)(a)(1) and (2)).

iii. Whether the Applicant has provided a reliable, comprehensive and accurate modeling of the noise that would be produced by the howitzer testing range and whether such noise will have any adverse impacts upon the Park's resources or nearby uses (APA Act §805(4)(a)(1)).

iv. Whether noise mitigation measures exist that are feasible to implement that would minimize or avoid any adverse impacts to the Park's resources from the howitzer testing range (APA Act §805(4)(a)(1)).

v. Whether the howitzer testing range would create any ecological impacts or disruption to native or migrating wildlife and their habitats at or near the howitzer testing range, considering species' sensitivities (APA Act §805(4)(a)(5) and (6)).

vi. Whether the howitzer testing range could have adverse health and safety impacts relating to the operation, storage, and transport of military equipment (APA Act §805(4)(c)(2)(a))

vii. Whether the howitzer testing range would adversely impact nearby Wilderness and Wild Forest areas or their use and enjoyment (APA Act §805(4)(c)(2)(a)).

viii. Whether the howitzer testing range would have an adverse economic impact on adjoining and nearby land uses, such as property values (APA Act §805(4)(c)(2)(a)).

(3) Whether the howitzer testing range would be consistent with the Adirondack Park land use and development plan, including, but not limited to, whether the howitzer testing range would be consistent with the purpose of insuring overall conservation, protection, preservation, development and use of the unique scenic, wildlife, recreational, open space, ecological, and natural resources of the Adirondack Park (APA Act §809(10)(a)).

(4) Whether the howitzer testing range would be compatible within the Rural Use land area classification, and whether it would be compatible with the character description and purposes, policies and objectives of the Rural Use land area classification (APA Act §809(10)(b)).

(5) Whether the howitzer testing range would have any undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the park or upon the ability of the public to provide supporting facilities and services made necessary by the project, taking into account the commercial, industrial, residential, recreational, or other benefits that might be derived from the project (APA Act §809(10)(e)).

During the proceedings, APA hearing staff intend to offer testimony and evidence on the following development considerations: APA Act §805(4)(a)(1) (Water); §805(4)(a)(2) (Land); §805(4)(a)(3) (Air); § 805(4)(a)(4) (Noise); §805(4)(a)(5) (Critical Resource Areas); §805(4)(a)(6) (Wildlife); §805(4)(c)(1) (Natural Site Factors); §805(4)(c)(2)(a) (Adjoining nearby land uses);, and §805(4)(d) (Governmental Considerations). APA hearing staff will also follow the testimony and evidence presented by the applicant and the parties and may ask clarifying questions for the purpose of developing a full and complete record.

APA hearing staff do not have a recommendation regarding whether the project should be approved or denied, or regarding any conditions that may be included in an approval issued by the APA Board following the hearing. At the close of the hearing, APA hearing staff may summarize the record for the benefit of the Agency. The participating parties may provide written comments with respect to the completeness of that summary. 9 NYCRR §580.18(a). Agency staff who did not participate in the proceedings may

provide a recommendation to the APA Board about the project and/or potential permit conditions. 9 NYCRR §580.18(b)

For the parties' consideration, APA hearing staff offer the following preliminary comments as they relate to the identified hearing issues and relevant development considerations. Please note that the proposed testimony and evidence are subject to modification at the Agency's discretion.

Question: Whether the proposed howitzer testing range is a commercial use (APA Act §810(2)(c)(16)), another use in APA Act §810(2)(c), or a use that is not "included on either the list of primary uses or the list of secondary uses for rural use areas" (APA Act §810(2)(c)(16)).
Relevant Development Considerations: N/A
Relevant Findings: APA Act §809(10)(b)
Testimony: A member of the Agency's Regulatory Programs division will provide testimony covering the use classification process and the considerations applicable to the Agency's use determinations.

Question: Whether the howitzer testing range involves any potential discharges, residues, or other pollutants that may affect water resources, land resources, or air resources.
Relevant Development Considerations: APA Act §805(4)(a)(1) (Water), APA Act §805(4)(a)(2) (Land), APA Act §805(4)(a)(3) (Air)
Relevant Findings: APA Act §809(10)(a), §809(10)(b), §809(10)(e)
Testimony: APA hearing staff expect to retain an expert witness who will provide a report and testimony regarding this issue. APA hearing staff reserve the right to present supplemental or rebuttal testimony based on any expert report produced in connection with this issue or upon receipt of new information obtained through discovery.

Question: Whether the howitzer testing range would have any adverse impacts to land resources within the park, such as soils, forest and open space resources, including the quality and availability of nearby lands for outdoor recreational purposes.
Relevant Development Considerations: APA Act §805(4)(a)(1) (Water), APA Act §805(4)(a)(2) (Land), APA Act 805(4)(c)(1) (Natural Site Factors)
Relevant Findings: APA Act §809(10)(a), §809(10)(b), §809(10)(e)
Testimony: APA hearing staff expect to provide a combination of expert and staff testimony on this issue. A member of the Agency's State Lands division is expected to provide testimony regarding potential impacts to the quality and availability of nearby lands for outdoor recreational purposes. Expert testimony will address the environmental

impacts to soil, forest, and water. APA hearing staff reserve the right to cross-examine witnesses and to present rebuttal or supplemental testimony.

Question: Whether the Applicant has provided a reliable, comprehensive and accurate modeling of the noise that would be produced by the howitzer testing range and whether such noise will have any adverse impacts upon the Park's resources or nearby uses (APA Act § 805(4)(a)(1)).
Relevant Development Considerations: §805(4)(a)(5) (Critical Resource Areas), §805(4)(a)(6) (Wildlife), §805(4)(c)(2)(a) (Adjoining nearby land uses)
Relevant Findings: APA Act §809(10)(a), §809(10)(b), §809(10)(e)
Testimony: APA hearing staff expect to retain an expert witness who will review the September 2023 sound study submitted by the applicant and submit a report regarding the accuracy and reliability of that study. The expert will provide testimony in connection with their report and be available for cross examination. APA staff members may also provide testimony concerning noise impacts to adjoining nearby land uses. APA hearing staff reserve the right to present supplemental or rebuttal testimony.

Question: Whether noise mitigation measures exist that are feasible to implement that would minimize or avoid any adverse impacts to the Park's resources from the howitzer testing range (APA Act § 805(4)(a)(1)).
Relevant Development Considerations: §805(4)(a)(5) (Critical Resource Areas), §805(4)(a)(6) (Wildlife), §805(4)(c)(2)(a) (Adjoining nearby land uses)
Relevant Findings: APA Act §809(10)(a), §809(10)(b), §809(10)(e)
Testimony: APA hearing staff expect this question to be addressed by one or more expert witnesses appearing at the hearing. APA hearing staff reserve the right to cross-examine witnesses and to present rebuttal or supplemental testimony.

Question: Whether the howitzer testing range would create any ecological impacts or disruption to native or migrating wildlife and their habitats at or near the howitzer testing range, considering species' sensitivities.
Relevant Development Considerations: APA Act §805(4)(a)(5) (Critical Resource Areas) and §805(4)(a)(6) (Wildlife)
Relevant findings: APA Act §809(10)(a), §809(10)(b), §809(10)(e)
Staff Testimony: APA hearing staff will provide testimony regarding existing habitats at and around the project site and species associated with those habitats. APA hearing staff also expect to retain an expert witness to provide a report and testimony regarding potential noise impacts to identified wildlife at and around the project site. APA hearing staff reserve the right to cross-examine witnesses and to present rebuttal or supplemental testimony.

Question: Whether the howitzer testing range could have adverse health and safety impacts relating to the operation, storage, and transport of military equipment.
Relevant Development Considerations: APA Act §805(4)(c)(2)(a) (Adjoining and nearby land uses), §805(4)(d)(1)(a) (Ability of Government to provide facilities and services)
Relevant findings: APA Act §809(10)(a), §809(10)(b), §809(10)(e)
Testimony: APA hearing staff expect to retain an expert witness to provide testimony on this issue. APA hearing staff reserve the right to cross-examine witnesses and to present rebuttal or supplemental testimony.

Question: Whether the howitzer testing range would adversely impact nearby Wilderness and Wild Forest areas or their use and enjoyment.
Relevant Development Considerations: APA Act §805(4)(c)(2)(a) (Adjoining and nearby land uses)
Relevant findings: APA Act §809(10)(a), §809(10)(b), §809(10)(e)
Testimony: A member of the Agency's State Lands division will provide testimony on this issue. APA hearing staff reserve the right to cross-examine witnesses and to present rebuttal or supplemental testimony.

Question: Whether the howitzer testing range would have an adverse economic impact on adjoining and nearby land uses, such as property values.
Relevant Development Considerations: APA Act §805(4)(c)(2)(a) (Adjoining and nearby land uses)
Relevant findings: APA Act §809(10)(a), §809(10)(b), §809(10)(e)
Testimony: APA hearing staff do not intend to present affirmative testimony on this issue. APA hearing staff expect evidence concerning potential economic impacts, including impacts on property values, to be presented by the intervening parties. APA hearing staff reserve the right to cross-examine witnesses and to present rebuttal or supplemental testimony.

Question: Whether the howitzer testing range would be consistent with the Adirondack Park land use and development plan, including, but not limited to, whether the howitzer testing range would be consistent with the purpose of insuring overall conservation, protection, preservation, development and use of the unique scenic, wildlife, recreational, open space, ecological, and natural resources of the Adirondack Park.
Relevant Development Considerations: APA Act §805(4)
Relevant findings: APA Act §809(10)(a)

Testimony: A member of the Agency's Regulatory Programs division will provide testimony in connection with this issue. APA hearing staff reserve the right to cross-examine witnesses and to present rebuttal or supplemental testimony.

Question: Whether the howitzer testing range would be compatible within the Rural Use land area classification, and whether it would be compatible with the character description and purposes, policies and objectives of the Rural Use land area classification (APA Act § 809(10)(b)).
Relevant Development Considerations: APA Act §805(4)
Relevant findings: APA Act §809(10)(b)
Testimony: A member of the Agency's Regulatory Programs division will provide testimony in connection with this issue. APA hearing staff reserve the right to cross-examine witnesses and to present rebuttal or supplemental testimony.

Question: Whether the howitzer testing range would have any undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the park or upon the ability of the public to provide supporting facilities and services made necessary by the project, taking into account the commercial, industrial, residential, recreational, or other benefits that might be derived from the project
Relevant Development Considerations: APA Act §805(4)
Relevant findings: APA Act §809(10)(e)
Testimony: A member of the Agency's Regulatory Programs division will provide testimony in connection with this issue. APA hearing staff reserve the right to cross-examine witnesses and to present rebuttal or supplemental testimony.

EXHIBIT C

In the Matter of the Application of

UNCONVENTIONAL CONCEPTS, Inc., and MICHAEL HOPMEIER

SECOND REVISED SCHEDULING ORDER

APA Project No. 2021-0276

The adjudicatory hearing in the above-captioned matter has been **adjourned** from April 22, 2026 and shall now **commence** on **June 24, 2026**, at 10:00 A.M. at Adirondack Park Agency headquarters located at 1133 NYS Route 86, Ray Brook, New York 12977 and such additional dates as determined to be necessary.

I. Witness List and APA Staff Statement

All parties shall file and serve a list of the witnesses they intend to present on or before **April 8, 2026**. The list should be served on the hearing officer and the parties by email by 5:00 p.m. on that date. In addition, APA staff shall file and serve on or before 5:00 p.m. on **April 8, 2026**, a statement concerning the development considerations and other required findings it considers pertinent to the project and outline the evidence it intends to present, as required by 9 NYCRR 580.6(b).

II. Preliminary Discovery

Any preliminary interrogatories and requests for productions of documents shall be served on or before **April 8, 2026**. Copies of discovery requests shall be served on all parties and the hearing officer by 5:00 p.m. on that date.

Responses to discovery requests shall be served on all parties by 5:00 p.m. on **April 29, 2026**, unless otherwise mutually agreed between the parties or upon an Order of the hearing officer following a motion for extension of time to respond.

III. Pre-filed Direct Testimony

Pursuant to 9 NYCRR 580.14(f), the hearing officer may require the submission of pre-filed written testimony for witnesses. Unless otherwise ordered, all testimony shall be written and pre-filed in accordance with the schedule established in this Order, and service on the hearing officer and the parties shall be by email. Each witness offered as an expert must provide either a resume or curriculum vitae as an exhibit to the pre-filed direct testimony and must provide all information and data supporting the statements offered in the pre-filed direct testimony, as well as a bibliography of reports or other documents relied upon in the preparation of the pre-filed direct testimony.

The pre-filed submissions will be limited to direct testimony with the associated exhibits. The pre-filed direct testimony will be prepared in question and answer format. Each line on every page will be numbered, and each page of the pre-filed testimony must be numbered. Errata will not be accepted after the filing date. During the hearing, the witnesses will have the opportunity to correct any typographical errors of their written pre-filed direct testimony before cross-examination. In the alternative, the witness may file an affidavit in advance of the hearing session describing any changes or corrections to the pre-filed direct testimony and associated exhibits.

Subsequent to the submission and service of pre-filed written testimony, but no later than ten (10) business days after service of such testimony, any party may serve upon the party making the submission interrogatories and requests for production of documents concerning the facts or data supporting any conclusion offered in the pre-filed testimony. Responses to interrogatories and document requests shall be provided no later than twenty (20) days after service of such interrogatories and document requests, unless otherwise mutually agreed between the parties or upon an Order of the hearing officer following a motion for extension of time to respond.

The applicant will file and serve pre-filed testimony of witnesses and related exhibits on or before 5:00 p.m. on **May 20, 2026**.

APA staff and the intervenors shall file and serve pre-filed direct testimony and related exhibits on or before 5:00 p.m. on **June 10, 2026**.

At the hearing, the sponsoring party will ask the witness to attest to the pre-filed testimony. The parties will have the opportunity to cross-examine each witness unless the parties stipulate otherwise. If a party intends to introduce any exhibits during cross-examination, copies of the exhibits must be provided to each party and the hearing officer at that time. The sponsoring party may ask its witness questions on re-direct, followed by recross-examination.

The hearing will continue, as needed, until each party has presented their direct case, and the other parties have exercised their right to cross-examine the witnesses.

Any requests to modify or amend this Scheduling Order must be filed in writing at least 10 calendar days before the established due date. Prior to filing the request, the parties must confer and attempt to resolve the conflict before filing the request with the hearing officer.

SO ORDERED

David N. Greenwood
APA Hearing Officer

Dated: March 13, 2026
Albany, New York
To: Attached Service List

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

Project Sponsor / Applicant Representatives

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Lake Placid, NY 12946

Shane Kelly
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APA Hearing Staff

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Intervenors

Roger Downs
Conservation Director
Sierra Club Atlantic Chapter
Care of Todd D. Ommen
Managing Attorney
Pace Environmental Litigation Clinic
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78 North Broadway
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Paul Van Cott, Esq.
Philip H. Gitlen, Esq.
Anna V. Seitelman, Esq.
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Whiteman Osterman & Hanna LLP
One Commerce Plaza
Albany, NY 12260

Christopher Amato, Esq.
Conservation Director and Counsel
Claudia Braymer, Esq.
Executive Director
Protect the Adirondacks
P.O. Box 48
North Creek, NY 12853

David N. Greenwood
Administrative Law Judge
NYS DEC
Office of Hearings and Mediation Services
625 Broadway, 1st Floor
Albany, New York 12233-1550

Exhibit D

In the Matter of the Application of

UNCONVENTIONAL CONCEPTS, INC.
AND MICHAEL HOPMEIER

APA Project No. 2021-0276

THIRD REVISED SCHEDULING ORDER

The adjudicatory hearing in the above-captioned matter has been **adjourned** from June 24, 2026, and shall now commence on **Wednesday October 28, 2026,** at 10:00 A.M. at Adirondack Park Agency Headquarters Located at 1133 NYS Route 86, Ray Brook, New York 12977 and such additional dates as determined to be necessary.

I. Discovery

Responses to preliminary interrogatories and requests for production of documents were due at 5:00 p.m. on April 29, 2026.

APA hearing staff shall supplement their April 29, 2026 responses by production of all relevant, material, and non-privileged documents, excluding expert reports, by serving such documents on all parties and the hearing officer on or before 5:00 p.m. on **June 26, 2026**.

Applicant and intervening parties are not required to supplement their April 29, 2026 discovery responses, unless otherwise ordered following any motion to compel.

Any deadline for challenges to the April 29, 2026 responses shall be served on all parties and the hearing officer by 5:00 p.m. on **Wednesday, June 3, 2026.**

II. Site Visit

Parties will meet and confer with the Hearing Officer on or before **June 10, 2026**, to schedule a site visit for APA hearing staff, intervening parties, and any retained experts.

III. Pre-filed Direct Testimony

Pursuant to 9 NYCRR 580.14(f), the hearing officer may require the submission of pre-filed written testimony for witnesses. Unless otherwise ordered, all testimony shall be written and pre-filed in accordance with the schedule established in this Order, and service on the hearing officer and the parties shall be by email. Each witness offered as an expert must provide either a resume or curriculum vitae as an exhibit to the pre-filed

direct testimony and must provide all information and data supporting the statements offered in the pre-filed direct testimony, as well as a bibliography of reports or other documents relied upon in the preparation of the pre-filed direct testimony.

The pre-filed submissions will be limited to direct testimony with the associated exhibits. The pre-filed direct testimony will be prepared in question and answer format. Each line on every page will be numbered, and each page of the pre-filed testimony must be numbered. Errata will not be accepted after the filing date. During the hearing, the witnesses will have the opportunity to correct any typographical errors of their written pre-filed direct testimony before cross-examination. In the alternative, the witness may file an affidavit in advance of the hearing session describing any changes or corrections to the pre-filed direct testimony and associated exhibits.

There will be no additional opportunity for discovery. Any supplemental requests for the production of specified documents may be submitted directly to the Administrative Law Judge who will grant or deny such request pursuant to his authority under 580.14(a)(4)(vii).

The applicant will file and serve pre-filed testimony of witnesses and related exhibits on or before 5:00 p.m. on **Wednesday July 29, 2026**.

Intervenors shall file and serve pre-filed direct testimony and related exhibits on or before 5:00 p.m. on **Wednesday August 19, 2026**.

APA hearing staff shall file and serve pre-filed direct testimony and related exhibits on or before 5:00 p.m. on **Wednesday September 9, 2026**.

IV. Order of Proceedings

The parties shall meet and confer with the Hearing Officer on **Wednesday October 7, 2026** to discuss (i) the order of proceedings; (ii) scheduling of witnesses; and (iii) proposed schedule and locations for hearing dates.

At the hearing, the sponsoring party will ask the witness to attest to the pre-filed testimony. The parties will have the opportunity to cross-examine each witness unless the parties stipulate otherwise. If a party intends to introduce any exhibits during cross-examination, copies of the exhibits must be provided to each party and the hearing officer at that time. The sponsoring party may ask its witness questions on re-direct, followed by recross-examination.

The hearing will continue, as needed, until each party has presented their direct case, and the other parties have exercised their right to cross-examine the witnesses.

At the conclusion of the hearing the parties shall have the opportunity to submit final briefs relating to any issue of law, ruling, or positions taken.

V. Modification of Scheduling Order

Any requests to modify or amend this Scheduling Order must be filed in writing at least 10 calendar days before the established due date. Prior to filing the request, the parties must confer and attempt to resolve the conflict before filing the request with the hearing officer.

SO ORDERED:

_____

ALJ Greenwood

DATED:

Board of Directors

Charles Clusen
Chair

Barbara Rottier
James McMartin Long
Vice-Chairs

Chris Walsh
Secretary

David Quinn
Treasurer

Nancy Bernstein
John Caffry
Dean Cook
Juliet Cook
James C. Dawson
Lorraine Duvall
Robert Glennon
Roger Gray
Sidney Harring
Michala Hendrick
Sheila M. Hutt
Patricia Morrison
John Nemjo
Charlie Olsen
Peter O'Shea
Philip Terrie

Staff

Claudia K. Braymer, Esq.
Executive Director

Christopher Amato, Esq.
Conservation Director and Counsel

Peter Bauer
Membership Coordinator

Via Email

June 11, 2026

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 of Unconventional Concepts, Inc. and Michael Hopmeier
APA Project No. 2021-0276

Dear Judge Greenwood:

Intervenor Protect the Adirondacks (PROTECT) submits this letter in response to the summary of ongoing issues and proposed Third Revised Scheduling Order submitted by Adirondack Park Agency (APA) staff under cover of an email dated May 26, 2026.

Summary of Ongoing Issues

Although styled as a "summary of ongoing issues" the submission by APA staff is simply a litany of complaints concerning the Intervenors' participation in this proceeding. PROTECT will not respond to those complaints other than to note that they exhibit a fundamental misunderstanding of the role of intervenors in an administrative proceeding. PROTECT will continue to exercise its right as an intervenor to raise and address procedural and substantive issues in this proceeding.

APA Staff's Proposed Scheduling Order

PROTECT does not generally oppose amending the deadlines in the current Scheduling Order. However, PROTECT objects to APA staff's proposed scheduling order because it (i) alters the existing scheduling order in significant and prejudicial respects without providing any explanation or justification for

such far-reaching changes; and (ii) improperly seeks to grant APA staff an additional two months to submit responses to discovery in violation of the terms of the Second Revised Scheduling Order.

Significant Changes to Existing Order

The current scheduling order provides an opportunity for discovery on pre-filed testimony and specifies that pre-filed testimony will be filed first by the applicant, followed by APA staff and the Intervenors. *See* Second Revised Scheduling Order § III, at 2. APA staff's proposed order eliminates all discovery on pre-filed testimony and reshuffles the order of proof by having the applicant file its pre-filed testimony first, followed by the Intervenors, and then APA staff filing last. APA staff has provided no explanation or justification for these significant changes to the existing Scheduling Order. In fact, the proposed changes will delay the proceedings and should be rejected.

Discovery on pre-filed testimony is essential to fully developing the factual, scientific and, where appropriate, legal basis for the testimony and streamlines the proceeding by eliminating the need for this essential background information to be elicited through cross-examination at the hearing. Eliminating discovery on pre-filed testimony will therefore needlessly prolong this proceeding. In addition, allowing APA staff to delay its pre-filed testimony until all other parties have filed will needlessly prolong this hearing. PROTECT therefore opposes these significant unjustified changes to the existing Scheduling Order.

Improper Extension of Discovery Deadline

The Second Revised Scheduling Order established a deadline of April 29, 2026 for responses to discovery. *See* Second Revised Scheduling Order § II. With the exception of APA staff, all other parties complied with this deadline. APA staff's proposed scheduling order includes a provision granting APA until June 26, 2026—an extension of nearly two months—to submit its discovery responses. That request is improper and untimely.

The Second Revised Scheduling Order states that "[a]ny requests to modify or amend this Scheduling Order must be filed in writing at least 10 calendar days before the established due date." *Id*. § III at 2. Thus, APA staff was required to file its request for an extension by no later than ten calendar days before the April 29 deadline. APA staff's current request—filed nearly one month *after* the deadline—is therefore untimely under the terms of the Second Revised Scheduling Order and should be denied.

Respectfully submitted,



Christopher Amato
Conservation Director and Counsel

cc: Service List

WHITEMAN
OSTERMAN
& HANNA LLP

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Paul VanCott
Of Counsel
518.487.7733 phone
pvancott@woh.com

June 12, 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 "Applicant")
APA Project No. 2021-0276

Dear Judge Greenwood:

On behalf of the Adirondack Council, Inc. (the "Council"), we submit this letter in response to the "APA Hearing Staff Summary of Ongoing Issues" that we received on May 26, 2026 and respectfully ask for discussion of: (1) the Intervenors' May 20, 2026 requests for clarification and/or reconsideration of staff's Hearing Statement for the reasons stated in that email (copy attached as Exhibit A); and (2) the revised hearing schedule as proposed by the Intervenors on May 15, 2026 consistent with and for the reasons stated in Exhibit B hereto.

Response to APA Hearing Staff's Summary of Ongoing Issues

There may be a misunderstanding regarding the Council's goals and its role to date in this adjudicatory hearing. We want to use this response to underscore our recognition that this is APA's hearing and of the importance of APA hearing staff's role in objectively providing the primary examination and review of the Application in order to inform the APA Board's deliberations on whether the Applicant has met its burden of proof.

First, the Council sought to intervene in the hearing in order to support staff's efforts to ensure that a full and complete record is provided to the APA Board for its decision. The Council is fully aware of the purposes of an APA hearing under 9 NYCRR Part 580 and will continue to exercise its rights as a party in this hearing consistent with those purposes and the Council's role as a party.

The Council has always been ready to participate in the hearing based upon your scheduling orders. In fact, the Council objected to hearing delays proposed by the Applicant. To make the pre-hearing process more efficient, the Council has coordinated with the other Intervenors so that one and not four separate Intervenor positions require responses. For discovery, the Council complied with your order and provided a timely response to the Applicant's discovery requests. We have not heard anything from the Applicant regarding our response. The delays to the hearing schedule to date have only occurred due to the Applicant's CPLR Article 78 proceeding and staff's request to extend the hearing schedule until the end of October.

Second, the issues that have been raised by the Council individually, and together with the other Intervenors, have all been intended to ensure a hearing process with integrity, that complies with applicable law and regulations, and that would result in a factually and legally complete and orderly record for the APA Board's consideration. These efforts include:

- The Council initially brought the ethical conflict involving the Applicant's attorney to his and APA's attention, seeking resolution of the conflict without the need for any motion to you. APA and the Applicant's attorney could have addressed this conflict, but instead the Council had to seek a ruling from you to get the issue resolved.

- As was recognized by all of the parties except for the Applicant, the APA Hearing Order required changes. APA hearing staff supported the proposed revisions to the existing hearing issues advanced by the Intervenors and suggested some additional changes. When the Applicant did not agree to those changes, the Council sought an order from you revising the Hearing Order based upon staff's redlined version of the revised hearing issues. APA hearing staff supported that motion, which you granted.

- The Intervenors' May 15, 2026 response to the proposed revisions to the hearing schedule advanced by staff (See Exhibit A) was intended to accommodate staff's proposal to delay the hearing until late October. It also sought to provide sufficient time for staff and the Intervenors to prepare expert testimony in response to the information the Applicant presented in their pre-filed testimony, for the reasons explained in Exhibit B. Finally, it proposed a schedule based on a concern raised by the Council in the first pre-hearing conference, i.e., that testimony on the three APA Act § 809(10) legal issues ordered for adjudication should be deferred until after all of the testimony has been provided regarding the project's impacts (and, for "undue adverse impact," its benefits).

- From the Council's perspective, the Intervenors' May 20, 2026 request to APA hearing staff with respect to APA hearing staff's Hearing Statement (See Exhibit B) was made to better assess the need for Intervenor witnesses for the hearing. The Hearing Statement was required by your scheduling order and has been used by the Council as a road map for preparation for the hearing, based on our recognition of staff's primary role. The Intervenors' May 20, 2026 request provided questions that we believe should be discussed with APA hearing staff so it is better understood if and to the extent supplemental testimony from the Council is required. As an Intervenor in APA's

hearing, the Council believes its role should properly be limited to supplementing APA hearing staff's review and recommendations to the extent necessary, or (if necessary) to seek to have staff provide additional information pursuant to 9 NYCRR § 580.6(c).

Finally, the Council questions APA hearing staff's proposed reordering of the parties' testimony to have the Applicant go first, followed by the Intervenors, with APA staff only "supplementing" the record as needed. This proposal is not consistent with your scheduling orders or recent discussions among the parties regarding proposals to revise the schedule. Nor does it appear to consider the Intervenors' May 15th proposal included as Exhibit B, or the reasons for that proposal. Further, it is contrary to general order of proceedings prescribed in 9 NYCRR § 580.14(b):

> *As a general rule, the project sponsor shall proceed first, followed by the agency staff, other governmental agencies, and other parties.*

Accordingly, we ask for discussion among the parties of the revised scheduling order provided by the Intervenors in Exhibit A.

In closing, it is respectfully submitted that in APA's hearing, APA hearing staff have the primary responsibility for expert review and examination of the information presented by the Applicant. This includes regarding the very deficiencies in the Application and the development considerations that APA staff identified in recommending that an adjudicatory hearing be held. APA's regulations (9 NYCRR § 580.6(a)) place this responsibility squarely on APA staff as a legal obligation:

> *The agency staff shall present evidence concerning the pertinent development considerations and the other required findings of section 809(9) or section 809(10) of the Adirondack Park Agency Act, the Wild, Scenic and Recreational Rivers System Act, section 814 of the Adirondack Park Agency Act, or other applicable provisions of these regulations.*

"Shall" means "shall," and there is no legal basis for staff to rely on the Intervenors to fulfill this legal obligation.[1]

If staff fails to fulfill this obligation, there is a risk that the Applicant's information will be unchallenged or given more weight than it deserves in the record provided to the APA Board, whether or not the Intervenors are involved. Further, because the APA Board ordered the issues for adjudication, we believe that APA hearing staff further have a legal obligation under 9 NYCRR § 580.6(a) to provide objective opinions informed by that review on whether the Applicant has met its burden of complying with the criteria for APA Act § 809(10) approval of the project ordered for adjudication by the APA Board.

[1] APA hearing staff certainly does not have the authority to relieve itself from this legal obligation, as suggested in its Summary of Ongoing Issues, based on the hearing officer's authority to "preclude immaterial, irrelevant or unduly repetitious evidence or cross-examination" under 9 NYCRR § 580.15(a)(2). That authority is reserved to the hearing officer and if the proper order of testimony is followed in this hearing consistent with 9 NYCRR § 580.14(b), the ALJ, not APA hearing staff, has the sole authority preclude Intervenor testimony that the ALJ determines "unduly repetitious."

The Council does not ask APA hearing staff to advocate for any specific decision by the APA Board. We only ask staff to engage the required internal and external expertise needed to ensure that a full, competent and complete review and examination of the information presented by the Applicant occurs in the hearing. Fundamentally, we believe that staff should not rely on the Intervenors to provide the primary review and examination of any aspect of the Applicant's case, or for bringing experts forward in place of APA hearing staff or its experts. As noted above, this is APA's hearing and we fully respect staff's primary role in the hearing to ensure that the information presented by the Applicant is fully and objectively tested in order to inform the Board's deliberations (which will be supported by non-hearing staff). That testing of the Applicant's case, however, can only be done during the hearing and the APA Board must be able to rely on its hearing staff to primarily fulfill that role, with or without intervening parties involved.

Staff expert testimony as required by law and its cross-examination of both Applicant and Intervenor witnesses are critical to ensure that an objectively-tested record is provided to the Board. Further, since the Board ordered adjudication of certain APA Act § 809(10) approval criteria in the hearing, staff's primary obligation for providing an objective evaluation of whether the Applicant has met its burden of proving compliance with those criteria is also critical to the record sought by the APA Board. .[2]

We look forward to what will hopefully be a collegial and productive discussion on Monday so that we can continue to move forward towards an October 28, 2026 hearing date.

Very truly yours,



Paul Van Cott

Attachments

Cc: Service List

[2]In the briefing following APA's Adirondack Club & Resort hearing, APA hearing staff concluded that the project could potentially meet the 809(10) criteria for approval if certain conditions were included in any approval. Here, unlike that hearing, the APA Board has expressly ordered adjudication of the relevant 809(10) approval standards. It is respectfully submitted that, while not advocating for any specific outcome, APA hearing staff have an obligation to provide opinions informed by testimony provided on the project's potential impacts and benefits on whether the Applicant has met its burden of demonstrating compliance with those statutory criteria.

EXHIBIT A

VanCott, Paul

From: VanCott, Paul
Sent: Wednesday, May 20, 2026 4:01 PM
To: grace.sullivan@apa.ny.gov; Hubbard, Jennifer M (APA)
Cc: Ommen, Todd D.; Claudia Braymer; Christopher Amato; dgibson@adirondackwild.org; Gitlen, Philip; Seitelman, Anna V.; Matthew D. Norfolk; Greenwood, David N (DEC)
Subject: Email from Intervenors Regarding APA Staff's role in the Adjudicatory Hearing

Importance: High

APA Hearing Staff –

Our collective thoughts on a revised hearing schedule in part reflect questions we have about Staff's intended role in the hearing, based on our review of the 4/2/2026 APA Hearing Statement. Please let us know who the witnesses for APA staff from Regulatory Programs, State Lands and RASS will be. We also ask for clarification and/or reconsideration by APA Hearing Staff of the following statements in the Hearing Staff Statement:

Staff statement

APA hearing staff do not have a recommendation regarding whether the project should be approved or denied, or regarding any conditions that may be included in an approval issued by the APA Board following the hearing.

Request

Please clarify and/or reconsider whether Staff will provide opinion testimony on the project's compliance with the APA Act 809(10) criteria ordered for adjudication by the APA Board, including testimony on whether any proposed conditions of approval would result in such compliance. Staff will participate fully in the hearing and hear and consider all of the testimony and evidence provided. Under 9 NYCRR 580.6(a), staff have an affirmative obligation to present testimony concerning pertinent APA Act 805(4) development considerations and the required findings of APA Act 809(10).

Staff will have the opportunity through its participation in the hearing to present testimony and to evaluate the credibility of witnesses, testimony and evidence presented by the applicants and the intervenors. Ultimately, after hearing all of the testimony and evidence provided on the potential impacts and benefits of the project, presumably John Burth, the appointed Deputy Director of Regulatory Programs ("DDRP"), will provide testimony on whether or not the project complies with the APA Act 809(10) statutory criteria for approval that the APA Board ordered for adjudication. As you know, in his capacity as DDRP John signs almost all of the permits issued by APA and is primarily responsible for all staff recommendations made on applications reviewed by the APA Board. For all of those staff decisions or recommendations, John is thus at the heart of determining or recommending whether applications comply with the same APA Act 809(10) criteria the Board seeks to have adjudicated here. Through the hearing, the APA Board seeks opinion testimony from all parties and APA hearing staff on whether the project complies with those criteria and it is respectfully submitted that John's testimony on such compliance or noncompliance is critical to a full, complete and competent record.

Staff Statement on Commercial Use Testimony

A member of the Agency's Regulatory Programs division will provide testimony covering the use classification process and the considerations applicable to the Agency's use determinations.

Request

Please clarify and/or reconsider whether John Burth will provide testimony on whether the project is a listed use in APA Act 810 and the primary or secondary list of uses for Rural Use provided in APA 805 for the same reasons as discussed above. Again, this is a legal determination that John makes for every permit he signs and every application he is responsible for making a recommendation made to the APA Board. His opinion on this legal issue, which the APA Board ordered for adjudication, is critical to a full, complete and orderly record.

Staff Statement on whether the Applicants have submitted reliable, comprehensive and accurate noise information

APA hearing staff expect to retain an expert witness who will review the September 2023 sound study submitted by the applicant and submit a report regarding the accuracy and reliability of that study….APA staff members may also provide testimony concerning adjoining nearby land uses.

Request

Staff have identified the "pertinent" development considerations for this issue and intend to present testimony on the accuracy and reliability of the Applicants' noise analysis as required by 580.6(a) – APA staff's obligation to present testimony in this regard necessarily extends to expert testimony about the potential adverse impacts of the project's noise. The application contains additional noise information submitted by the applicants, both before and after the September 2023 sound study. It is respectfully submitted that until the applicants file their pre-filed testimony and supporting evidence, it is premature for staff's expert, and potentially a waste of public monies and staff resources, to review anything previously submitted in order to form an opinion as to whether the applicants have submitted "reliable, comprehensive and accurate noise information." Further, given staff's obligation under 580.6(a), staff have a non-discretionary, affirmative obligation to present testimony about noise impacts on adjoining and nearby land uses, as well as with respect to the other pertinent development considerations (Note: Please correct the reference in the Hearing Statement to be adjoining <u>and</u> nearby land uses).

Staff Statement on Noise Mitigation Measures

APA hearing staff expect this question to be addressed by one or more expert witnesses appearing at the hearing.

Request

Staff have identified the "pertinent" development considerations for this issue and have an affirmative obligation to present testimony on Noise Mitigation Measures pursuant to 580.6(a). Please clarify and/or reconsider whether APA staff intend to present expert and/or staff testimony and evidence regarding this issue, as required by 580.6(a). It is respectfully submitted that, based upon 580.6(a) and since the APA Board ordered adjudication of this issue, it is incumbent upon staff to provide testimony on this issue as part of its review of the testimony and evidence submitted by the applicants and intervenors, and to offer expert opinion on whether any effective noise mitigation measures exist.

Staff Statement on Wildlife Impacts

APA hearing staff will provide testimony regarding existing habitats at and around the project site and species associated with those habitats. APA hearing staff also expect to retain an expert witness to provide a report and testimony regarding potential noise impacts to identified wildlife at and around the project site.

Request

Please clarify and/or reconsider this statement. What is the range "around the project site" staff will review? Will staff review the full range of species that typically and could potentially use those habitats? Will the uses account for migration and movement of species on a seasonal basis?

Staff Statement on Economic Issues, including Potential Impacts of the Project on the Value of Nearby Properties

APA hearing staff do not intend to present affirmative testimony on this issue. APA hearing staff expect evidence concerning potential economic impacts, including impacts on property values, to be presented by the intervening parties.

Request

Staff have identified the "pertinent" development considerations for this issue and are required to present competent testimony on this issue pursuant to 580.6(a). Please reconsider this statement and any suggestion that only the applicants and the intervening parties have a responsibility to present testimony and evidence on the project's potential economic impacts and, per APA Act 809(10)(e), benefits. Staff have a shared responsibility for ensuring that the record includes full, complete and competent testimony and evidence on all of the hearing issues ordered for adjudication by the APA Board. Having recommended that the APA Board include the issues of potential adverse impact on nearby property values and "undue adverse impact," it is incumbent upon staff to provide experts, as needed, to review and provide competent testimony and evidence regarding the applicants' claims with respect to these issues, including the potential benefits of the proposed project. Expert or otherwise competent testimony and evidence is required from staff on the potential for adverse economic impacts of the project on nearby property values, as ordered by the APA Board, to evaluate any claims made by the applicants and to provide affirmative testimony as appropriate. Equally, expert or otherwise competent testimony and evidence is required from staff with respect to any assertions of benefits of the project made by the applicants. Staff's testimony and evidence on these questions, demonstrating that it has reviewed and considered the applicants' claims and information, if any, provided by the intervenors is required in order for John Burth to provide full, comprehensive and competent testimony on the APA Act 809(10) legal issues ordered for adjudication by the APA Board on staff's recommendation.

Conclusion

Overall, our requests for clarification and reconsideration reflect a belief that APA hearing staff's review role for the project must be continued through the hearing process, comply with 580.6(a) and encompass all of the issues ordered for adjudication in the hearing by the APA Board. This is all the more critical here because all of the testimony regarding the potential impacts and benefits of the project must be considered by all of the parties and APA hearing staff in forming opinions with respect to the legal issues ordered for adjudication by the APA Board. Just as staff have a responsibility to consider all of a project's impacts and benefits with respect to any project for which John issues a permit or makes a

recommendation to the APA Board, that review responsibility must be fulfilled by staff here in order for John to provide the opinion testimony required on the APA Act 809(10) issues and to ensure that a full, comprehensive and competent record is provided to the APA Board.

We respectfully request that Staff respond to these requests at your earliest convenience as they relate to the scheduling discussion you seek with ALJ Greenwood.

Thank you.

Paul

Paul Van Cott | **Whiteman Osterman & Hanna LLP**
Of Counsel
One Commerce Plaza | Albany | New York | 12260
| o | 518.487.7733| f | 518.487.7777
| e | pvancott@woh.com | w | www.woh.com

EXHIBIT B

VanCott, Paul

From:	VanCott, Paul
Sent:	Friday, May 15, 2026 2:31 PM
To:	'Sullivan, Grace (APA)'; Matthew D. Norfolk; Hubbard, Jennifer M (APA)
Cc:	Seitelman, Anna V.; David Gibson; Executivedirector@protectadks.org; Christopher Amato; Gitlen, Philip; Ommen, Todd D.
Subject:	Intervenor comments on APA staff hearing schedule proposal
Attachments:	Intervenors Revised Third Scheduling Order, 4897-4144-5804.docx

Matt, Grace and Jenny –

Please see the attached suggestions from the intervenors for revisions to the draft scheduling order APA staff shared last week. We look forward to discussing these suggestions with you all and to starting the hearing on October 28th.

Briefly, our collective thinking for these suggestions is as follows:

Discovery – Discovery was due to be produced on April 29, 2026 and no motion for an extension has been made or granted. The next step is for any motion to compel (or for parties to resolve any discovery issues, including timing, through negotiation).

Site Visit – The application and APA Board's Hearing Order references both parcels on Hale Hill Lane as the project site.

Expert Reports – Our position is that no expert reports should be provided by other parties, including by APA staff, until the Applicants have provided pre-filed testimony and the expert reports or information they are relying on for the hearing. We don't understand APA staff's rationale for its proposal to "go first" and do not believe that it will contribute to an orderly and understandable record that is consistent with the burden of proof on applicants established by the APA Act and Part 580. With this proposal, staff is arguably assuming the Applicants' burden contrary to its duties under 580.6(a). I am not aware of any precedent for such an extraordinary proposal in a permit hearing. Moreover, the Applicants may present new materials in their pre-filed testimony, so APA staff providing an expert report before the Applicants present their materials is premature and has the potential to unnecessarily waste public monies and staff resources to prepare and review.

Hearing Phases – We propose 2 phases to the hearing, one on the impacts/benefits and the second on the 809(10) approval criteria ordered for adjudication by the APA Board. Testimony on the 809(10) approval criteria would be provided after all of the testimony on the project's impacts and benefits is in the record. All three of the 809(10) approval criteria ordered for adjudication must be informed by testimony and evidence regarding "impacts" and the determination regarding undue adverse impact must take into account "benefits."

Pre-filed testimony – Because we will not know what the Applicants or APA staff intend to rely on from the application or any supplement to the application until they file their pre-filed testimony and exhibits, the intervenors will need a reasonable amount of time for our experts to review what is filed by the Applicants and APA staff in preparation for submitting expert reports and pre-filed testimony.

These suggestions are all made in a good faith effort to ensure that a full and orderly record is provided to the APA Board for its consideration consistent with the APA Act, Part 580 and the APA Board's hearing order (as modified by the ALJ's issues ruling).

Thank you all for your consideration of our suggestions.

Paul

Paul Van Cott | Whiteman Osterman & Hanna LLP
Of Counsel
One Commerce Plaza | Albany | New York | 12260
| o | 518.487.7733| f | 518.487.7777
| e | pvancott@woh.com | w | www.woh.com

NEW YORK STATE | Adirondack Park Agency

KATHY HOCHUL
Governor

BARBARA RICE
Executive Director

In the Matter of the Application of

UNCONVENTIONAL CONCEPTS, INC.
AND MICHAEL HOPMEIER

APA Project No. 2021-0276

THIRD REVISED SCHEDULING ORDER

The adjudicatory hearing in the above-captioned matter has been **adjourned** from June 24, 2026, and shall now commence on **Wednesday October 28, 2026,** at 10:00 A.M. at Adirondack Park Agency Headquarters Located at 1133 NYS Route 86, Ray Brook, New York 12977 and such additional dates as determined to be necessary.

I. Discovery

Responses to preliminary interrogatories and requests for production of documents were due at 5:00 p.m. on April 29, 2026.

~~APA hearing staff shall supplement their April 29, 2026 responses by production of all relevant, material, and non-privileged documents, excluding expert reports, by serving such documents on all parties and~~Any motion to compel concerning the ~~hearing officer on or before 5:00 p.m. on **July 29, 2026**.~~

~~Applicant and intervening parties are not required to supplement their~~ April 29, 2026 discovery responses~~, unless otherwise ordered following any motion to compel.~~

~~Any deadline for challenges to the April 29, 2026 responses or opportunity for supplemental discovery~~ shall be served on all parties and the hearing officer ~~by~~on or before 5:00 p.m.~~.~~ on **Wednesday, May 27, 2026.**

II. Site Visit

Parties will meet and confer with the Hearing Officer on or before **June 1, 2026**, to schedule a site visit for APA hearing staff, intervening parties, and any retained experts. ~~The~~ Consistent with the APA Board's hearing order, the site visit shall ~~be limited to the portion of~~include both parcels that comprise the Project Site located at 87 and 195 Hale Hill Ln, Lewis, NY unless otherwise ordered.

~~III. Expert Reports~~

~~APA hearing staff shall serve on all parties and the hearing officer any expert reports prepared in connection with the hearing on or before 5:00 p.m. on **August 26, 2026**. APA~~

~~hearing staff reserve the right to provide any supplemental or rebuttal evidence in connection with such expert reports.~~

~~**IV.I. Order of Proceedings**~~

~~Parties will meet and confer with the Hearing Officer on or before **September 2, 2026**, to discuss the order of proceedings, appearance of experts, and additional hearing dates.~~

III. Pre-filed Direct Testimony

~~**V.**~~

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Pursuant to 9 NYCRR 580.14(f), the hearing officer may require the submission of pre-filed written testimony for witnesses. Unless otherwise ordered, all testimony shall be written and pre-filed in accordance with the schedule established in this Order, and service on the hearing officer and the parties shall be by email. Each witness offered as an expert must provide either a resume or curriculum vitae as an exhibit to the pre-filed direct testimony and must provide all information and data supporting the statements offered in the pre-filed direct testimony, as well as a bibliography of reports or other documents relied upon in the preparation of the pre-filed direct testimony.

The pre-filed submissions will be limited to direct testimony with the associated exhibits. The pre-filed direct testimony will be prepared in question and answer format. Each line on every page will be numbered, and each page of the pre-filed testimony must be numbered. Errata will not be accepted after the filing date. During the hearing, the witnesses will have the opportunity to correct any typographical errors of their written pre-filed direct testimony before cross-examination. In the alternative, the witness may file an affidavit in advance of the hearing session describing any changes or corrections to the pre-filed direct testimony and associated exhibits.

Subsequent to the submission and service of pre-filed written testimony, but no later than ten (10) business days after service of such testimony, any party may serve upon the party making the submission interrogatories and requests for production of documents concerning the facts or data supporting any conclusion offered in the pre-filed testimony. Responses to interrogatories and document requests shall be provided no later than twenty (20) days after service of such interrogatories and document requests, unless otherwise mutually agreed between the parties or upon an Order of the hearing officer following a motion for extension of time to respond.

The hearing will occur in two phases. The first phase will be to receive testimony and exhibits with respect to the potential impacts and benefits of the Project. The second phase will be to receive testimony and exhibits regarding the legal issues identified by the APA Board for adjudication, namely whether the Project is a Commercial Use (Executive Law § 802), whether it is consistent with the Adirondack Park Land Use and Development

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Plan, whether it would be compatible with the Rural Use lands where it is proposed to be located, and whether it would result in an undue adverse impact (Executive Law § 809(10)).

The applicant will file and serve pre-filed testimony of witnesses and related exhibits on or before 5:00 p.m. on ~~**September 16**~~**Monday July 20, 2026**~~.~~ **with respect to the potential impacts and benefits of the proposed Project**. Discovery, if any, regarding the applicant's pre-filed testimony shall be served on or before 5:00 p.m. on **Thursday July 30, 2026** and the applicant's responses thereto shall be served no later than twenty (20) days after service.

APA staff ~~and the~~shall file and serve pre-filed direct testimony and related exhibits with respect to the potential impacts and benefits of the project on or before 5:00 p.m. on **Monday August 10, 2026**. Discovery, if any, regarding the APA staff's pre-filed testimony shall be served on or before 5:00 p.m. on **Thursday August 20, 2026** and responses thereto shall be served no later than twenty (20) days after service.

The intervenors shall file and serve pre-filed direct testimony and related exhibits with respect to the potential impacts and benefits of the project on or before 5:00 p.m. on **Tuesday, September 1, 2026**. Discovery, if any, regarding the intervenors' pre-filed testimony shall be served on or before 5:00 p.m. on **Friday September 11, 2026** and the intervenors' responses thereto shall be served no later than twenty (20) days after service.

IV. Order of Proceedings

~~on or before 5:00 p.m. on~~ The parties shall meet and confer with the Hearing Officer on **Wednesday October ~~7, 2026~~14, 2026** to discuss (i) the order of proceedings; (ii) scheduling of witnesses; and (iii) proposed schedule and locations for hearing dates.

At the hearing, the sponsoring party will ask the witness to attest to the pre-filed testimony. The parties will have the opportunity to cross-examine each witness unless the parties stipulate otherwise. If a party intends to introduce any exhibits during cross-examination, copies of the exhibits must be provided to each party and the hearing officer at that time. The sponsoring party may ask its witness questions on re-direct, followed by recross-examination.

The hearing will continue, as needed, until each party has presented their direct case, and the other parties have exercised their right to cross-examine the witnesses.

At the conclusion of the first phase of the hearing the parties shall meet and confer with the hearing officer to set a date for the second phase of the hearing along with a schedule for the submission of pre-filed testimony and exhibits, following the procedure for the first phase of the hearing.

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Any requests to modify or amend this Scheduling Order must be filed in writing at least 10 calendar days before the established due date. Prior to filing the request, the parties must confer and attempt to resolve the conflict before filing the request with the hearing officer.

SO ORDERED:

_____

ALJ Greenwood

DATED:

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NORFOLK BEIER PLLC
ATTORNEYS AT LAW

July 7, 2026

Via Email Only
Hon. David Greenwood
Administrative Law Judge
NYS Department of Environmental Conservation
Office of Hearings and Mediation Services
625 Broadway
Albany, New York 12233-1550
david.greenwood@dec.ny.gov

Re: APA Project 2021-0276;
Sponsor/Applicant: Michael Hopmeier/Unconventional Concepts, Inc.;
Site Address: 195 Hale Hill Road, Town of Lewis, County of Essex

Dear Judge Greenwood:

Our clients, Mr. Michael Hopmeier (Sponsor) and Unconventional Concepts, Inc. (hereinafter referred to as "UCI") (Applicant), require the terms and conditions stated hereinbelow to apply to and govern the site visit scheduled for July 15, 2026. The primary purpose of the terms and conditions is to ensure the safety and well-being of those visiting the site, as well as facilitate an efficient and organized site visit.

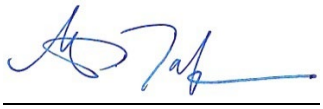
Terms and Conditions of Site Visit:

1. All individuals attending the site visit must sign a waiver of liability and hold harmless agreement, which shall be provided to Your Honor, the Adirondack Park Agency (hereinafter referred to as the "APA") and the parties before 5 pm on Friday, July 10, 2026.
2. The taking of photographs and recording of videos shall be limited to the site.
3. Transportation to the site shall be provided by UCI (individuals will be transported to the site using well-equipped all-terrain passenger vehicles).
4. The visit shall begin at 8:30 am sharp.
5. The Adirondack Park Agency (hereinafter referred to as the "APA") and each party shall be permitted to have no more than three individuals attend the site visit.
6. The APA and each party shall have 45 minutes to inspect the site.

[Signature On Following Page]

Sincerely,

Norfolk Beier PLLC

By: 

Matthew D. Norfolk

cc: Counsel of Record

NORFOLK BEIER PLLC
ATTORNEYS AT LAW

September 11, 2026

Via Email Only
Honorable David Greenwood
Administrative Law Judge
NYS Department of Environmental Conservation
Office of Hearing and Mediation Services
625 Broadway, First Floor
Albany, NY 12233-1550
david.greenwood@dec.ny.gov

Re: APA Project 2021-0276
Sponsor/Applicant: Michael Hopmeier/Unconventional Concepts, Inc.

Dear Judge Greenwood:

The purpose of this letter is to address Attorney Sullivan's August 28, 2026, submission. The contention advanced by the Intervenors and echoed in substantial part by Adirondack Park Agency ("APA") Attorney Sullivan, that Applicants Unconventional Concepts, Inc. and Michael Hopmeier ("Applicants") and I as their counsel have pursued a deliberate course of delay or a strategy of avoidance is unsupported by a fair examination of the procedural history of this proceeding. At the outset, the argument rests upon a false equivalence: the passage of time is not synonymous with dilatory conduct. A contested administrative proceeding may take considerable time for any number of legitimate reasons, particularly where, as here, the proceeding involves multiple parties, expert testimony, discovery, questions concerning the scope of the project and hearing, procedural motions, jurisdictional issues, and related judicial review. The relevant inquiry is therefore not simply how much time has elapsed. The appropriate inquiry is why the time elapsed, who was responsible for particular adjournments or extensions, whether the Applicants deliberately sought to obstruct the proceeding, and what actual prejudice resulted from any specific procedural noncompliance. Measured by those standards, the charge of intentional delay cannot be sustained.

Indeed, Attorney Sullivan's own August 28, 2026, submission establishes that several significant adjournments were jointly requested, consented to by Attorney Sullivan, or affirmatively requested by Attorney Sullivan. On December 12, 2025, Agency Hearing Staff and Applicants' counsel jointly requested an adjournment. On January 21, 2026, Attorney Sullivan, the Intervenors and I jointly requested another adjournment. On February 11, 2026, an adjournment requested by the Applicants was expressly consented to by Attorney Sullivan. Most significantly, on April 29, 2026, *Attorney Sullivan requested that the evidentiary hearing be adjourned until October 28, 2026*,

explaining that the additional time was necessary to afford all parties ample opportunity to complete discovery, develop expert reports, and prepare for the evidentiary hearing.

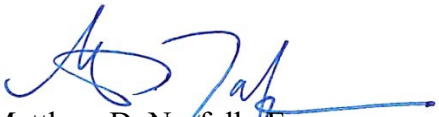
This is not merely a dispute over characterization. Attorney Sullivan expressly conceded that the Applicants' failure to comply with the August 12 scheduling deadline, considered independently, would be unlikely to constitute conduct that was "willful, contumacious, or in bad faith." She instead attempts to convert that discrete scheduling issue into evidence of improper intent by combining it with the Applicants' prior motions, challenges to the hearing process, the Article 78 proceeding, disputes concerning the project site, and other legal advocacy. That reasoning should be rejected. Legitimate litigation activity does not become misconduct simply through aggregation. An unsuccessful motion is not necessarily a frivolous motion. A jurisdictional objection does not become obstruction merely because the APA disagrees with it. Seeking judicial review does not establish an intent to frustrate an administrative proceeding. And disagreement concerning the proper scope of an administrative hearing cannot fairly be converted into evidence of bad faith merely because resolving that disagreement takes time.

Finally, your August 12 ruling undermines the theory that the Applicants' missed deadline justified termination of the proceeding. Although you denied the Applicants' particular 21-day extension request because it did not comply with the procedural requirements of the Third Revised Scheduling Order, you simultaneously stated that "the hearing in this matter must proceed" and determined that the appropriate course was to convene the parties promptly to develop a Fourth Revised Scheduling Order that was mutually agreeable.

For these reasons, any contention that the Applicants or I engaged in sanctionable dilatory conduct should be rejected. Kindly include this letter in the official record for the above-referenced proceeding.

Respectfully,

Norfolk Beier PLLC

By: 
Matthew D. Norfolk, Esq.

cc: Attorneys of Record

12. Summaries and Recordings of Video Conferences

12.1 APA P2021-0276 Pre-hearing Video Conference-20260121 1800-1 - January 21, 2026 video conference recording provided separately

WEBVTT

1 "David Greenwood" (455269376)
00:00:00.000 --> 00:00:19.409
Thank you. Well I'm gonna give it a few minutes to wait for the applicant's attorney. Although there is a chance that he will not be appearing, he's asked for this meeting to be held off several times.

2 "Shane Kelly" (329204992)
00:00:26.159 --> 00:00:31.700
Okay, mr. Kelly is.

3 "David Greenwood" (455269376)
00:00:31.700 --> 00:00:39.390
Mr. Norfolk gonna be attending?

4 "David Greenwood" (455269376)
00:00:39.390 --> 00:00:59.390
Okay, can you hear me?

5 "David Greenwood" (455269376)
00:01:19.390 --> 00:01:37.083
Shane, can you unmute your mic and let me know if you're gonna be proceeding and representing the applicant? Sorry, can you all hear me.

6 "Shane Kelly" (329204992)
00:01:37.083 --> 00:01:53.234
Yeah, I can hear you. Hi, good afternoon. Sorry just working on a speaker issue there. You know Matt Norfolk should be joining us any minute. I know he's driving back from a court appearance in Elizabeth town. Might just be around in a minute late, but he should be on very soon. Thank you for letting me know.

7 "David Greenwood" (455269376)
00:01:53.234 --> 00:02:11.321
Yep.

8 "Shane Kelly" (329204992)
00:02:31.850 --> 00:02:33.021
Does, can you hear me?

9 "Claudia Braymer" (2023311104)
00:02:33.021 --> 00:02:40.722
Yes, I can. I did get your other email from this afternoon. Okay, good. Thank you. Yeah.

10 "David Greenwood" (455269376)
00:02:40.722 --> 00:03:02.910
Protects has like the titles as the email, so I'm not always sure what person they're going to, has everybody had a chance to look at the updated agenda that I sent?

11 "David Greenwood" (455269376)
00:03:02.910 --> 00:03:25.730
Near the end of the agenda I do have a section for additional issues raised by the parties. There was a lot of paper that moved on 20 January, so if I missed one, we'll we'll have an opportunity to talk about it.

12 "Matthew Norfolk" (1398984192)

00:03:37.795 --> 00:03:41.719
Okay afternoon, mission.

13 "David Greenwood" (455269376)
00:03:41.719 --> 00:03:43.499
How are you? Good morning Josh how are you.

14 "Matthew Norfolk" (1398984192)
00:03:43.499 --> 00:03:49.915
I'm good. We've been we've been waiting for you, so we apologize. Yeah, we haven't done anything.

15 "David Greenwood" (455269376)
00:03:49.915 --> 00:04:08.541
In terms of conducting the meeting, but let's get this meeting started. I am administrative law judge David greenmood. I'm acting his hearing officer for this matter. I sent an updated agenda a few minutes ago. I don't know if you've had a chance to see it, mr. Norfolk. I just got out of court.

16 "Matthew Norfolk" (1398984192)
00:04:08.541 --> 00:04:10.522
Good, but that's ok. Yep.

17 "David Greenwood" (455269376)
00:04:10.522 --> 00:04:30.890
I tried to add as many of the requests for rulings and motions as possible. A lot of these are gonna have to have some kind of a schedule put together. But, to start I just wanted to, you know, talk a little bit about this hearing. This is, I know it's an important hearing, the APA is not L one in a number of years, and it may.

18 "David Greenwood" (455269376)
00:04:30.890 --> 00:04:54.949
Matters to the applicant and it matters to the interveners, but it doesn't necessarily have to be a very big hearing. There's really only one issue here and it's three questions of law that the APA submitted for us to add evidence on. So, I'm a little I'm a little back on my heels about how much litigation has resulted from this little hearing so far, so.

19 "David Greenwood" (455269376)
00:04:54.949 --> 00:05:15.409
I'd like to, just remind us all to, you know, this is just a little evidence you're hearing and we can proceed in a kind of normal fashion, we can get this done. What I had anticipated to do on the 4 February hearing date, which has already been adjourned once from a December date, wasn't necessarily to start interviewing witnesses.

20 "David Greenwood" (455269376)
00:05:15.409 --> 00:05:33.659
Is or putting evidence on the record. If you look at the conduct of hearing section of the regulations, there is a section in five 80.14 wherein the order of proceedings is laid out, and the 1st five or so of those, I believe we could all get that done on the 4th.

21 "David Greenwood" (455269376)
00:05:33.659 --> 00:05:53.659
That would be, I do a brief summary of the application and the purpose of the hearing. We'll have a court reporter there to begin creating a record. The parties will announce themselves and make an appearance. There's an option for the project sponsor to make an informal presentation and answer.

22 "David Greenwood" (455269376)
00:05:53.659 --> 00:06:17.029
Questions to the public who are not parties, the the regulation said that that is something that I can ask the applicant to

do, but I wouldn't do that without knowing whether or not you're interested in such an opportunity. Mr. Norfolk at that 1st day of hearing, which may not happen on 4 February, but if it were to do so, would the project sponsor want to make an informal present.

23 "David Greenwood" (455269376)
00:06:17.029 --> 00:06:21.781
Presentation and answer questions from the public who are not parties. Can I do it this.

24 "Matthew Norfolk" (1398984192)
00:06:21.781 --> 00:06:29.193
This way it does and say yes, but have the ability within a short time frame to perhaps withdraw that. Sure.

25 "David Greenwood" (455269376)
00:06:29.193 --> 00:06:31.864
I need to discuss that further with the client if that's all.

26 "Matthew Norfolk" (1398984192)
00:06:31.864 --> 00:06:33.362
All right? Yeah, that's fine.

27 "David Greenwood" (455269376)
00:06:33.362 --> 00:06:41.339
And and obviously there's been a tremendous amount of public input already, so it's not something I'm gonna require that you do if you're not interested in the.

28 "David Greenwood" (455269376)
00:06:42.802 --> 00:06:58.889
And the regulations give me the authority to determine the sequence of the participation. The regs call for that generally being the applicant and the project sponsor, do their direct case. The APA puts on any evidence that they want to.

29 "David Greenwood" (455269376)
00:06:58.889 --> 00:07:16.919
Other parties then go in an order that we can all determine, then there would be an opportunity for reputtal and closing statements. And the other thing that could happen on that 1st day of hearing would be opening statements. The applicant gets an opportunity to make an opening statement and all the parties get an opportunity to make an opening statement.

30 "David Greenwood" (455269376)
00:07:16.919 --> 00:07:32.909
So, I think that is a reasonable 1st day of hearing. On the agenda is a, is a, a discussion of the proposed scheduling order. That scheduling order has all the things that we're gonna need to do in it. In fact, there's.

31 "David Greenwood" (455269376)
00:07:32.909 --> 00:07:52.909
More things than that, but it's a reasonable start, and I was going to have to create an order like that and that's actually one of the other things I wanted to do at this meeting today is to hammer out some dates about when we think that that is a reasonable time to do it. I think that the dates in the proposed scheduling order might be a little spread out. I think we can probably.

32 "David Greenwood" (455269376)
00:07:52.909 --> 00:08:15.989
Press it from, but we'll see when we get to the discussion of that. So moving on to .2 in the agenda, notices of appearance and the service list, as people have pointed out, there's a large number of individuals who are gonna be gonna be working on this case, so I would like our communications to stick to people who have made notices of appearance and the service lists.

33 "David Greenwood" (455269376)
00:08:15.989 --> 00:08:35.989
That APA hearing staff has already put together I've seen hearings kind of get a little bit out of control when maintaining a pretty good email list of who's talking to who on any given day it's not done. So I'd like to proceed that way and as I said in my last email, I can't control who you.

34 "David Greenwood" (455269376)
00:08:35.989 --> 00:08:57.419
So I sent email to, but I can't control who I send emails to. So that's that's what I intend to do moving forward and I hope that's ok with everybody. Moving on to .3, applicants 20 January 2026 administrative blood judges disqualification challenge. Shortly before noon today.

35 "David Greenwood" (455269376)
00:08:57.419 --> 00:09:16.169
The executive director of the APA Barbara Rice sent a letter to mr. Norfolk and myself about the Norfolk Bayer's challenge to me as being the administrative law judge in this hearing. She directed us to do what we can to resolve this issue.

36 "David Greenwood" (455269376)
00:09:16.169 --> 00:09:31.169
At this preliminary conference. At this point I'm not sure what else I can really say on this topic. I have not been removed as the hearing officer, so until that happens I'm gonna proceed and.

37 "David Greenwood" (455269376)
00:09:31.169 --> 00:10:03.640
Continue to conduct the hearing but executive director Rice does point out that the parties, so she says, additional entities have been granted party status, allow all parties, including mr. Norfolk, the opportunity to submit challenging affidavits and provide that would provide all the parties a full and fair opportunity to provide all relevant information. Mr. Norfolk do you intend at this point in the proceeding to continue to challenge my challenging my appointment as a hearing officer? I do he.

38 "Matthew Norfolk" (1398984192)
00:10:03.640 --> 00:10:12.419
Do your honor, but I've submitted the I think all that which I wanted to submit, I suppose if I needed a reply, but.

39 "Matthew Norfolk" (1398984192)
00:10:12.419 --> 00:10:29.549
This is where I don't know. Will the other parties want to submit anything or not? You know, do we talk today? I understand executive director. Ryce instructed us to try to resolve it today. I don't know if we need to be heard from.

40 "Matthew Norfolk" (1398984192)
00:10:29.549 --> 00:10:44.969
The other parties that they have a interest in all to participate in this, maybe it's today. And I received your from the in response to my earlier correspondence, which we took the position that wasn't a motion, it was more of a request.

41 "Matthew Norfolk" (1398984192)
00:10:44.969 --> 00:11:00.329
I did receive your reply, to that as far as you you take the position that you don't have a, a conflict. You know, it's, it's just hard. You understand I represent you know a private party and this is an important matter to them.

42 "Matthew Norfolk" (1398984192)
00:11:00.329 --> 00:11:20.329
And when it was discovered that you had been a data on the council I made remiss not to raise that and you were there

for I think seven years. And one of the things that is we we questioned and again I I don't know how to do this. I don't know if I asked questions, but one of the things was are ok there was that affiliate.

43 "Matthew Norfolk" (1398984192)
00:11:20.329 --> 00:11:46.229
Is there any kind of continuance of it through paying membership dues or or something of that effect? And it's hard as the applicant, you know, we don't have discovery, I'm not gonna hire a private investigator to do what to do what, you know, look more at your social profiles. Yeah I'm just. But the point is it's that's the information we have and what I just mentioned about continued affiliation, if you're.

44 "Matthew Norfolk" (1398984192)
00:11:46.229 --> 00:12:01.559
Comfortable responding that to to that. I mean, we're here you know if we're under record or I'm not in a position of course, I don't think you'd prefer for me to have some sort of deposition, you know, in quest. So, that was one of the.

45 "Matthew Norfolk" (1398984192)
00:12:01.559 --> 00:12:30.106
Things that I'd like to keep it formally on, but I can tell you four disclosure that was one of the questions we had is has there been a continued affiliation of any sort, you know, with that on the council? I'm not talking about friendships or any kind of relationships of someone who's in the council. It's just more of like a formal affiliation whether it's membership, but apparently it isn't anything more. If that could be it would be like a membership relationship. Okay.

46 "David Greenwood" (455269376)
00:12:30.106 --> 00:12:44.189
Well, the executive director did say, you know, people should respond by affidavit if they are interested in that. From my part, in the conduct of hearing section of the regulations at five 80 point, .14.

47 "David Greenwood" (455269376)
00:12:44.189 --> 00:12:59.579
A, the hearing officer in two, a person may not serve as hearing officer if he has one, any financial interest, director or indirect in any matter involved in the proceedings? I don't. Okay. Two is related by blood or marriage to any party. I'm not.

48 "David Greenwood" (455269376)
00:12:59.579 --> 00:13:17.519
Three has participated in any investigation with respect to the project or in the development or evidence to be introduced at the hearing. Presumably if I was a current employee of the Adoranda council, that could have been the case. I've not worked for the Adaranda council for over 20 years. I've had.

49 "David Greenwood" (455269376)
00:13:17.519 --> 00:13:36.659
No participation in any investigation with respect to this project at all. My interaction with this project began when I was appointed hearing officer and four is otherwise disqualified. I don't believe I'm otherwise disqualified. I I'm not a member of the Outeranic council. I do not donate to the atorantic council. I'm not on the board.

50 "David Greenwood" (455269376)
00:13:36.659 --> 00:14:08.125
I don't have any business relationships with, with anybody in the organization so at this point I I really don't think you have any grounds to continue to ask my disqualification and it's fairly disruptive to keep the hearing running when I'm sort of forever not sure if I'm still gonna be the person conducting it. Does anybody else want to submit an affidavit on the question of the hearing officers possible disqualification?

51 "Chris Amato" (119267584)
00:14:10.521 --> 00:14:23.865

Afternoon, judge Chris Somato for Protect the Attorondax. Yes, we do intend to submit an affidavit responding to mr. norfolks.

52 "Matthew Norfolk" (1398984192)
00:14:23.865 --> 00:14:30.044
Contentions on this issue. Okay, when would you.

53 "David Greenwood" (455269376)
00:14:30.044 --> 00:14:33.893
Like to do that by?

54 "Chris Amato" (119267584)
00:14:33.893 --> 00:14:48.058
Certainly submitted by tomorrow we are trying to get it together by the end of today depending on how long this conference runs, but certainly by tomorrow.

55 "Matthew Norfolk" (1398984192)
00:14:48.058 --> 00:14:49.460
And this is how.

56 "Todd Ommen" (941395968)
00:14:49.460 --> 00:15:05.180
Atlantic chapter, we would not be submitting a separate affidavit so it's not cloud of the record. It's possible I will speak Toramado about joining in what he submits but we would not submit something separately. Okay, thank you. Alright well.

57 "David Greenwood" (455269376)
00:15:05.180 --> 00:15:22.682
I'll look to see that tomorrow. The executive director's letter was not very clear on, on who would be deciding on on these affidavits. By, by the regulation it should be the APA and not myself, obviously.

58 "Matthew Norfolk" (1398984192)
00:15:22.682 --> 00:15:27.182
Somebody's gonna go around me and ask me to reduce myself, that wouldn't be up to me. So.

59 "David Greenwood" (455269376)
00:15:27.182 --> 00:15:31.801
So, I will tell the executive director to look for.

60 "Matthew Norfolk" (1398984192)
00:15:31.801 --> 00:15:35.216
Such an affidavit by tomorrow.

61 "Paul Van Cott" (1013184768)
00:15:36.533 --> 00:15:50.339
Hi. On behalf of that around our counseling. We reserve on submitting an affidavit as well. We need to talk with the client further about that.

62 "Paul Van Cott" (1013184768)
00:15:50.339 --> 00:16:10.339
But, I I think there's an opportunity to decide this issue today, it would be better for the whole process. And one of the things that I think is very important for everybody to keep in mind.

63 "Paul Van Cott" (1013184768)

00:16:10.339 --> 00:16:27.899
Is the limited rule that a DECALJ has in overseeing an APA adjudicatorial hearing, and you brought that out in your 1 December letter, but I think it's really relevant here.

64 "Paul Van Cott" (1013184768)
00:16:27.899 --> 00:16:44.579
Because you're essentially making sure that a, record with integrity is developed. Receiving the you know receiving the evidence, playing traffic pop along the way.

65 "Paul Van Cott" (1013184768)
00:16:44.579 --> 00:17:10.257
And then essentially handing that over to the board, you're not making any decisions on legal issues and your, you know, the, the motions that you're looking at are are you know fairly circumscribed in terms of your role as I understand it. So, I just ask that the applicant keep that in mind. Oh I've kept it in my.

66 "Matthew Norfolk" (1398984192)
00:17:10.257 --> 00:17:48.079
Creating the record is one of the most integral purposes and one of the most important things, whether it's an applicant or another party that can be done. And as you said, ALJ judge Greenwood is the gatekeeper. And really not evidentiary matters and such is a question of law. So the applicant's not gonna withdraw his motion for disqualification. I understand entirely, I read the regs what ALJ Greenwood judge Greenwood can and cannot do in the course of this proceeding. But thank you for reminding me Paul.

67 "David Greenwood" (455269376)
00:17:48.079 --> 00:17:50.259
Yeah I'm not being asked to make any.

68 "Paul Van Cott" (1013184768)
00:17:50.259 --> 00:17:53.841
Things of factor or or even to the issue we're reported the.

69 "Matthew Norfolk" (1398984192)
00:17:53.841 --> 00:17:56.541
I will be literally just just handing over the.

70 "David Greenwood" (455269376)
00:17:56.541 --> 00:18:17.989
Okay so I think we have tried to resolve that as the executive director has asked us to do, but, the, that request will continue to the to the executive director and we'll get her determination when she does. In the meantime, I have not been removed and I'm gonna continue conducting the hearing.

71 "David Greenwood" (455269376)
00:18:17.989 --> 00:18:20.664
I hope that's ok with everybody. Yes.

72 "Grace Sullivan" (733485056)
00:18:20.664 --> 00:18:22.362
I would just like to jump in really quick.

73 "Matthew Norfolk" (1398984192)
00:18:22.362 --> 00:18:24.761
Quickly and ask that we.

74 "Grace Sullivan" (733485056)

00:18:24.761 --> 00:18:51.643
We do establish some sort of deadline for the responding affidavits. I understand that there maybe a desire to speak with clients and make a determination as to whether it's something you want to respond to. But, you know, I think in an effort to establish a deadline for that and give the executive director the opportunity to respond so that we can resolve this issue sooner rather than later would be ideal. So is that.

75 "David Greenwood" (455269376)
00:18:51.643 --> 00:18:57.716
Thank you. How about Friday, 23 January at 05:00 p.m.? Perfect.

76 "David Greenwood" (455269376)
00:18:59.380 --> 00:19:16.729
That brings up a good point is that at the after this meeting the regs at five 80.9, require me to do a summary of any pre hearing conference, so.

77 "David Greenwood" (455269376)
00:19:16.729 --> 00:19:44.369
I'm gonna do that and what that's gonna take the form of is I'm literally gonna take the agenda and any item where people agreed to something or set a deadline I'm just gonna write that down, and that will be the that will be the the summary of what we do here today. Okay, moving on item number four, on 15 January, there was a letter from the applicant's attorney to me that.

78 "David Greenwood" (455269376)
00:19:44.369 --> 00:20:01.439
Requested an adjournment and had several issues regarding record availability and several people have mentioned some confusion and some wants and needs about how this record's being put together. So I think all this is, is properly raised and is a good point.

79 "David Greenwood" (455269376)
00:20:01.439 --> 00:20:21.439
DEC does not have an electronic filing system. I don't think the APA has one either. Under some of the article Ten provisions, the DEC has an electronic filing system that's set up for other matters. My office did not join in on that. So I do not have access to like a publicly facing website where I can put.

80 "David Greenwood" (455269376)
00:20:21.439 --> 00:20:37.424
That any hearing when record material on as it's as it's created and as it comes in. Miss Sullivan had been doing some work with the apa's website and I'm not.

81 "Matthew Norfolk" (1398984192)
00:20:37.424 --> 00:20:39.383
I mean, can we continue to do that? Maybe.

82 "David Greenwood" (455269376)
00:20:39.383 --> 00:20:48.449
In some way where, if people have an opportunity to ask that things get updated if things are, aren't, are, are not missing, because I I think.

83 "David Greenwood" (455269376)
00:20:48.449 --> 00:21:04.349
As a matter of public policy, it would be much better if there was a central location for all the hearing record material to be available to everybody like the, the people who have made that point are right. It would be better. It's just I'm not physically in a position to do that.

84 "David Greenwood" (455269376)
00:21:04.349 --> 00:21:22.619
So if we could have the APA have this dedicated hearing section on its website and add things like letters that people send to each other, maybe not emails, but like emails with letters attached, we could include the letter up and then maybe we could all have an opportunity to sort of.

85 "David Greenwood" (455269376)
00:21:22.619 --> 00:21:43.699
Raise some kind of a question if it if it wasn't updated or if, you know, something had been left out. And then at the close of the hearing as the regs contemplate, I will marshal all the evidence and submit it as the as the regs ask the hearing officer to do. I mean this was all written when all of this was done.

86 "David Greenwood" (455269376)
00:21:43.699 --> 00:21:58.382
Paper. So they're, they're not really particularly I mean there's some stuff about electronic information in there, but it's not really very thorough, and Solin I don't know if you're willing to do that or if somebody at the APA is willing to do that. So so.

87 "Grace Sullivan" (733485056)
00:21:58.382 --> 00:22:06.689
I will address a few different aspects of this. We are happy to upload.

88 "Grace Sullivan" (733485056)
00:22:06.689 --> 00:22:26.069
Documents, communications letters between the parties as they come in. I I agree that I think email correspondence would be over the top, but the letters, we are happy to post to the website as they come in. If that's agreeable to the parties are.

89 "Grace Sullivan" (733485056)
00:22:26.069 --> 00:22:41.849
Logic for waiting until a decision has been made by the JLJ on any requests, letters motions was in an effort to promote fairness to all the parties so that there wasn't.

90 "Grace Sullivan" (733485056)
00:22:41.849 --> 00:22:56.969
Public commentary coming in before a decision had been made on any particular issue but we can update the website as needed if that's agreeable to the parties. I ask that you give us at least 24 h before.

91 "Grace Sullivan" (733485056)
00:22:56.969 --> 00:23:14.639
You know, we're sending me a message letting me know that something hasn't been added because I can I am maintaining the internal record, but, I will have to make the request individually to one of our administrative staff to upload it to the website.

92 "Grace Sullivan" (733485056)
00:23:14.639 --> 00:23:34.079
And then separately, for the application materials that are available in the foil, Records Access Center, I do believe most of the materials that were submitted to the agency before the hearing was ordered should be available there though I recognize that.

93 "Grace Sullivan" (733485056)
00:23:34.079 --> 00:24:00.380
That piece of, the, the information is not necessarily very well organized and we are working internally to maybe try and break the documents out a little bit further and organize it in a way that's more useful for you all, than we do for other

projects because it's just a large file size, so we're working on that piece of it and if there are other concerns, I'm happy to address them now.

94 "Matthew Norfolk" (1398984192)
00:24:00.380 --> 00:24:01.299
Thank you very much.

95 "David Greenwood" (455269376)
00:24:01.299 --> 00:24:07.282
For agreeing to do that. Does anybody else have any concerns regarding how we're gonna raise the record moving.

96 "Matthew Norfolk" (1398984192)
00:24:07.282 --> 00:24:41.817
If I may, just for point of clarification, the method of submissions or filing will remain emailed to you with the copies. Okay, and then the ok and then the ateronic park agency will, when there's submissions, not necess, not necessarily emails back and forth about scheduling or something like that but a substantive document or thing will be then posted to a designated spot within 24 h on the APA website. Yeah, I will say.

97 "Grace Sullivan" (733485056)
00:24:41.817 --> 00:24:51.579
We'll try to do it within 24 h for most cases, but there maybe an instance where there's a little bit more of a lag. I'd rather have something the agency.

98 "Matthew Norfolk" (1398984192)
00:24:51.579 --> 00:25:00.920
This website has been very unreliable. I mean we haven't gotten meeting minutes, we got a draft, they weren't up.

99 "David Greenwood" (455269376)
00:25:00.920 --> 00:25:28.319
So everything that the parties have been submitting to each other has all been on notice to every other party and the emails have had attachments, so you're getting the material or you just, that you're getting the material from the hearing, e.g., the application material, my access to that is the same as yours I get in the apa's website. So I, and we're, we're, we're trying to create a record for the hearing, not necessarily for the application and the public comment that happened before.

100 "David Greenwood" (455269376)
00:25:28.319 --> 00:25:48.404
So I, I think I, I think we should be pretty good with with the APA staff trying to update that within a reasonable time because we're all already on notice all this material. Is that ok? Okay, thank you very much for that and.

101 "Paul Van Cott" (1013184768)
00:25:48.404 --> 00:26:11.062
Last question for missolving. So if there is a piece of information, a document we run across that is not currently included on the website that was part of the record, presumably before the agency, we should share that with you so it can be added to what you already have. Yeah.

102 "Grace Sullivan" (733485056)
00:26:11.062 --> 00:26:13.343
Yeah, just to.

103 "Paul Van Cott" (1013184768)
00:26:13.343 --> 00:26:36.149
To go a little bit further, I think it would be really helpful and I know it's a huge burden for you all, but just to make sure that everything related to all the different steps of this project is included, including the information from the appeal.

104 "Paul Van Cott" (1013184768)
00:26:36.149 --> 00:26:52.349
That was done in front of the agency in 2024II think, you know, what I've seen is it's a fairly comprehensive record. It's, it's I think it's challenging for people who are not familiar with APA.

105 "Paul Van Cott" (1013184768)
00:26:52.349 --> 00:27:17.519
Applications to kind of piece it all together, which I think is some of the frustration or concern you saw in the joint letter that came to you the other day, but I also realized that there are constraints on how much that can be done to reorganize it absent the applicant, you know, basically packaging it up and resubmitting.

106 "David Greenwood" (455269376)
00:27:17.519 --> 00:27:21.196
Can we deal with that when we get to it on the agenda item because it it is it is this. Okay.

107 "Paul Van Cott" (1013184768)
00:27:21.196 --> 00:27:24.604
Okay, fair enough. Yep.

108 "David Greenwood" (455269376)
00:27:24.604 --> 00:27:45.677
Okay, request for adjournment, we're still on point number four. Mr. Norfolk and a number of different instances you have said that that's 4 February hearing date you want that to be held in advance. I kind of think we may need to have a briefing schedule for some of these other items on the, on the agenda. Yeah.

109 "Matthew Norfolk" (1398984192)
00:27:45.677 --> 00:27:47.223
As I've said that the outset in.

110 "David Greenwood" (455269376)
00:27:47.223 --> 00:28:15.822
Now I do think there are some things that could be reasonably accomplished at the 4 February, hearing date and I do think that, you know, getting the hearing started and having people sit down and make appearances and getting a transcript started, is good and I, I personally think we should move forward on the 4th. However, you know, a hearing like this is, is really, project applicant driven. You know, you have the burden of proof, you know, this is gonna be your permit.

111 "Matthew Norfolk" (1398984192)
00:28:15.822 --> 00:28:17.980
But, if you.

112 "David Greenwood" (455269376)
00:28:17.980 --> 00:28:23.489
If you don't want to skin the public hearing on that 4 February date.

113 "David Greenwood" (455269376)
00:28:23.489 --> 00:28:43.489
And you make a request in writing as the regs call for to have that date adjourned and you have a good cause reason, I I would, I would grant that. So I'm not quite sure, you know, you, some of these requests are requests for adjournment, they have been in writing, but.

114 "David Greenwood" (455269376)
00:28:43.489 --> 00:28:56.862

I, I I guess what I'm what I would like is just a standalone request so that I can issue a letter ruling on it like I did the last time that you and APA staff jointly requested that the.

115 "Matthew Norfolk" (1398984192)
00:28:56.862 --> 00:29:00.063
Okay? Yes. Okay. So that.

116 "David Greenwood" (455269376)
00:29:00.063 --> 00:29:03.862
And do you intend to do that or are you still thinking about it?

117 "Matthew Norfolk" (1398984192)
00:29:03.862 --> 00:29:20.121
It's it's, I guess I said still thinking about it. It's just I think we're gonna go over some of these things today. It's, there's there's a lot there where where it's part of that has to do with on a small firm and there's a lot going on here. I agree and and I'm only one judge.

118 "David Greenwood" (455269376)
00:29:20.121 --> 00:29:23.764
And there feels like there's a lot going on here. Yeah, it's overwhelming.

119 "Matthew Norfolk" (1398984192)
00:29:23.764 --> 00:29:37.577
Some degree. So let me let me think about that. I I understood that that's another I could be wrong on this, another party was looking for an adjournment too, but maybe I'm mistaken. Maybe was that on council?

120 "David Greenwood" (455269376)
00:29:37.577 --> 00:30:04.109
That would actually lead us to point number five, which is the interveneers joint letter dated January 1620 26 with the proposed scheduling order. That proposed scheduling order did begin with, with the 4 February date and then what they had in what they had done is set out a schedule for the parties putting together a witness list, deadline for discovery requests and responses.

121 "David Greenwood" (455269376)
00:30:04.109 --> 00:30:21.299
Deadlines for creating pre filed direct testimony, which we have not agreed as a group to do yet, but I would recommend that we do proceed with that. And then a date for the agency staff to do pre filed direct testimony and intervenors to do pre filed direct testimony.

122 "David Greenwood" (455269376)
00:30:21.299 --> 00:30:53.402
We can discuss whether or not we wanna have the applicant witnesses do testimony and cross examine with them, have that scheduled out, and then have the, the hearing dates for, APA witnesses and evidence and intervener witnesses and eviden evidence before that, we can talk about all that, and why don't we in fact do that? Let me pull out the proposed hearing.

123 "Matthew Norfolk" (1398984192)
00:30:53.402 --> 00:31:03.741
By attorney Vancout or I'm just looking through the emails. Which one sent the proposed schedule? I thought I'd print.

124 "David Greenwood" (455269376)
00:31:03.741 --> 00:31:05.080
That came from.

125 "Paul Van Cott" (1013184768)
00:31:05.080 --> 00:31:07.323
To Protect.

126 "Todd Ommen" (941395968)
00:31:07.323 --> 00:31:10.262
Mr. Ramado sent that around. Okay.

127 "Matthew Norfolk" (1398984192)
00:31:10.262 --> 00:31:25.842
Let me find that. There's a bunch of dates in that. Okay. Oh I've got it. Thank you, Shane.

128 "Todd Ommen" (941395968)
00:31:25.842 --> 00:31:27.540
I thought I had everything.

129 "David Greenwood" (455269376)
00:31:27.540 --> 00:31:31.702
And set out here in order, but now it looks like I yeah.

130 "Matthew Norfolk" (1398984192)
00:31:31.702 --> 00:31:43.859
Okay so.

131 "David Greenwood" (455269376)
00:31:43.859 --> 00:31:52.829
This proposed scheduling order, anticipates 4 February 2026 at 10:00 A.M. is the 1st date and then witness list.

132 "David Greenwood" (455269376)
00:31:52.829 --> 00:32:10.169
An APA staff statement, which would be by 4 March 2020 6th, by 5pM. Let me get a calendar up. So.

133 "David Greenwood" (455269376)
00:32:10.169 --> 00:32:27.569
4 March is a whole month from 4 February, do obviously protect propose this date so that's how much time that they would like to put together a witness list. But, it seems that four.

134 "David Greenwood" (455269376)
00:32:27.569 --> 00:32:44.009
For five weeks is more time than one would actually need to do that. I think I I the the this list as it is listed out here still has us doing stuff on June. We can prompt I think we could probably get this done before then.

135 "David Greenwood" (455269376)
00:32:44.009 --> 00:33:03.821
Provided that, you know, everybody, you know, put some work into it. So I'm actually gonna suggest an earlier date than that, but, does anybody have an opinion on whether or not 4 March is like as early as they could do any of these things. And I guess the person I'm most concerned with is mr. Norfolk because you're gonna be presenting your witnesses 1st. Yeah I.

136 "Matthew Norfolk" (1398984192)
00:33:03.821 --> 00:33:14.339
I would think, I'm not necessarily opposed to 4 March, but I would think realistic you could probably have those two weeks out after 4 February. Okay. How does everybody.

137 "David Greenwood" (455269376)
00:33:14.339 --> 00:33:20.561
Else feel about two weeks out from 4 February, whatever that would be, seven, the 18th.

138 "Matthew Norfolk" (1398984192)
00:33:20.561 --> 00:33:29.982
That's the weekday. Let me see. I got a larger screen.

139 "Matthew Norfolk" (1398984192)
00:33:31.483 --> 00:33:39.823
So it's the 18th, but perhaps just to make It just add two days to have it Friday the 20th.

140 "David Greenwood" (455269376)
00:33:39.823 --> 00:33:54.784
It saves a week or so down. Okay. That's acceptable to me. How does everybody else feel about that? Is your.

141 "Todd Ommen" (941395968)
00:33:54.784 --> 00:34:05.261
Is this assuming the 4 February hearing goes forth? Is this all go go by the wayside? If it does not go forth, we don't know where we stand on that yet. I.

142 "David Greenwood" (455269376)
00:34:05.261 --> 00:34:17.780
Maybe but you know, I if we do adjourn the 4 February day, we're gonna have to pick pick a date to adjourn it to. Right. And so are these dates.

143 "Todd Ommen" (941395968)
00:34:17.780 --> 00:34:26.041
Based on whatever that date becomes or is the 18th on there NO matter what, what happens on the 4th? I don't know.

144 "David Greenwood" (455269376)
00:34:26.041 --> 00:34:31.003
Because this, this order hasn't been written yet. We're kind of writing it right now. Yeah.

145 "Todd Ommen" (941395968)
00:34:31.003 --> 00:34:39.173
Okay 16 days from the initial hearing to the.

146 "Matthew Norfolk" (1398984192)
00:34:39.173 --> 00:34:44.062
List so then if you want to do it that way, NO objection to that. Okay, so i'll.

147 "David Greenwood" (455269376)
00:34:44.062 --> 00:34:47.640
Canceling in 20 February, ok?

148 "Matthew Norfolk" (1398984192)
00:34:47.640 --> 00:35:06.469
I don't regs say and this ties into this agenda. I I just struggle with the way it's almost we're doing it in reverse order. Let's say we scheduled 4 February, right? And we do the notice of appearances, you have the public there.

149 "Matthew Norfolk" (1398984192)
00:35:06.469 --> 00:35:25.656
Who cares about the prize? You have the press there, you put in your notice of appearances, and what if I opt to not take

field any questions or do anything as far as an opening or such? We're gonna all be there and then it's like, ok, just the efficiency of it that.

150 "David Greenwood" (455269376)
00:35:25.656 --> 00:35:44.359
I think we do have to physically get together in order to get this moving and I and that's why in the beginning of this meeting I did go down a list of five things that we could accomplish on that 1st day and opening statements would be one of them. We could also there's, there are looking.

151 "David Greenwood" (455269376)
00:35:44.359 --> 00:36:13.949
Make some motions returnable then in terms of, you know, people having paperwork to put in on oppositions and some motions or, you know, things like that. There's a number of of logistical things we could accomplish on that day. But you're right, maybe we are getting a bit ahead of ourselves. Maybe we should go back to, let's let's table that for a moment and then and go on to agenda point number six.

152 "David Greenwood" (455269376)
00:36:13.949 --> 00:36:33.949
On 20 January yesterday the adorantic council moved to me returnable on the 4th, for an order disqualifying Norfolk Hiyer from representing the project sponsor. Assuming I'm still the hearing officer, this motion has been made to me.

153 "David Greenwood" (455269376)
00:36:33.949 --> 00:36:49.778
The other parties would, should be given an opportunity to respond to it. We should pick a date for responding and a, a date for me to make a ruling on the motion. I'm sorry.

154 "Matthew Norfolk" (1398984192)
00:36:49.778 --> 00:36:51.703
That's how it's written.

155 "David Greenwood" (455269376)
00:36:51.703 --> 00:36:56.602
Yep.

156 "Matthew Norfolk" (1398984192)
00:36:56.602 --> 00:37:14.129
See this is what makes it difficult too us we're preparing for our 4 February openings, then I have the motion I gotta respond to.

157 "Matthew Norfolk" (1398984192)
00:37:14.129 --> 00:37:37.141
Yep. Ahh I would like more time to respond to that, but then if we're having the 4 February hearing, the issue of disqualification, I suppose or should be decided, right, for the for the judge and for the applicant's council before that. Yeah, if you would.

158 "David Greenwood" (455269376)
00:37:37.141 --> 00:37:55.660
Like a week or seven days, seven business days to to write a response to that and then five days or so for me to consider it and make a ruling. We can do that and then we would move that 4 February date cause it would otherwise be in the way.

159 "Matthew Norfolk" (1398984192)
00:37:55.660 --> 00:38:12.960
You would, and this is nothing more frankly also is I mean it is what it is, it's my work's schedule and what we have to

do on prep of this. I I I feel like I'd be given my client to service to hurry this so much. If we could, if I could have two weeks of that, if it's gonna be.

160 "Matthew Norfolk" (1398984192)
00:38:12.960 --> 00:38:27.420
Well, we got it yesterday, so if I could have two weeks from yesterday to respond, I mean that's, that's what I'd be asking for. I mean, I think that's a reasonable time limit. Okay.

161 "David Greenwood" (455269376)
00:38:27.420 --> 00:38:46.500
That sounds reasonable to me. Does anybody have any objections to giving Norfolk Bear two weeks to respond to the motion for just qualification? That would put it on february 3 February? Is that reasonable? Yep, I think it is.

162 "David Greenwood" (455269376)
00:38:46.500 --> 00:38:50.521
While we're on this.

163 "Matthew Norfolk" (1398984192)
00:38:50.521 --> 00:39:09.710
Subject is, you know, the other council made, I mean we're not gonna get into marriage, but I think we're here. Let's see what we can or can't do. The other on that council made the motion, but it's pointing to, well the other on the Park agency hadn't done a waiver or I haven't gotten it.

164 "Matthew Norfolk" (1398984192)
00:39:09.710 --> 00:39:27.810
Waiver from the internet Park agency. The agency's known of my representation of of course Hotmire for years, and if known that's Sarah Renos had left the APA in I think it was May of 2025 joined, I have NO objection of waiver. Does the APA.

165 "Matthew Norfolk" (1398984192)
00:39:27.810 --> 00:39:47.742
Intend to object or does it wave any potential conflict? I think if if you answer now, we're not gonna we're waiving it, we don't have an objection I think it's over. There's NO standing on that or an accounter part, he's just pointing out issues with two clients.

166 "Paul Van Cott" (1013184768)
00:39:47.742 --> 00:39:54.944
I'd like to have her answer that if she would.

167 "Matthew Norfolk" (1398984192)
00:39:54.944 --> 00:39:57.304
I'd like to hear the answer.

168 "David Greenwood" (455269376)
00:39:57.304 --> 00:40:04.922
Well, Grace, do you guys intend to waive the, any apparent issue of disqualification?

169 "Grace Sullivan" (733485056)
00:40:04.922 --> 00:40:13.143
The agency would like another day at least to review the motion from So we can't decide.

170 "David Greenwood" (455269376)
00:40:13.143 --> 00:40:17.459
Mr., what were you gonna say? Oh, NO, I.

171 "Paul Van Cott" (1013184768)
00:40:17.459 --> 00:40:38.221
Just gonna say it could even be so it sounds like NO waiver has been granted to Norfolk Beer from APA and it was Norfolk Beer's obligation to take that. It's Norfolk buyer.

172 "Matthew Norfolk" (1398984192)
00:40:38.221 --> 00:40:39.974
Hiya I'm sorry.

173 "Paul Van Cott" (1013184768)
00:40:39.974 --> 00:41:09.463
Right, excuse me, your four buyer, and so, you know, it seems like the, the I'm sorry there's my phone. I apologize, seems like the, you know, what it really comes down to is doing what you should have done in May 25, not despite everybody's knowledge of Sierra being at your firm.

174 "Matthew Norfolk" (1398984192)
00:41:09.463 --> 00:41:28.722
And how do and how and how do We years ago? This is up to the Outer neck Park agency, not at the outer neck council. Not the other on the council, NO rush hold. Maybe he's part of the Adorannet council. I don't know. It's not up to him, it's up to the atorac park agency. Simple as that.

175 "Paul Van Cott" (1013184768)
00:41:28.722 --> 00:41:34.360
But I agree it's up to APA, but it affects Are you asking me.

176 "Matthew Norfolk" (1398984192)
00:41:34.360 --> 00:41:40.700
If I terminate, if I terminate Sarah brown's employment tomorrow, now you tell me it's over I have to fire her? No, you still.

177 "Paul Van Cott" (1013184768)
00:41:40.700 --> 00:41:45.515
Have a obligation for explaining what's happened since May of 25.

178 "Matthew Norfolk" (1398984192)
00:41:45.515 --> 00:41:57.682
You haven't got an express waiver is clearly case law is clear, it's not an implicit waiver. But I'll hear from the outer neck park agency. Okay.

179 "David Greenwood" (455269376)
00:41:57.682 --> 00:41:59.423
Yeah, and that's the.

180 "Paul Van Cott" (1013184768)
00:41:59.423 --> 00:42:01.942
Excuse me, what is calling?

181 "Matthew Norfolk" (1398984192)
00:42:01.942 --> 00:42:05.300
Too hard. Sorry, sorry judge. Excuse me.

182 "David Greenwood" (455269376)
00:42:05.300 --> 00:42:27.220

For me. Any party can respond to that the date for response, I believe we had discussed it being 27 January. Nope, we hold on, let me get back here. It's the 21st right now. That would be 3 February, right? That's right. Nope.

183 "David Greenwood" (455269376)
00:42:29.194 --> 00:42:49.640
Any party including APA staff that wants to respond, you have a deadline of 3 February. I will take all the responses and I will try to answer the motion as soon as possible. I think I maybe wrong, but I think the regs give me five days to respond to a motion, and after 3 February.

184 "David Greenwood" (455269376)
00:42:49.640 --> 00:42:58.221
4th 5th 6th three so so.

185 "Matthew Norfolk" (1398984192)
00:42:58.221 --> 00:43:07.257
Understand the administrative law judge is going to decide whether to strips amendment right of an applicant. I don't know what I'm gonna do.

186 "David Greenwood" (455269376)
00:43:07.257 --> 00:43:09.139
I I.

187 "Matthew Norfolk" (1398984192)
00:43:09.139 --> 00:43:12.020
Yeah I've got a motion before me now I gotta make a ruling on so.

188 "David Greenwood" (455269376)
00:43:12.020 --> 00:43:21.180
We'll, you know, we'll see. And if you, if you have arguments about the standing and that the APA did waive anything at all that you think would would.

189 "David Greenwood" (455269376)
00:43:22.515 --> 00:43:25.344
That's all they're getting.

190 "Paul Van Cott" (1013184768)
00:43:25.344 --> 00:43:36.721
And judge, if I may just like to see if there's an opportunity for a reply after we see what the applicant submits.

191 "David Greenwood" (455269376)
00:43:36.721 --> 00:43:42.538
I'm I'm reluctant to add more paper to.

192 "Paul Van Cott" (1013184768)
00:43:42.538 --> 00:43:45.304
This topic or or or really any other pre hearing.

193 "David Greenwood" (455269376)
00:43:45.304 --> 00:43:54.581
Topic to be honest with you how many we have, but let's see what motions says. Matching it seems.

194 "Paul Van Cott" (1013184768)
00:43:54.581 --> 00:43:58.581
Your discretion you are? So well we.

195 "Matthew Norfolk" (1398984192)
00:43:58.581 --> 00:44:02.738
And address that when it comes, right? Yeah. And.

196 "Paul Van Cott" (1013184768)
00:44:02.738 --> 00:44:34.639
And our hope frankly, is that the APA executive will take the opportunity as Matt suggested to work this through and and to see whether or not a waiver is possible because it is ultimately between APA and the applicant, and that's how we framed it. You know, we're only seeking disqualification if there is NO waiver by APA. So that's what we're looking for.

197 "David Greenwood" (455269376)
00:44:34.639 --> 00:44:40.858
So I have to give all parties an opportunity to respond to the motion.

198 "Paul Van Cott" (1013184768)
00:44:40.858 --> 00:44:41.841
So I.

199 "David Greenwood" (455269376)
00:44:41.841 --> 00:44:57.360
Read the motion, and one other thing regarding the motion, when you submitted that email, it had a link on it. If you could just attach a PDF directly to an email in the future, that would be easier because I had a firewall problem getting that took me to get to it.

200 "Paul Van Cott" (1013184768)
00:44:58.641 --> 00:45:18.544
Sorry about that. Yeah, so just I mean you can convert a Word document into PDF and just attach the PDF and that way NO one can edit it. Yeah, and I'll just have to figure out cause there was a substantial number of pages, so that's why we're doing 711 pages.

201 "David Greenwood" (455269376)
00:45:18.544 --> 00:45:19.961
I know.

202 "Paul Van Cott" (1013184768)
00:45:19.961 --> 00:45:22.860
I know too. Okay.

203 "David Greenwood" (455269376)
00:45:22.860 --> 00:45:56.279
So we got a schedule for that. Moving on to point number seven. Email dated 20 January requesting a briefing schedule on anteroranic council's motion to disqualify and request staying in proceeding. I think we just addressed that, and we're back to whether or not we need to stay from the 4 February hearing date. My decision by my writing would be coming in 10 February. Do we want to adjourn the hearing until after that motion is decided?

204 "Matthew Norfolk" (1398984192)
00:45:56.279 --> 00:46:20.280
I think we have to. I had this issue come up in a lawsuit, actually Paul's law firm, same arguments. The, I think you have to because the whole idea of the at least I understand it would be for Edna council, regardless of standing is I can't, this firm is not supposed to go forward with representation, and here will have this motion pending and I, and I would be.

205 "Matthew Norfolk" (1398984192)

00:46:20.280 --> 00:46:41.341
I I think that's, I think that has to be stayed even though NO stay was rec requested, when I say stay, I think the hearing does have to get kicked back because then otherwise I'm now participating, right? In the hearing while disqualification potential disqualification motions pending. I know just.

206 "David Greenwood" (455269376)
00:46:41.341 --> 00:46:44.120
It feels like. Sure.

207 "Matthew Norfolk" (1398984192)
00:46:46.298 --> 00:46:48.944
So, I agree with that.

208 "David Greenwood" (455269376)
00:46:48.944 --> 00:46:57.870
And if we're then going to adjourn the 4 February hearing date, regs require us to pick a date, place and time certain to do that. So let's do that right now.

209 "David Greenwood" (455269376)
00:46:57.870 --> 00:47:13.154
When do the parties want to get back together? I would say sometime after 10 February, having deciding nothing, as of yet, there is a possibility of.

210 "Chris Amato" (119267584)
00:47:13.154 --> 00:47:15.539
That, the APA will need to.

211 "David Greenwood" (455269376)
00:47:15.539 --> 00:47:33.903
Find another hearing officer and the project sponsor will need to find another law firm, so you maybe dealing with entirely a different people in the near future, but why don't we pick two weeks after that, say 18 February? Alright, so then.

212 "Matthew Norfolk" (1398984192)
00:47:33.903 --> 00:47:43.219
10th is the, your deadline judge. And then eight days later a which is two weeks.

213 "David Greenwood" (455269376)
00:47:43.219 --> 00:47:45.421
It's after the 4 February date.

214 "Matthew Norfolk" (1398984192)
00:47:45.421 --> 00:47:47.539
Okay. You're on unfortunate.

215 "Todd Ommen" (941395968)
00:47:47.539 --> 00:48:03.000
Really I will be out of state on the 18th and then not able to do the 19th to the 20th. I'm sorry. I know I don't want to be the tail wagon the dog here, but if, if it's an in person conference there's NO way I can do the 18th 19th or the 20th. Okay.

216 "David Greenwood" (455269376)
00:48:03.000 --> 00:48:06.161
About the following week, the 20 10th. Yeah, so 20.

217 "Todd Ommen" (941395968)
00:48:06.161 --> 00:48:10.553
If I thought it works, I can do that. Everybody else?

218 "David Greenwood" (455269376)
00:48:10.553 --> 00:48:13.724
Mr. Gibson, how does how does.

219 "Paul Van Cott" (1013184768)
00:48:13.724 --> 00:48:18.801
25 February work for you? Seeing that looks.

220 "Matthew Norfolk" (1398984192)
00:48:18.801 --> 00:48:26.521
Think it works for me, just, ok. 25th 25? February. Does anybody ever been.

221 "David Greenwood" (455269376)
00:48:26.521 --> 00:48:31.984
Is ok with that?

222 "David Greenwood" (455269376)
00:48:33.940 --> 00:48:48.123
Southern and mr. Norfolk, the last time we moved to hearing, you guys prepared to join scheduling order that I was able to show order that was very convenient for me. Could you do that again? I can prepare that.

223 "Grace Sullivan" (733485056)
00:48:48.123 --> 00:48:52.221
And have it sent around for everyone for signature. Okay. All right. Thank you.

224 "David Greenwood" (455269376)
00:48:52.221 --> 00:48:55.703
Pretty much I'll I'll look for that and I'll find it when I get it. And I believe 10:00 A.M.

225 "Todd Ommen" (941395968)
00:48:55.703 --> 00:48:58.622
Was the current time is that they only.

226 "David Greenwood" (455269376)
00:48:58.622 --> 00:49:06.000
The reason that I picked 10:00 A.M. is because we're gonna we haven't set up the room yet, and now that we have you know.

227 "David Greenwood" (455269376)
00:49:06.000 --> 00:49:23.220
Six parties, we're gonna have to figure out what desks are going where and there's a I'm intending to go up into the Aterandex and Dan hotel the previous night, but there's a chance that I won't be able to do that and I'll have to-out in the morning and do an early morning drive. That's that's why I picked that.

228 "David Greenwood" (455269376)
00:49:23.220 --> 00:49:43.200
And place is going to remain APAHQ, is that ok? Trace? Yeah yep that's good. Thank you very very much. That looks like number seven is gone.

229 "David Greenwood" (455269376)
00:49:43.200 --> 00:50:03.200
Number eight, I just want to note this. This is not coming before me, but the applicant on 20 January 2026 made a partial appeal of the ruling on party status petitions. So that goes through, the agency, not through me. Right. Okay, so I won't be issuing a ruling on that. I don't that I don't think that affects our schedule.

230 "David Greenwood" (455269376)
00:50:03.200 --> 00:50:10.135
Moving moving forward number.

231 "David Greenwood" (455269376)
00:50:10.135 --> 00:50:25.830
The intervenous joint letter dated 20 January of 2026 requesting applicant to be required to submit an updated comprehensive application and requesting an administrative docket. I think we dealt with the administrative docket portion of that and.

232 "David Greenwood" (455269376)
00:50:25.830 --> 00:50:42.480
My understanding is that the agency has declared this application complete and that this public hearing is on a completed application. So, I don't think I have any power to tell the applicant to reorder their application after it's been ordered to go for hearing.

233 "David Greenwood" (455269376)
00:50:42.480 --> 00:51:02.250
It maybe difficult to track down exactly what is going on, but that's there were six notices of being complete application and six responses and yeah, it is a bit hairy, but the process is hairy. So I I'm I don't believe I'm in a position to order the applicant to submit a new application.

234 "David Greenwood" (455269376)
00:51:02.250 --> 00:51:19.820
You may have an argument that the APA shouldn't grant the permit because it's impossible to tell what it asks for. Maybe they would find that argument compelling. I don't know, but I I'm not going to order them to to to rejigger their application at this point. Alright, well.

235 "Chris Amato" (119267584)
00:51:19.820 --> 00:51:37.680
Your honored the the reason we asked that was because we feel it is within your authority because you are vested with the responsibility for ensuring a complete and importantly and understandable record and to have this.

236 "Chris Amato" (119267584)
00:51:37.680 --> 00:51:57.480
Proceeding go forward as efficiently as possible. As the application stands now, it's a, very difficult pile of paper to understand what is exactly being proposed here, what the applicant is contending the proposed.

237 "Chris Amato" (119267584)
00:51:57.480 --> 00:52:13.740
Possible impacts of this proposal might be. There's four separate noise impact analyses that have been submitted, all of which contain different numbers, different conclusions, different analyses. Then on top of that, there's even a di even more information.

238 "Chris Amato" (119267584)
00:52:13.740 --> 00:52:29.070
Provided some of which is inconsistent with what was previously submitted in the responses to the nippers that were issued by the APA staff. So, you know, we, and when I say we, I'm talking about the, you know.

239 "Chris Amato" (119267584)
00:52:29.070 --> 00:52:49.070
For environmental interveners. Among us we have a substantial amount of experience in dealing with environmental permit applications. This record is very hard to parse through and we were just making this as a suggestion, a request that was.

240 "Chris Amato" (119267584)
00:52:49.070 --> 00:53:11.120
Really directed at trying to keep this hearing as efficient and, to proceed as quickly as possible. You know, we think that if it's, if the record is left as is, it will necessitate, you know, quite quite a lot of additional work including discovery and so forth that, that could be approved.

241 "Chris Amato" (119267584)
00:53:11.120 --> 00:53:19.378
Avoided if if the applicant was willing to just put something in that we could all sort of look at and understand what's being proposed here. And I I.

242 "David Greenwood" (455269376)
00:53:19.378 --> 00:53:22.701
You're making sense.

243 "Matthew Norfolk" (1398984192)
00:53:22.701 --> 00:53:26.483
I understand, but I'm not gonna order him to do that. He may agree.

244 "David Greenwood" (455269376)
00:53:26.483 --> 00:53:50.299
But that, that, that wouldn't be that wouldn't be something I mean with the APA saying this application's complete and ordering a hearing on the complete application, I just don't feel as though I can unravel that work from where I sit today. So I'm not gonna order him to do it. However, mr. Norfolk, it maybe in your best interest to clarify what it is that the application is seeking.

245 "Matthew Norfolk" (1398984192)
00:53:50.299 --> 00:54:12.960
Your concern, everything has been clarified. It's it's been five years. I can't, I have NO, I have NO control over how the adonetic park agency maintains its records or how, but the information, 1st it was marked complete, deemed complete. All the information's in there. It's cause of the five years and six neppers.

246 "Matthew Norfolk" (1398984192)
00:54:12.960 --> 00:54:35.423
If you go through it, you'll see where there's been clarification, where there's been confirmations throughout yeah, so we're fine. I means to ask the arrogance of his profile to go back and step into place of APA staff and say, it's not good enough. They deemed to complete.

247 "David Greenwood" (455269376)
00:54:35.423 --> 00:54:48.215
So your letter actually requested that I direct the the applicant to submit a new application. Do you need me to issue an order or a letter decision saying I'm not gonna do that or are, or can we.

248 "Chris Amato" (119267584)
00:54:48.215 --> 00:54:57.900
I don't think that's necessary Okay.

249 "David Greenwood" (455269376)
00:54:57.900 --> 00:55:20.940
Moving on to point ten, the intervenor's joint letter dated 20 January 2026 proposing revisions in addition to issues to be adjudicated at the hearing and pro and there's a proposed additional issue that was in your request for intervention which is permit compliance issues. I feel somewhat similar, but I do to the last point and that is that.

250 "David Greenwood" (455269376)
00:55:20.940 --> 00:55:40.940
When the agency set this for hearing, they put together a list of three issues that they wanted adjudicated. I did read your proposed list of the, of, of seven points. I understand your points about.

251 "David Greenwood" (455269376)
00:55:40.940 --> 00:56:10.290
Organizing it in a different way so that it tracks a little bit more with with the regulations and the determinations that the APA needs needs to make. I think if you want to order your argument in that way, that makes sense to me. If you want to order your presentation of evidence at the hearing that way, that would also make sense to me. But because the APA order came to me, I was not a hearing officer at the time. I'm I've been assigned to hear a hearing officer now, I'm really gonna comply with what the APA asked me to do and.

252 "David Greenwood" (455269376)
00:56:10.290 --> 00:56:30.290
I don't think reordering the information is something that the APA really con contemplated. The regs allow them to specify the issues, and I think they've done that. So, I am not personally going to be rewriting the order that set this matter matter to hearing.

253 "David Greenwood" (455269376)
00:56:30.290 --> 00:56:49.320
However, I do have the power to clarify issues. What does it say? And I believe I have the power to add an issue. So I saw that in your suggested reordering.

254 "David Greenwood" (455269376)
00:56:49.320 --> 00:57:07.590
The vast majority of it was things that were already in those three points, including the sub points that were in point number three and but there was one section that I didn't see any relation to in the three points issued by the APA and that that is the question of.

255 "David Greenwood" (455269376)
00:57:07.590 --> 00:57:22.860
Prior permit compliance. So that would be an additional issue and I guess what, what I would like is, a brief submission.

256 "David Greenwood" (455269376)
00:57:22.860 --> 00:57:50.379
About why, that issue would be something that the APA would have to adjudicate in order to grant the applicant's permit in this matter because prior permit compliance would be an enforcement issue, and correct me if i'm wrong. Grace, the APA has an enforcement procedures that if there is a permit that is not complied with, do you have enforcement yes? Yes.

257 "Grace Sullivan" (733485056)
00:57:50.379 --> 00:58:30.943
And, I I don't know if the best way to address this request for an additional issue is through written responses or to decide it now though the agency would object to the inclusion of this issue. It's not a criteria for approval and we think it would muddy the waters with other potential enforcement cases or, issues that are beyond the scope of this proposed project and so we do not think it should be included and we're happy to put them in writing if that is preferred. Okay.

258 "David Greenwood" (455269376)
00:58:30.943 --> 00:58:55.900
Would it be possible to have a discrete, request for ruling to me, to add that issue and then the parties could respond to that and we could we won't we won't have to move the 1st hearing date, for that particular issue, but I, I I can make a ruling on that one when when we get all the papers in. Is that reasonable for everybody?

259 "Matthew Norfolk" (1398984192)
00:58:55.900 --> 00:59:00.059
I had some additional comments though you are. Sure, go ahead.

260 "David Greenwood" (455269376)
00:59:00.059 --> 00:59:01.720
I think.

261 "Paul Van Cott" (1013184768)
00:59:01.720 --> 00:59:24.870
You know this this issue and that the reordering of the issues, the clarification of the issues that we've done to be consistent with the law, and to be consistent with the ordering of the statutory criteria for approval is critical to have.

262 "Paul Van Cott" (1013184768)
00:59:24.870 --> 00:59:42.900
Cleaned up essentially. I mean, there are some questions, the question whether or not this is a commercial use. That's a threshold jurisdictional issue. So I guess my question would be, if this is your.

263 "Paul Van Cott" (1013184768)
00:59:42.900 --> 00:59:57.960
Inclination or you feel like you lack the authority to do this and I don't think that's necessarily consistent with the what the ALJ Dan O Connor did and add around that cluttering resort.

264 "Paul Van Cott" (1013184768)
00:59:57.960 --> 01:00:15.540
But if you feel it is, you know, this is not within your authority, then the question would be how would how would you recommend that we proceed to get this to the agency potentially to.

265 "Paul Van Cott" (1013184768)
01:00:15.540 --> 01:00:38.422
Take another look at the hearing issues that it wants adjudicated because I do I do think there's I think there's some fundamental flaws here and I don't think it's in the interest of the park agency, the applicant or certainly the intervenors to have the issues positive the way that they are.

266 "Matthew Norfolk" (1398984192)
01:00:38.422 --> 01:00:40.760
Understand that and certainly as I said.

267 "David Greenwood" (455269376)
01:00:40.760 --> 01:00:52.080
In your argument, you could lay all that out, and you can you can you can present your evidence in that order too. And, you know, the fact that whether or not it's a commercial use is kind of a threshold issue.

268 "David Greenwood" (455269376)
01:00:52.080 --> 01:01:21.685
I understand that, and that would probably be an issue that the applicant would want to address in their submission of evidence, but, you know, the, the hearing rigs do allow the agency to, to specify the issues that they want the hearing to be conducted on and they've done that. So I personally feel that just throwing that out is going, it would will will result

in something that is not what the agency asked for and.

269 "Paul Van Cott" (1013184768)
01:01:21.685 --> 01:01:25.140
Back to the agency then to relook at it.

270 "David Greenwood" (455269376)
01:01:25.140 --> 01:01:41.295
To revisit their hearing order ok and like I said, you can, you can definitely couch your argument in any way you want. And I, I I read I read your your your motion and I I do understand it. It all makes sense to me so.

271 "Paul Van Cott" (1013184768)
01:01:41.295 --> 01:01:43.664
I'm not yeah I'm not saying you don't have a reason.

272 "David Greenwood" (455269376)
01:01:43.664 --> 01:01:51.164
For for wanting to reorder the issues and if and if we did address them in those seven points, we might even have an easier time of it. But that's not what the agency.

273 "Paul Van Cott" (1013184768)
01:01:51.164 --> 01:01:52.299
That's for when the agency has.

274 "David Greenwood" (455269376)
01:01:52.299 --> 01:01:55.696
The authority to, to, to get what it asks what it asks. Oh absolutely.

275 "Paul Van Cott" (1013184768)
01:01:55.696 --> 01:02:19.890
And and I guess, you know, maybe another question to follow on would be to the applicant, the park agency, and the other interveners and what they think about it because I I I truly, you know, try and and I actually got pushed back because, you know, I I was looking at this. I fall back into my shoes as an APA attorney.

276 "Paul Van Cott" (1013184768)
01:02:19.890 --> 01:02:37.110
And this is how I would have ordered it, you know, if I was writing the issues for the hearing. So I got some pushback on that, but it really makes a lot of sense in terms of the efficiency of the proceeding and just kind of like, you know, proper sequence going through the evidence.

277 "Paul Van Cott" (1013184768)
01:02:37.110 --> 01:02:54.510
From getting the agency the evidence that they want because if one of us starts presenting evidence on one topic and the others are presenting out of another one, you know, it can get way out of hand. And we actually in the in the ACR hearing, you know, there was a very.

278 "Paul Van Cott" (1013184768)
01:02:54.510 --> 01:03:10.620
You know, established order of the prep, you know, the presentation of evidence and it followed through, and I also know that the APA board at that time was very careful in how they approached separating out the factual issues.

279 "Paul Van Cott" (1013184768)
01:03:10.620 --> 01:03:38.535
Regarding impacts in particular from the legal determinations that the agency and only the agency ultimately must

make. So that was the reason why I put it together the way it did and I'd love to hear what the other parties feel about that because I think it maybe worth going back to the board and saying, hey, we, you know, can we take her with this or could you guys reisssue this?

280 "David Greenwood" (455269376)
01:03:38.535 --> 01:03:49.590
According to the regs at five 80.14, I do have the power to direct the parties to appear and confer at any time during the course of the hearing to consider the simplification of issues.

281 "David Greenwood" (455269376)
01:03:49.590 --> 01:04:20.215
By consent to the parties. So, I'm not sure that moving three issues into seven issues is simplification, but, if you, if the parties were to consent to dealing with these issues in a, in a, in a in a different way than the APA asked for them to be dealt with, I would not stand in the way. But, as it stands now, you know, I got a pretty clear hearing or order from the from the APA and I think we should follow it.

282 "Grace Sullivan" (733485056)
01:04:20.215 --> 01:04:46.190
I think that, you know, I understood why the, the possible of the, proposed reorganization of the issues. I know that we internally do have some concerns or pushback on maybe a few minor points, and so I think it would be wise for us to have a separate pre hearing issues conference maybe within a week to.

283 "Grace Sullivan" (733485056)
01:04:46.190 --> 01:05:04.723
Weeks whenever it maybe just to address this matter separately and at that point we can potentially consider the additional issue as well, have the paper submitted by then and then are really made at that point, but I just don't think with the number of.

284 "Matthew Norfolk" (1398984192)
01:05:04.723 --> 01:05:06.177
Emails and papers.

285 "Grace Sullivan" (733485056)
01:05:06.177 --> 01:05:10.299
Going back and forth yesterday that we've had a time to fully consider the.

286 "Paul Van Cott" (1013184768)
01:05:10.299 --> 01:05:12.019
So we just would like.

287 "Grace Sullivan" (733485056)
01:05:12.019 --> 01:05:14.361
Take a little more time there. That's all. Sure that's.

288 "David Greenwood" (455269376)
01:05:14.361 --> 01:05:17.941
With with GEC matters, an issue's conference.

289 "Matthew Norfolk" (1398984192)
01:05:17.941 --> 01:05:21.983
This is something that is, you know, part of the pre hearing list of things to do.

290 "David Greenwood" (455269376)
01:05:21.983 --> 01:05:39.810

It just isn't specifically laid out in the apa's regs, but it does anticipate directing parties to appear and confer to consider simplification of the issues by the consent of the party. So if you guys can agree that there's a, there's a simpler way to.

291 "David Greenwood" (455269376)
01:05:39.810 --> 01:05:59.214
To Martial the evidence here and what issues the APA would actually want to want evidence on. That sounds great. I'll facilitate that. Maybe maybe maybe we get this meeting finished and get the thing scheduled that we need scheduled and then we'll talk at a later date about having an issues conference. Does that sound agreeable to everybody? Yes, it doesn't.

292 "Matthew Norfolk" (1398984192)
01:05:59.214 --> 01:06:28.463
I think just for the the train of thought that we were doing earlier about this disqualification motions, right? Pending for the same reason we're gonna kick back the hearing and we may have to kick back this I'm all open I'm all four parties trying to stipulate the thing minimize of course but we may have to kick that back after the decision on turning disqualification and I suppose your disqualification. Yep.

293 "David Greenwood" (455269376)
01:06:28.463 --> 01:06:49.140
Yep. Okay, so I felt like we've dealt with that and that there's some progress to be had there. I like the idea of having an issues conference, and, but let's table scheduling that for now.

294 "David Greenwood" (455269376)
01:06:49.140 --> 01:07:07.080
Okay, that is the last of the 20 January blurry of letter requests and motions. These are questions that the the rest of the list are questions I would have of any hearing, and we can probably go through these relatively quickly.

295 "David Greenwood" (455269376)
01:07:07.080 --> 01:07:30.681
The need for a site visit has I have not been on the site. I find that site visits can be, good waste for people to get a better understanding of the issues and of what's proposed. I I I don't know if anyone else has a strong feeling about this.

296 "Matthew Norfolk" (1398984192)
01:07:30.681 --> 01:07:33.782
I do a judge. This is David Gibson.

297 "Dave Gibson" (1489390080)
01:07:33.782 --> 01:07:57.780
I I recalling in 2011 site visit for the last hearing on the Cleven Resort and how helpful it was and the agency staff there and and just to to witness the relationship of the project to, to the.

298 "Dave Gibson" (1489390080)
01:07:57.780 --> 01:08:16.503
And it's and its resources, and, and to help tennity, definitely framed, I helped the witnesses and and the parties to effectively their case before the, before the ALJ in that case. Perfect, thank you.

299 "Matthew Norfolk" (1398984192)
01:08:17.239 --> 01:08:19.922
Do you have any I'm I'm going on my list.

300 "Matthew Norfolk" (1398984192)
01:08:21.424 --> 01:08:25.503
Pictures that I see. So mr. Ramado, are you interested in doing site visit?

301 "David Greenwood" (455269376)
01:08:25.503 --> 01:08:26.421
I think.

302 "Chris Amato" (119267584)
01:08:26.421 --> 01:08:30.641
Helpful. Okay. Miss Brainer.

303 "David Greenwood" (455269376)
01:08:30.641 --> 01:08:33.793
I'm with attorney.

304 "Claudia Braymer" (2023311104)
01:08:33.793 --> 01:08:39.379
It would be helpful and we appreciate that opportunity. Thank you. Sure.

305 "David Greenwood" (455269376)
01:08:39.379 --> 01:08:42.203
Mr. Bramirez? I can.

306 "Todd Ommen" (941395968)
01:08:42.203 --> 01:08:50.682
Speak on behalf of Sierra Cleventh. And we have NO objections certainly we may or may not attend just given geography and the difficulty.

307 "David Greenwood" (455269376)
01:08:50.682 --> 01:08:52.864
Yeah. Right, so we.

308 "Todd Ommen" (941395968)
01:08:52.864 --> 01:08:59.222
Might waive our own appearance but fully support the parties taking the time to visit the site. Okay. Mr. Vancot.

309 "Paul Van Cott" (1013184768)
01:09:01.100 --> 01:09:07.801
Would would this be limited to council or would the representatives from.

310 "David Greenwood" (455269376)
01:09:07.801 --> 01:09:09.942
Not yet, yeah. That's, that's the question.

311 "Paul Van Cott" (1013184768)
01:09:09.942 --> 01:09:12.458
Yeah and do you.

312 "David Greenwood" (455269376)
01:09:12.458 --> 01:09:17.659
Have any mr. Norfolk do you have any idea whether or not the project sponsors would be amendable to that or if he would.

313 "Matthew Norfolk" (1398984192)
01:09:17.659 --> 01:09:34.860
He would object. He would object, ok. I, I, I haven't spoke to him about it. I I know, I know him well enough that he'll object to that do me a favor and ask him, please? Yeah, I I can say regardless of what he says, as far as the witnesses.

314 "Matthew Norfolk" (1398984192)
01:09:34.860 --> 01:09:53.253
It councils one thing. Witnesses is something else, and then we'd have to say, ok, you're ordered to do allow witnesses on, can't be fact witnesses. I means we gotta be expert witnesses and we don't have the disclosure on that. Yeah, I wouldn't, that would have to be.

315 "David Greenwood" (455269376)
01:09:53.253 --> 01:09:56.941
Due to a subpoena or a disclosure order of some kind. Yeah.

316 "Matthew Norfolk" (1398984192)
01:09:56.941 --> 01:10:00.221
We're not there yet. Okay. Yeah.

317 "David Greenwood" (455269376)
01:10:00.221 --> 01:10:06.414
Sometimes, you know, a site visit's just, you know, something that the applicant wants everybody to do so that they know what's going on.

318 "Matthew Norfolk" (1398984192)
01:10:06.414 --> 01:10:11.702
Fair enough, I understand. I'll talk to the client. Okay, thank you for that.

319 "David Greenwood" (455269376)
01:10:11.702 --> 01:10:26.730
Potential hearing dates, we're gonna get back to that. The venue, the we're still doing this at the APA headquarters. I I think we should proceed that way and unless we find another reason not to do that.

320 "David Greenwood" (455269376)
01:10:26.730 --> 01:10:56.980
And we should come back to that, proposed scheduling order which we don't necessarily have to finish today, but I'm gonna have to write one eventually. And, with that, are there any additional agenda issues? Is there anything big that I have missed over the last few days that, you know, people have a letter request or a motion that we haven't talked about? Yes mr. Gibson. Gotcha.

321 "Dave Gibson" (1489390080)
01:10:56.980 --> 01:11:18.480
This takes place in the town of Lewis, and I think there are a number of people in that town that would appreciate, I would guess that there are a number of people in that town that would appreciate an occasional hearing in the town of Lewis.

322 "Dave Gibson" (1489390080)
01:11:18.480 --> 01:11:44.384
And give them an opportunity if they're not afforded the opportunity on 25 February to ask question to ask a minimum a set number of questions, in other words to enhance their possibility of their participation in the hearing and their understanding of the issues and, and their full participation. So I just think it's something to consider. Thank you. Yes.

323 "David Greenwood" (455269376)
01:11:44.384 --> 01:11:57.420
And I will keep that in mind and, you know, it's be reasonably, you know, I'll just throw a number out there. The applicant having witnesses on for three days, the APA having witnesses on for.

324 "David Greenwood" (455269376)

01:11:57.420 --> 01:12:15.330
For two days and the, the, the, the interveners having witnesses on for four or five days is probably vaguely what we're looking at here. So there maybe an opportunity to do some specific hearing dates in different locations, but I I think we'll.

325 "David Greenwood" (455269376)
01:12:15.330 --> 01:12:33.090
We'll we'll we'll get to that when those when those hearing dates start to come up. There's one other thing I wanted to say about that. Oh yes, the APA is still collecting a public If someone sends a public comment to the APA about the issues in this hearing, the APA collects it and.

326 "David Greenwood" (455269376)
01:12:33.090 --> 01:13:00.496
They're, they're putting it on their website as, you know, post hearing order, public comments, so people can, can still add public comments and they'll be part of the hearing record, right? One of the, one of the in in in the regs there's a description of what the hearing record consists of and let letters and comments is is so if it's on this topic and it and it arrives after the commencement of the of the hearing.

327 "Matthew Norfolk" (1398984192)
01:13:00.496 --> 01:13:03.542
To be part of the hearing record, ok?

328 "Todd Ommen" (941395968)
01:13:03.542 --> 01:13:23.122
I also have a question. There will be given the length I think there will be days where it would be ideal to attend remotely. Is that a, is that a technically possible for those not providing customer on any given day or not participate in a given day to attend remotely just to monitor the proceedings? Is that we've done that.

329 "David Greenwood" (455269376)
01:13:23.122 --> 01:13:27.483
DEC, but I don't know if the APA has experience with that because.

330 "Todd Ommen" (941395968)
01:13:27.483 --> 01:13:36.563
Yep. I don't know if Miss Sullivan can speak to that now or if we can table that for a later response. We are planning.

331 "Grace Sullivan" (733485056)
01:13:36.563 --> 01:14:11.894
Planning on providing remote access for, the public to listen in. I think if it was, you know, your intention to appear remotely and observe that day, if it was a day that you weren't presenting witness is that would be fine with us. I don't know what that would look like for like if you actually needed to participate or speak on an issue, so, but we do intend to have it be there be a virtual option for the public to attend and listen in and that would be available to you as well. And.

332 "Todd Ommen" (941395968)
01:14:11.894 --> 01:14:23.261
They would if a if an intervenor were to waive their right to participate, would they, would the hearing be able to progress if we were merely observing and not present physically?

333 "David Greenwood" (455269376)
01:14:23.261 --> 01:14:26.205
That was an obstacle for others.

334 "Todd Ommen" (941395968)

01:14:26.205 --> 01:14:28.701
What I'd like you to do is a affirmatively say that.

335 "David Greenwood" (455269376)
01:14:28.701 --> 01:14:42.515
That is say, you know, we won't be attending this hearing. The hearing can continue with without us and we, you know, re reserve the right to attend later events and maintain full party status, and I think that would be fine. Okay.

336 "Todd Ommen" (941395968)
01:14:42.515 --> 01:14:45.621
Objection that would be it. All right. There is there is.

337 "David Greenwood" (455269376)
01:14:45.621 --> 01:14:58.001
It's a section in the in the regs about what happens when somebody doesn't show up for the hearing, but, I would, I would allow you to participate to the extent that you wanted to.

338 "Paul Van Cott" (1013184768)
01:14:58.001 --> 01:15:24.142
That I would add to that is that maybe Dave, Dave gives in one of the issues that the park agency runs into in terms of holding the hearings in Louis, you know, because of the technology. They obviously have it at the APA offices but taking it on the road maybe challenging. Okay.

339 "David Greenwood" (455269376)
01:15:24.142 --> 01:15:48.720
All right. Well, let's maybe turn back to the proposed scheduling order in light of some of the dates that we have here. We have an adjournment to 25 February at 10:00 A.M. so let's change that and then if we were to do what were we saying.

340 "David Greenwood" (455269376)
01:15:48.720 --> 01:16:05.130
Three weeks instead of four, the next hearing date from 25 February, which is a Wednesday, 4 January or 4 March 11, March 18, March?

341 "David Greenwood" (455269376)
01:16:05.130 --> 01:16:23.798
Okay. And 18 March is also a Wednesday. I find that Wednesdays are fairly good days for deadlines sometimes because if you went through the weekend then you screwed it up and you didn't do anything, you got two days to do it, right? Yep.

342 "Matthew Norfolk" (1398984192)
01:16:23.798 --> 01:16:25.500
And then if it turns out that.

343 "David Greenwood" (455269376)
01:16:25.500 --> 01:16:34.196
You know, things ran long, the meeting couldn't happen, you got two more days to schedule it, right? So that's kind of why I like Wednesdays for deadlines.

344 "Matthew Norfolk" (1398984192)
01:16:34.196 --> 01:16:36.018
Okay, so we're gonna do 18 March.

345 "David Greenwood" (455269376)

01:16:36.018 --> 01:16:40.117
For witness list and APA staff statement.

346 "Paul Van Cott" (1013184768)
01:16:40.117 --> 01:16:50.855
Yes. On the on this issue, the whole question of issues because the order of issues may relate to the availability of what was the.

347 "Matthew Norfolk" (1398984192)
01:16:50.855 --> 01:16:53.724
It might come we we need to.

348 "Paul Van Cott" (1013184768)
01:16:53.724 --> 01:17:11.104
Think about that in terms of how to get the issues would you say simplified and or clarified and potentially load updates before that to make sure that happens if possible. Yeah I understand what you're.

349 "David Greenwood" (455269376)
01:17:11.104 --> 01:17:20.340
Talking about, that makes some sense to me. We have, we tabled a timing of the issues conference, but I do think that.

350 "David Greenwood" (455269376)
01:17:20.340 --> 01:17:35.400
Going with the standard order of operations, which would be applicant presents witnesses 1st, staff presents witnesses second, and interveners present witnesses 3rd should give us some s some idea of.

351 "David Greenwood" (455269376)
01:17:35.400 --> 01:17:53.259
Of having some kind of certainty, even if we re even if we rearrange the the issues, I mean, I guess it's possible that this would get broken up so that there'd be like, you know, more than one set of of those things depending on the issue. But we don't have that right now. So if you can come back.

352 "Paul Van Cott" (1013184768)
01:17:53.259 --> 01:18:01.299
Back to the issues discussion at the end after we go through this, maybe briefly, that would be great. Okay.

353 "David Greenwood" (455269376)
01:18:01.299 --> 01:18:07.859
In any event, somebody's witness list should be due on 18 March. Right.

354 "Paul Van Cott" (1013184768)
01:18:07.859 --> 01:18:09.300
Likewise with.

355 "David Greenwood" (455269376)
01:18:09.300 --> 01:18:16.376
Preliminary discovery that was proposed to be the same day so also on 18 March. Just judgment.

356 "Matthew Norfolk" (1398984192)
01:18:16.376 --> 01:18:19.423
In that well.

357 "David Greenwood" (455269376)
01:18:19.423 --> 01:18:51.240

It the propo this is just the proposed scheduling order that I'm working off of and I appreciate this being put together. I was going to put it together pretty much exactly like this. So the person who did that work, thank you and that is the section two preliminary discovery, any preliminary interrogatories and requests for productions of documents shall be served on it before 18 March, ok? Responses, it looks like that is a month later. Can we chuncate that to three weeks as well?

358 "David Greenwood" (455269376)
01:18:51.240 --> 01:19:17.622
Right now it's for 6 April, so three weeks after 18 March is also probably gonna be April. 8 April 8th and when fire hearings, when these scheduling orders happen, they get revised, ok? So none of this is like set in stone at this point. The hearing I worked on with Juzzle Conno.

359 "Matthew Norfolk" (1398984192)
01:19:17.622 --> 01:19:20.761
There were twelve scheduling orders that eventually went out so.

360 "David Greenwood" (455269376)
01:19:20.761 --> 01:19:26.370
But I think we should get something on paper so we can all kind of plan our, our near futures.

361 "David Greenwood" (455269376)
01:19:26.370 --> 01:19:44.976
Prefiled direct testimony mr. Norfolk, we had discussed doing pre filed direct testimony previously and you seemed amenable to the idea but you were still a little bit on the fence, so, have you thought about it at all? I have.

362 "Matthew Norfolk" (1398984192)
01:19:44.976 --> 01:20:05.599
So the direct testimony, just truthfully, it's just how does that work is ok to put written direct testimony. I'm thinking out loud here and I'd look for guidance too. Yeah let's say you put direct testimony in, then what does that do with the with cross? How does that work?

363 "David Greenwood" (455269376)
01:20:05.599 --> 01:20:22.260
You write it out in question and answer format and and this this allows you to to get exactly what your witness wants to say in the most organized fashion possible, right? And then that and that is then that's direct, right? And then in person.

364 "David Greenwood" (455269376)
01:20:22.260 --> 01:20:39.540
All the parties will have an op opportunity to cross examine every witness, and so that is usually done in person, and then you would have a chance to put in redirect also in person. Likewise, if you write direct testimony.

365 "David Greenwood" (455269376)
01:20:39.540 --> 01:20:57.982
And on the day of the hearing, there's a correction you need to make, you, you would have an opportunity to, to, to, yeah, to say, oh, you know, is this still how you feel? Can you swear and affirm to, to the written direct testimony or you know you have anything to add or correct? That's kind of the standard operating procedure. Okay.

366 "Matthew Norfolk" (1398984192)
01:20:57.982 --> 01:20:58.839
Okay.

367 "Matthew Norfolk" (1398984192)
01:20:59.544 --> 01:21:10.518
Well, I don't know if it needs to be said right now. I'm not opposed to it. Can I give me can I have some time to to think

about that further? Sure. Yeah.

368 "David Greenwood" (455269376)
01:21:10.518 --> 01:21:39.540
And likewise, then this is for, for all parties in the hearing in both both sides, it gives you an opportunity to see what it is that the other side is trying to prove and to be able to, you know, have some time to think about what your counter to that would be. That's the other reason why prefile direct testimony is preferred. And I'll tell you this, once you've done it once, you're, you're gonna want, hearings to proceed.

369 "Paul Van Cott" (1013184768)
01:21:39.540 --> 01:21:52.400
It's it's the way to go. Are there some tentative dates that we could identify now in case Matt, you realized the the beauty of this for all of us, including yourself? Yeah, I think we should.

370 "David Greenwood" (455269376)
01:21:52.400 --> 01:22:17.722
To keep going because there there is a, there's a ten there's a, there's a proposed date here already. So prefile direct testimony right now is 22 May, which looks like a big chunk of time after the proposed 6 April, so rather than six weeks, why don't we go four weeks? So four weeks after 18 April, I'm sorry.

371 "Paul Van Cott" (1013184768)
01:22:17.722 --> 01:22:19.055
Responses.

372 "Matthew Norfolk" (1398984192)
01:22:19.055 --> 01:22:22.533
To do on what what day responses to.

373 "Paul Van Cott" (1013184768)
01:22:22.533 --> 01:22:25.079
Discovery, 8 April.

374 "David Greenwood" (455269376)
01:22:25.079 --> 01:22:47.759
Yeah. Okay. And then the next section is pre it's pre filed direct testimony. So we have 8 April and then 123 would be 29 April also a Wednesday and that would be the date for the applicant to file pre filed direct Testimony. 28 April.

375 "David Greenwood" (455269376)
01:22:47.759 --> 01:23:00.450
And then, pre filed, this says pre filed rebuttal testimony, but it, it would, this would also be direct testimony because the part the parties are all issuing directory. That's fine.

376 "David Greenwood" (455269376)
01:23:00.450 --> 01:23:16.200
And they're having that to be a month after that. That also seems a bit too long to me. Why don't we propose three weeks? So that would be April 20, not 28 April 29, April.

377 "David Greenwood" (455269376)
01:23:16.200 --> 01:23:33.720
And then three weeks after that is 6 May 13, May 20, May, May 20, and that would be for APA staffing.

378 "David Greenwood" (455269376)
01:23:33.720 --> 01:23:49.740
An interveners to file rebu direct testimony, prefile direct testimony and related exhibits. At some point I may have to

I'm probably gonna issue a.

379 "David Greenwood" (455269376)
01:23:49.740 --> 01:24:10.037
Like an evidentiary ruling about how all this stuff needs to be structured, including possibly timing, but I don't think we need to do that right now, because we got some time to prepare for this. So we've agreed to a bunch of dates here, as I said none of these are necessarily set in stone, so.

380 "Matthew Norfolk" (1398984192)
01:24:10.037 --> 01:24:12.818
Some things that happen between now and then could derail some of this but.

381 "David Greenwood" (455269376)
01:24:12.818 --> 01:24:35.600
What I'm gonna do is I'm gonna take this agenda, I'm gonna fill in all the dates and the things that people have agreed to, and I'm gonna take this scheduling order, and I'm gonna change the dates and change some of the wording to it. I think with this I'm a little bit reluctant to sort of put this out for people to look at it and say if they have any comments to it rather than.

382 "David Greenwood" (455269376)
01:24:35.600 --> 01:24:52.620
Just issuing it the the summary of the pre hearing conference, I'm I'm just gonna write that up and send it out. It may take me a couple of days. And, if anybody has, anything that they want to say about this scheduling order.

383 "David Greenwood" (455269376)
01:24:52.620 --> 01:25:08.221
Before I write it, just let me know. Alright, we got through the agenda. Is there anything else that people do want to talk about before we close for the day? Yes mr. Vancouv. Just now.

384 "Paul Van Cott" (1013184768)
01:25:08.221 --> 01:25:22.700
But trying to get consensus on the issues. Yes. That would be the best way to do that, ideally before the 10 March witness list needs to be submitted. Yep.

385 "David Greenwood" (455269376)
01:25:22.700 --> 01:25:26.681
I just want to jump.

386 "Claudia Braymer" (2023311104)
01:25:26.681 --> 01:25:33.301
Benny, you just said the 10th attorney Vancouver I think it was 18 March and 18 March?

387 "Paul Van Cott" (1013184768)
01:25:33.301 --> 01:25:36.983
I'm sorry thank you yeah we would agree that.

388 "Claudia Braymer" (2023311104)
01:25:36.983 --> 01:25:42.584
That we should try to get an issues or the issues. Yes. Well, so we.

389 "David Greenwood" (455269376)
01:25:42.584 --> 01:26:11.162
You guys have some some things to write about your responses to motions and that kind of thing. And we don't have to actually sit in a room together until 25 February, which gives us over a month to get together for an issues ruling. So

why, and we could we could probably do that remotely, probably do it just like this. So, why don't we take a couple of days to digest what we've done so far and then I will propose a schedule for a video conference to do an issues conference. Okay.

390 "Paul Van Cott" (1013184768)
01:26:11.162 --> 01:26:26.310
One one thing that maybe helpful to that in case this needs to go to the AP APA board is to keep in mind what the agency schedule is for February.

391 "Paul Van Cott" (1013184768)
01:26:26.310 --> 01:26:46.918
And or March. Actually, if March might work even because if we're talking about 18 March, then it's likely if the board has a meeting in March, that would occur before the 18th. So if you needed to get some guidance from the board, you know, that might be a good way to accomplish that. Okay.

392 "David Greenwood" (455269376)
01:26:46.918 --> 01:26:48.122
Keep that in mind.

393 "Paul Van Cott" (1013184768)
01:26:48.122 --> 01:26:53.039
No, I do just want to reiterate that we can.

394 "David Greenwood" (455269376)
01:26:53.039 --> 01:27:02.357
Prior to the course of the hearing considers simplification of issues by consent to the parties, so I don't think we necessarily need, like if we all agree.

395 "Paul Van Cott" (1013184768)
01:27:02.357 --> 01:27:06.900
On what the issues are, then we'd actually probably don't need the agency to do anything but but that is.

396 "David Greenwood" (455269376)
01:27:06.900 --> 01:27:17.138
Possible so you know I'll keep that in mind and I'll, I'll try to put out an email suggesting a video conference pretty soon a couple of days. Thank you.

397 "Paul Van Cott" (1013184768)
01:27:17.138 --> 01:27:21.297
Yeah. Okay.

398 "David Greenwood" (455269376)
01:27:21.297 --> 01:27:48.690
Alright, well thank you all very much for your time. I feel like we accomplished a lot, and, I think we're well set up to move forward. If when I set out the summary of the pre hearing conference, if I have completely missed something or said something that can just, you know, like I got a date wrong or I never said that, just, just let me know and.

399 "David Greenwood" (455269376)
01:27:48.690 --> 01:28:08.690
And I'll attend the summary. This summary is gonna be part of the record, so after you know it's gonna I'm gonna write it up, send it out or notice to everybody and it'll be it'll be part of the record on the apa's website. All right? Okay. Well, this was this one took a lot of work to get rolling, but.

400 "David Greenwood" (455269376)

01:28:08.690 --> 01:28:12.341
I think I think we're we're we're in good shape now. Thank you judge.

401 "Claudia Braymer" (2023311104)
01:28:12.341 --> 01:28:13.021
Thank you.

402 "Chris Amato" (119267584)
01:28:14.238 --> 01:28:17.142
Thanks very much. Good afternoon. Have a great afternoon.

APA 2021-0276 Public Hearing
Summary for Record Prehearing Conference Call
January 21, 2026 1:00 p.m.

Attendees – APA Hearing Staff – Grace Sullivan, Jennifer Hubbard
Project Sponsor – Matthew D. Norfolk, Shane Kelly
Intervenors – Christopher Amato, Claudia Braymer (Protect), Paul Van Cott (Adirondack Council), David Gibson (Adirondack Wild), Todd D. Ommen, David Ramirez (Sierra Club)
OHMS – ALJ David Greenwood

1. **Conduct of Hearing Order of Proceedings (9 NYCRR 580.14[b]) for February 4, 2026 Hearing Date.**
    A. Hearing Officer Convene and summary of application and purpose of hearing.
    B. Court Reporter/stenographer.
    C. Appearances of the Parties.
    D. Project Sponsor informal presentation and answer questions of the public who are not parties.
    E. Hearing Officer determination of the sequence of participation.
    F. Opening Statements.

The parties and the hearing officer discussed the order of proceedings of the first day of the public hearing and considered adjourning the first day of the hearing briefly in order to address prehearing motions and requests for rulings. Applicant's counsel stated that the applicant would likely make an informal presentation and answer questions of the public who are not parties at the first hearing date, but may withdraw that request.

2. **Notices of Appearance (9 NYCRR 580.10) and Service List.**
3. **Applicant's January 20, 2026 ALJ Disqualification challenge.**

The parties and the hearing officer discussed the applicant's challenge to the appointment of the hearing officer but were unable to resolve the issue during the conference. As suggested in the January 21, 2026 letter from APA Executive Director Brabara Rice to the hearing officer and applicant's counsel, the other parties will have an opportunity to submit either a challenging affidavit or a responding affidavit by **5pm Friday January 23, 2026**. Additionally, the hearing officer discussed the requirements for serving as a hearing officer or disqualification in the hearing regulations at 9 NYCRR 580.14(a)(2) and affirmed that none of those conditions applied. The hearing officer also addressed questions from applicant's counsel about the lack of membership or affiliation with one of the intervening organizations, the Adirondack Council.

4. **Applicant's Letter to ALJ dated January 15, 2026.**
    A. Request for Adjournment
    B. Clarification of Record Availability

The parties agreed to **adjourn the February 4, 2026, hearing date**, to a date, time and place certain of **10:00 a.m. February 25, 2026 at APA HQ in Ray Brook, NY**. Grace Sullivan APA Hearing Staff agreed to draft a joint request and order for adjournment and circulate it to the parties for the hearing officer's signature. The parties discussed the difficulties in the lack of a central location to access record materials and correspondence between the parties. The hearing officer stated that the DEC does not have an electronic filing mechanism in place for ordinary proceedings. APA hearing staff agreed to make record materials prepared and sent on notice

between the parties and the hearing officer availably upon the Agency's website, ideally within 24 hours of receipt.

5. **Intervenor's Joint letter dated January 16, 2026 with Proposed Scheduling Order.**
    A. Date for Witness Lists.
    B. Date for Preliminary Discovery Requests and Responses
    C. Date for Applicant's Pre-filed Direct Testimony
    D. Date for Agency Staff Pre-filed Direct Testimony
    E. Date for Intervenor's Pre-filed Direct Testimony
    F. In-Person Hearing Dates required to enter evidence and testimony
    G. Scheduling Order description of Identification of Exhibits (Numerical for Applicant, Alphabetical for Agency Staff and Intervenors).

This item was initially tabled to address other agenda items affecting the hearing schedule. After returning to the item the parties agreed to the following dates in **2026** to be reflected in a scheduling order to be prepared and issued by the hearing officer: Hearing to commence **February 25**; Witness Lists and APA staff statement **March 18**; Preliminary discovery requests **March 18**; Responses to discovery **April 8**; Applicant's witness' pre-filed direct testimony **April 28**; APA and intervenors' witness pre-filed direct testimony **May 20**.

6. **Adirondack Council's January 20, 2026 Motion to ALJ for an Order disqualifying Norfolk Beier PLLC from representing project sponsor.**

The parties discussed resolving the merits of the motion during the conference but were unable to do so. The applicant and other parties will have until **5:00 p.m. February 3, 2026** to submit opposition and responses to the motion to the hearing officer. The hearing officer will make a ruling on the motion due **February 10, 2026**.

7. **Applicant's Email dated January 20, 2026 requesting a briefing schedule on Adirondack Council's motion to disqualify and requesting a stay in the proceeding.**

A briefing schedule on the motion to disqualify was established and an adjournment of the February 4, 2026 hearing date to February 25, 2026 was agreed to by the parties.

8. **Applicant's January 20, 2026 Partial Appeal of Ruling on Party Status Petitions.**

Applicant's appeal of the party status ruling was discussed, and it was noted that the process for addressing that lied with the Agency and not the hearing officer.

9. **Intervenors' Joint Letter dated January 20, 2026 requesting Applicant to be required to submit an updated comprehensive application and requesting an "administrative docket"**

The intervenors' request regarding the hearing record was addressed in item 4 above. Applicant's counsel noted that although the application was the subject of multiple notices of incomplete application and responses, the final content of the project application could be discerned, and the APA has found the application to be complete. The hearing officer noted that the application was deemed complete and had been the basis for the matter being referred to the instant public hearing and the hearing officer would not require a new comprehensive application to be submitted. The intervenors agreed that the hearing officer's finding did not require a written order from the hearing officer and this request was resolved.

10. **Intervenors' Joint letter dated January 20, 2026 proposing revision and addition to issues to be adjudicated at the hearing and Proposed Additional Issue: Protect: Permit Compliance Issues.**

This matter was discussed at length. There were no changes consented to by the parties to the three issued referred by the Agency for public hearing in the APA Project Order 2021-0276 issued November 14, 2025. However, the parties agreed to conduct a further pre-hearing issues conference in order to "consider the simplification of issues by consent of the parties" as contemplated by Agency regulations at 9 NYCRR 580.14(a)(4)(i). **The hearing officer agreed to reach out to the parties to schedule a pre-hearing issues conference** to be conducted by videoconference before the February 25, 2026 hearing date.

11. **Need for Site Visit?**

The potential benefits of a site visit were discussed, the intervenors expressed an interest in doing so. Applicant's counsel stated that the applicant would likely object, and conducting a site visit was not agreed to.

12. **Potential Hearing dates?**
    - How many days will this take?
    - Start time?
    - Stenographer.

No specific hearing dates beyond the February 25, 2026 hearing date were identified and agreed to. The hearing officer noted that as the hearing progressed specific hearing dates would need to be agreed to and subsequent scheduling orders would need to be issued.

13. **Venue?**
    - APA HQ, room layout, public access.

Continued use of the APA headquarters in Ray Brook as the venue for the in-person hearing dates was agreed to. David Gibson Adirondack Wild requested that some portion of the public hearing should be conducted in the Town of Lewis where the proposed project is located to facilitate public comment and access tot eh public hearing. The parties and the hearing officer agreed to keep this request in consideration while planning specific hearing dates.

14. **Additional Agenda Issues raised by parties.**

There were no additional agenda items added by the parties during the conference.

15. **Hearing Officer Summary of Pre-Hearing Conference for record per 9 NYCRR 580.9.**

The hearing officer stated that a summary for the record of the actions taken at the conference and any admissions stipulations and agreements which were made by the parties was required, and this is that summary.

Agenda for APA 2021-0276 Public Hearing
Summary for Record Prehearing Issues Conference Call
February 4, 2026 3:00 p.m.

Attendees – APA Hearing Staff – Grace Sullivan, Jennifer Hubbard
Project Sponsor – Matthew D. Norfolk, Shane Kelly
Intervenors – Christopher Amato (Protect), Paul Van Cott (Adirondack Council), David Gibson (Adirondack Wild), Todd D. Ommen, David Ramirez (Sierra Club)
OHMS – ALJ David Greenwood

1. Proposals to "simplify, define, limit or resolve issues" (9 NYCRR 580.9). Conduct of the hearing, hearing officer may "direct the parties to appear and confer at any time prior to or during the course of the hearing to consider the simplification of issues by consent of the parties (9 NYCRR 580.14[a][4][i]). APA Project Order stated: "The hearing officer may in their sole discretion simplify, define, limit, or resolve the scope of issues, or add an issue if not expressly excluded and for which a party makes an offer of proof to ensure that the record covers substantive and significant issues relating to the findings or determinations required of the Agency under APA Act § 805(4) and § 809(10)."

A. Intervenor "Proposed Hearing Issues for APA Project 2021-0276"

Summary: At the January 21 2026, prehearing conference the parties discussed a joint letter from intervenors dated January 20, 2026 proposing revision of the hearing issues. At the pre-hearing conference the parties agreed to conduct an issues conference at a later date, this February 4, 2026 issues conference resulted. The parties and the hearing officer discussed modifying the issues to be considered at the public hearing to re-order the issues referred to hearing by the APA and add issues to the three issues referred to public hearing by the APA.

B. APA hearing staff comments to proposed hearing issues modification.

Summary: APA hearing staff made written edits to the joint proposed hearing issues revision. Applicant's counsel agreed that there was a consensus that the question of commercial use should be addressed as the first issue to be considered at the hearing.

C. PROTECT letter of Feb. 3, 2026, regarding proposed issues No. 2 and No. 3

Summary: The parties discussed proposed hearing issues Nos. 2 and 3. Specifically, proposed issue No. 2: "Whether the applicant has contractual or other legal arrangements with persons or other legal entities for testing howitzers on the proposed range and substantiation of national security concerns, if any, with respect to such proposed testing" and Proposed issue No. 3 regarding the applicant's compliance with existing APA Permit 2023-0111. After discussion the parties did not reach a consensus on including proposed issues No. 2 and 3 in a modification to the list of issues to be considered at the public hearing.

2. Adirondack Council proposal in email dated February 3, 2026 requesting referral to APA Board of question of commercial use listed or unlisted to be determined before commencement of the hearing.

Summary: Bifurcating the hearing was discussed but the parties and APA hearing staff did not come to agreement.

3. APA hearing staff request to discuss January 23, 2026 Letter of Understanding of APA record issues.

Summary: Applicant's counsel agreed to sign the stipulation submitted by APA hearing staff. A related issue was discussed wherein intervenors (PROTECT and Adirondack Council) restated their concern that what the application materials consisted of, as determined to be the "final" application before the APA, was unclear. APA hearing staff agreed to compile the complete application materials in a single pdf file and provide that to the parties to clarify the issue. The application materials would be submitted as an exhibit for admission into the hearing record.

4. Conduct of February 25, 2026 Hearing Date.

Summary: Order of proceedings were discussed. Intervenors considered deferring making an opening statement at the first hearing date; to prior to their direct case. The opportunity for the applicant to make a brief informal presentation of the project at the outset of the hearing and to answer questions from members of the public who were not parties was discussed. Applicant's attorney stated that the applicant was not interested in doing so but wanted to confirm that at a later time. Intervenors asked if there would be an opportunity for public comment and the fact that APA was currently accepting public comments regarding the project was discussed.

Close of meeting: Hearing officer agreed to issue a written response to PROTECT's offer of proof on the proposed issue #2. APA Hearing staff agreed to circulate for stipulations an edited "Proposed Hearing Issues for APA Project 2021-0276" to reflect the changes consented to by the parties at the issues conference. The hearing officer agreed to sign the stipulation regarding the APA's handling of the hearing record on its website when APA hearing staff forwarded a copy of the stipulation signed by the parties. Hearing Officer proposed to contact parties about need to conduct further prehearing conferences prior to February 25, 2026 hearing date the following week.

12.5 P2021-0276 - Pre-hearing Issues Videoconference-20260204 2001-1 - February 4, 2026 video conference recording provided separately

WEBVTT

1 "" (0)
00:00:00.000 --> 00:00:01.175
Recording it.

2 "David Greenwood" (1361435648)
00:00:01.175 --> 00:00:17.429
And I'll just just give the title real quick. We're having a scheduling conference on the matter of the application of unconventional contents incorporated in Michael Hotmeyer, APA project number 2021-02 76. And right now we're discussing.

3 "David Greenwood" (1361435648)
00:00:17.429 --> 00:00:37.429
The parameters for a site visit at the project location and we haven't made any decisions yet. So there were a couple things that you had wanted people to address which was limiting site visit to the, the, the actual location where the test article is gonna be. Limiting the amount of time on the property.

4 "David Greenwood" (1361435648)
00:00:37.429 --> 00:00:57.530
A prohibition of having fact witnesses there, a list of the expert witnesses that would be there and a liability waiver for everybody who's gonna be in attendance or, you know, insurance or something like that. I don't know who has thoughts at 1st, but you know just cause there's a lot of us here I'm gonna say Grace.

5 "David Greenwood" (1361435648)
00:00:57.530 --> 00:01:02.096
Well then can you want to address any of these issues?

6 "Grace Sullivan" (608549120)
00:01:02.096 --> 00:01:20.360
With respect to limiting it to the one parcel, I think that's the only parcel our expert has an interest in, but we don't take a position as to whether, you know, the other parcels included in the site visit, it's not part of our needs, but if other parties have a need and want to justify that.

7 "Grace Sullivan" (608549120)
00:01:20.360 --> 00:01:39.572
That's fine. As far as the timeline, that would again depend upon the needs of our experts, so I'd have to discuss with them, but I would imagine probably about 2 h would be reasonable and I don't have any other comments on the other items so. Okay.

8 "Matthew Norfolk" (590238464)
00:01:39.572 --> 00:01:44.117
Christimato, why don't you go next because you're the next person on my view.

9 "David Greenwood" (1361435648)
00:01:44.117 --> 00:01:55.257
Screen. You should unmute yourself.

10 "Chris Amato" (1511020032)
00:01:55.257 --> 00:02:16.640
So, with respect to the site visit, you know, our preference has been indicated to have the entire project site as described in the application be part of the site visit, and although we understand that there is a discrete area on one of the parcels where the actual.

11 "Chris Amato" (1511020032)
00:02:16.640 --> 00:02:36.640
Application of the howards or Cannon is proposed to be, you know, the applicant indicated that the other parcel was part of the project application and at this point, you know, we're, we're uncertain as to what components of the proposal are going to be proposed to be cited on that.

12 "Chris Amato" (1511020032)
00:02:36.640 --> 00:02:53.649
Part of the project site, so we would prefer to have, you know, both parcels that were identified in the application as being the project site be part of this site visit.

13 "Matthew Norfolk" (590238464)
00:02:53.649 --> 00:02:54.292
That that you.

14 "David Greenwood" (1361435648)
00:02:54.292 --> 00:03:04.334
The primary concern, the other things are ok that you know 2 h timeline, a list of people who's gonna be attending liability waivers, that kind of thing. Yeah, we don't.

15 "Chris Amato" (1511020032)
00:03:04.334 --> 00:03:08.215
We don't have any issues with that. Okay. All right.

16 "David Greenwood" (1361435648)
00:03:08.215 --> 00:03:11.635
Yeah, do you have anything to add? No, thank you.

17 "David Greenwood" (1361435648)
00:03:13.718 --> 00:03:18.898
Thank you.

18 "Dave Gibson" (1962792448)
00:03:18.898 --> 00:03:28.976
Which we agree we we agree with Chris that the two parcels should be involved in the site visit since they're part of the application. Thank you. Thank you.

19 "David Greenwood" (1361435648)
00:03:28.976 --> 00:03:34.259
Paul Vancout, you are the next person in my box.

20 "Paul " (2127667200)
00:03:34.259 --> 00:04:01.238
The strong feelings Ronner, but we do note that the project order described both parcels as being part of the project site. So I think you know in taking that into account, I think it's appropriate that the site visit should extend to that unless there's a good reason not to.

21 "David Greenwood" (1361435648)
00:04:01.238 --> 00:04:04.078
Todd Owmans do you have anything to add?

22 "Todd Ommen" (759537920)
00:04:04.078 --> 00:04:06.736

Okay, and I'm gonna press.

23 "David Greenwood" (1361435648)
00:04:06.736 --> 00:04:23.450
Assume that Sean and Jenny are going with their primaries, yeah? Is that good. Well, my thoughts are, you know, the project does involve both parcels, is the, is 2nd parcel like not cleared or anything?

24 "David Greenwood" (1361435648)
00:04:23.450 --> 00:04:28.375
Mr. Norfolk, is it just a piece of woods at this point?

25 "Matthew Norfolk" (590238464)
00:04:28.375 --> 00:04:33.550
Yes, it's that's right. Okay. And that that would.

26 "David Greenwood" (1361435648)
00:04:33.550 --> 00:04:39.795
Need the location where staging would occur and storage of materials, that kind of thing. Yeah, this.

27 "Matthew Norfolk" (590238464)
00:04:39.795 --> 00:05:05.159
That's right. That is correct. My understanding is that there's not, you know, it is what it it and that's what it is as now. Let me, if you'd like because I understanding now where what Paul is, is asking for. Do you want me, I'm thinking it's wise for me to just to on that one issue, I know we're here to try to get all issues resolved.

28 "Matthew Norfolk" (590238464)
00:05:05.159 --> 00:05:25.159
But with that second parcel because I was focusing on, it didn't really give the option when I was talking to the client about 2nd parcel. I'm not sure it's gonna be an issue, but can I talk and then send back? Yeah. I just, we gotta have finality on this. That's why I'm only hesitating as far as I just want given the.

29 "Matthew Norfolk" (590238464)
00:05:25.159 --> 00:05:44.657
The nature of the dynamics of the owner, but the owner of the property as well. So I I want to just make sure I was clear on that because we kept referring to the like the this you know the project site itself. So that that's on me. I'll talk with them and I can get back, I can get back this week. Thank you.

30 "David Greenwood" (1361435648)
00:05:44.657 --> 00:05:53.729
And that leaves us with the next question of, can we take a date for this?

31 "Matthew Norfolk" (590238464)
00:05:53.729 --> 00:05:54.776
In the draft.

32 "David Greenwood" (1361435648)
00:05:54.776 --> 00:06:11.277
You know, we were supposed to talk on 10 June about it, but we're talking now, and, it would be great to be able to, you know, put this on the calendar and then have be able to work towards it.

33 "Matthew Norfolk" (590238464)
00:06:11.277 --> 00:06:15.538
Is this something that could happen two weeks from now, three weeks from now? Like what do we, what do we think?

34 "David Greenwood" (1361435648)
00:06:15.538 --> 00:06:17.676
Well, I guess i'll.

35 "Matthew Norfolk" (590238464)
00:06:17.676 --> 00:06:51.855
Defer to the interviews on that in the Sullivan on that part of it. And then we I think what after that, let's figure that out. Are they looking for the next few weeks or they want it in 30 days or where do we want with that counselors, and then I think we're gonna need then a window, just in my experience, like get it done between now and then just because there's so many players and I gotta I gotta run back to the owner and, and the client who travels, you know, substantially. But if I have a window then then maybe we can go that way.

36 "Grace Sullivan" (608549120)
00:06:51.855 --> 00:07:06.735
Our preference is going to depend upon the availability of our expert though we certainly prefer sooner rather than later but maybe meaning more like mid July, not next week or the week after.

37 "Matthew Norfolk" (590238464)
00:07:06.735 --> 00:07:08.117
Is yeah.

38 "Grace Sullivan" (608549120)
00:07:08.117 --> 00:07:15.155
And if we can get some dates then we can correspond with our expert. Okay. So.

39 "David Greenwood" (1361435648)
00:07:15.155 --> 00:07:43.859
Why don't we shoot for the week of 13 July? And I am, out the 14th, so why don't we think about, 2nd half of that week? Maybe 15 July 16th, and 17th? Target dates. Okay.

40 "David Greenwood" (1361435648)
00:07:43.859 --> 00:07:46.539
It's all been.

41 "Claudia Braymer" (3687115520)
00:07:46.539 --> 00:07:51.699
When is the APA meeting that month? Do you know off the top of your head? We.

42 "Grace Sullivan" (608549120)
00:07:51.699 --> 00:07:56.694
We'll have a July meeting, so. Oh, right, ok. Thanks. Okay.

43 "David Greenwood" (1361435648)
00:07:56.694 --> 00:08:13.619
So why don't we take, why don't we shoot for those dates and then everybody talk to their experts, see if that's at all available. Missioner Norfolk talk to your client and see if that's available, including the other landowner. Hopefully we can do both parcels on the same day and.

44 "David Greenwood" (1361435648)
00:08:13.619 --> 00:08:38.779
Let's say people should get back to the group on how that's looking maybe by this friday. Is that too soon? Oh NO, this Friday is a, that is a holiday. How about we do Monday the 22nd? Monday 22 June? We can start sending emails around about what what day looks best and whether or not that works for anybody. Is that good? Oh, that's right then.

45 "Matthew Norfolk" (590238464)
00:08:38.779 --> 00:08:44.012
19 I don't have that off. I gotta, gotta work down with the boss. Yeah.

46 "David Greenwood" (1361435648)
00:08:44.012 --> 00:08:53.080
It's juneteenth so ok.

47 "Matthew Norfolk" (590238464)
00:08:53.080 --> 00:08:53.999
Okay, so.

48 "David Greenwood" (1361435648)
00:08:53.999 --> 00:09:29.334
That's, by Monday June 20 s the end of the day, we're going to send emails to each other about the possibility of doing a site visit on one or both parcels for 15 July 16th, and 17th, ok? We're good? Okay. Good. Moving on to the next topic which is pre filed direct testimony, there was a concern about the the biggest concern and we should probably address this 1st was in the.

49 "Matthew Norfolk" (590238464)
00:09:29.334 --> 00:09:31.479
Existing second order.

50 "David Greenwood" (1361435648)
00:09:31.479 --> 00:09:51.649
The applicant has a date for a pre filed testimony and then the staff and the intervenors have the same date after that. And on the proposal, there's a date for the applicant, a date for the interveners and then after that a date for DTA hearing staff. People had pointed out that in.

51 "David Greenwood" (1361435648)
00:09:51.649 --> 00:10:14.419
Then the regulations, there is a, a sort of standard order and that is correct. Hold on. Let me find it real quick.

52 "David Greenwood" (1361435648)
00:10:14.419 --> 00:10:37.258
As a general rule, the project sponsor shall proceed 1st, followed by agency staff, other governmental agencies and other parties, and people had wondered why that was potentially a reverse in this proposal. Grace Tellivan do you have, can, can you give me some kind of a reasoning as to why you had proposed to change the order? The propose.

53 "Grace Sullivan" (608549120)
00:10:37.258 --> 00:10:58.297
Proposal was in response to certain communications and concerns about the evidence that the hearing staff intends to present and based on the concerns raised by the intervening parties, we thought it might make sense for us to go after them if they have concerns about the complete.

54 "Matthew Norfolk" (590238464)
00:10:58.297 --> 00:11:01.076
This of the record of the evidence that we intend to present.

55 "Grace Sullivan" (608549120)
00:11:01.076 --> 00:11:21.109
However, we don't have an objection to submitting our pre files at the same time as the interveners prior to the interveners. We really don't have a strong preference on this. The evidence that we intend to present is based upon the issues and where we see gaps in what has been submitted already and what we anticipate will be previous.

56 "Grace Sullivan" (608549120)
00:11:21.109 --> 00:12:06.637
Provided, so, we feel that if there's a need to present additional evidence, we will have the opportunity to request an adjournment reopen the hearing or other things that are provided foreign the regs. So at this time, you know, we're not in objection to going back to the prior scheduling order where we're at the same deadline or even before the interveners, that's not sort of the rationale we have here, but we do object to any, notion that the APA hearing staff isn't meeting the burden when we don't want to be directed at this time to present particular evidence before, you know, we have the opportunity to actually present that, so I understand.

57 "David Greenwood" (1361435648)
00:12:06.637 --> 00:12:16.979
That, let's just stick with the order right now and I'll see if anybody else has an opinion in which they would prefer.

58 "David Greenwood" (1361435648)
00:12:16.979 --> 00:12:38.259
Crystalmotto, you had mentioned in your letter that that the order was something that you were concerned about. How would you like the order to be done, you know, for the regs or per the wait a second revised scheduling order reads right now or the proposal? What, what are your, what's your opinion on that? Well.

59 "Chris Amato" (1511020032)
00:12:38.259 --> 00:12:51.575
We're, as we stated in the letter, I think we'd prefer to stick to 2nd revised scheduling order rather than switch the order of proof around. Okay. And in 2nd.

60 "David Greenwood" (1361435648)
00:12:51.575 --> 00:13:07.956
The Revised order right now it is the applicant 1st and then the same date for interveners and staff. Is that the way you would like it or would you like it to go the way the regs say which is the APA staff goes in between the interveners and the applicant?

61 "Chris Amato" (1511020032)
00:13:07.956 --> 00:13:15.698
Would either approach we we don't have a preference, so either way would be fine. Okay.

62 "David Greenwood" (1361435648)
00:13:15.698 --> 00:13:20.696
Moving on, Claudia, do you have anything to add? No, thank you.

63 "Claudia Braymer" (3687115520)
00:13:20.696 --> 00:13:27.337
Gotcha. Okay. Mr. Gibson, do you have anything to add? No.

64 "Dave Gibson" (1962792448)
00:13:27.337 --> 00:13:32.336
That's, the other solution is fine with us. Thank you. Okay, thank you. Mission Norfolk.

65 "David Greenwood" (1361435648)
00:13:32.336 --> 00:13:35.954
No. Okay. And mr. vancount.

66 "Matthew Norfolk" (590238464)
00:13:35.954 --> 00:13:42.197
I'm good. Thank you.

67 "David Greenwood" (1361435648)
00:13:42.197 --> 00:13:43.819
You're muted.

68 "Todd Ommen" (759537920)
00:13:43.819 --> 00:13:46.297
You know. I'm trying.

69 "Paul " (2127667200)
00:13:46.297 --> 00:13:57.269
There'd be a gentleman and mute myself all the time which a lot of people would like to see more often, but, the, we do have a preference for.

70 "Paul " (2127667200)
00:13:57.269 --> 00:14:17.269
The council and the other interviewers going last as between the two options, we think that would be more appropriate, like to see what APA staff brings to the table, and, have a little time to react to that.

71 "Paul " (2127667200)
00:14:17.269 --> 00:14:20.597
Okay, and that is.

72 "David Greenwood" (1361435648)
00:14:20.597 --> 00:14:26.296
In fact, what the reg calls for is the standard operating procedure. And that's the way.

73 "Paul " (2127667200)
00:14:26.296 --> 00:14:29.875
What was done in the last hearing? Yep.

74 "David Greenwood" (1361435648)
00:14:29.875 --> 00:14:32.018
Mr. Roman, do you have anything to add? I actually could.

75 "Todd Ommen" (759537920)
00:14:32.018 --> 00:14:49.018
Her with Paul and I think it would also maybe be a little bit more efficient if we don't duplicate everything the APA staff presents and might allow us to trim down some of our direct testimony if we feel like issues have been covered. So I actually think that's the most sensible way to go about it. Okay. All right.

76 "David Greenwood" (1361435648)
00:14:49.018 --> 00:15:07.429
I I agree with that. I think just leaving it the way the regulation reads is the is the simplest way to do it. And then what we're gonna have to do is we do have three dates the and we will will change the order here and AAPA staff will go on.

77 "David Greenwood" (1361435648)
00:15:07.429 --> 00:15:34.516
On 2nd date. And, the next question is, what do these dates look like for things that we still want to do? So, the 1st date on the proposal is 29 July 2026 Mr. Norfolk, that would be the date for the applicant to file and serve pre filed testimony of witnesses and related exhibits. Are you still, OK with that timeline? Well.

78 "Matthew Norfolk" (590238464)
00:15:34.516 --> 00:16:08.280

I mean admittingly if if I could get more, it's just a personal request because of it lost, I lost Shane and associate, not that Sean, I don't know who you are, but can help out. But if I can, if there's any leeway to have some more just for basically because of our size and operation to get this out, that'd be great. But I mean the the order's fine, of course, I said that it's just can we shift this somewhat back without predicting anyone else with an October date? Yeah.

79 "David Greenwood" (1361435648)
00:16:08.280 --> 00:16:21.099
And if we did that, we would have to compress some of the other timelines because obviously we would want to get the everybody's prefile testimony and as far in advance of that October date as possible, just so.

80 "Matthew Norfolk" (590238464)
00:16:21.099 --> 00:16:28.597
Did we have it the 29th or was it the 12 August or am I looking at the.

81 "Grace Sullivan" (608549120)
00:16:28.597 --> 00:16:48.933
Yeah, and then 19 August and then 9 September. Yeah, that was an earlier iteration and then we tried to build in more time for different reviews, but I don't have any opposition to shifting to a later date to accommodate. I'm not sure how the interveners feel.

82 "Matthew Norfolk" (590238464)
00:16:48.933 --> 00:17:00.334
Partnering a lot I'm just really it's almost like any time I can get. There's NO strategy here other than getting it done. Yeah that's good. I'm glad.

83 "David Greenwood" (1361435648)
00:17:00.334 --> 00:17:06.739
So what are we proposing instead of 29 July 2026 as being the 1st date that's gonna be.

84 "Matthew Norfolk" (590238464)
00:17:06.739 --> 00:17:23.600
I had, it would have been sorry it was really ahead of the do the 12 August, it would be two weeks more. 12 August. Okay. I'm gonna pencil.

85 "David Greenwood" (1361435648)
00:17:23.600 --> 00:17:45.139
That in, which would then be the next date, for ATA staff, how you know seeing a 9 September is probably a pretty good time period for, for the last of these three dates. Where would you like to go in the middle of that?

86 "Grace Sullivan" (608549120)
00:17:47.797 --> 00:17:57.358
We could do, we could shift our date two weeks as well, so that would put us on 26 August. Okay.

87 "David Greenwood" (1361435648)
00:17:57.358 --> 00:18:27.959
Then interveners is 9 September still ok or would you also want two weeks and two weeks from 26 August? Looks like, 26 August is 9 September. That's two more weeks. So that 9 September date could stay. I like the sound of that.

88 "Paul " (2127667200)
00:18:27.959 --> 00:18:53.759
May I comment? Yep. So, one of the concerns that we've had and have expressed is that until Matt and his client filed their pre filed, we won't actually know what information he's relying on for the hearing. And you have, you have, you know, you have five years of APA review.

89 "Paul " (2127667200)
00:18:53.759 --> 00:19:08.849
Of this project and a lot of different information in it and if you know it and and the potential that it could be amended a little bit. So, you know, I think.

90 "Paul " (2127667200)
00:19:08.849 --> 00:19:25.457
We've been asking for, a little bit more time so that when we see the applicant's case for the 1st time, we have sufficient time to review and respond to it. Okay.

91 "David Greenwood" (1361435648)
00:19:25.457 --> 00:19:35.536
Well, obviously the application materials have a bunch of expert stuff in it already. There's the noise report and all that and you will have.

92 "Paul " (2127667200)
00:19:35.536 --> 00:19:44.595
Reports, noise reports. There's there's several iterations judge and that's part of the issue here.

93 "Matthew Norfolk" (590238464)
00:19:44.595 --> 00:19:46.777
One of the things I'm worried about is if if.

94 "David Greenwood" (1361435648)
00:19:46.777 --> 00:20:02.576
If we move your September date too far, out, then everybody else doesn't have time to digest, you know, what it is that you guys have put together before the hearings can start. So, yeah, 12 August.

95 "Matthew Norfolk" (590238464)
00:20:02.576 --> 00:20:06.513
26 August and 9 September, those seem reasonable.

96 "David Greenwood" (1361435648)
00:20:06.513 --> 00:20:13.019
To me, there's, you know, a two week block on each one that would give you almost a full month.

97 "David Greenwood" (1361435648)
00:20:13.019 --> 00:20:33.019
To deal with the applicant submission, that sounds like a reasonable amount of time. I I, you know, I get that everybody wants more time and I get that this is gonna be complex stuff that's gonna require some pretty hefty analysis. I understand. I'm just worried about that 28 October date. I do not wanna move that again.

98 "David Greenwood" (1361435648)
00:20:33.019 --> 00:21:08.217
I think that, you know, the interest of, you know, justice and getting this hearing done for the agency so that they can make a decision, you know, moving that date, I'm heavily opposed to. So I I I'm inclined to say that our 12 August 26, August and 9 September are dates that I think we can all all live with. You know, does any of the other interveners feel strongly that that 9 September date is, is too close for them? Too too close to the other, to the other dates?

99 "Paul " (2127667200)
00:21:08.217 --> 00:21:10.195
I'm not.

100 "Todd Ommen" (759537920)

00:21:10.195 --> 00:21:19.852
That shouldn't judge. We, we, I mean, we always have the option if there's something extreme or some huge change, we can make a motion in or seek a little extra time at that time, but it shows.

101 "Paul " (2127667200)
00:21:19.852 --> 00:21:20.536
Starting point.

102 "Todd Ommen" (759537920)
00:21:20.536 --> 00:21:24.175
Okay. All right. I'll.

103 "David Greenwood" (1361435648)
00:21:24.175 --> 00:21:32.112
I'll I'll try to keep in mind, that you're feeling a little pressured for time Paul, and we'll, we'll we'll try to deal with it the way it is, ok?

104 "David Greenwood" (1361435648)
00:21:34.856 --> 00:21:59.519
Moves us on to, so those are the dates and I believe there might have been something about about whether or not there's a, there's a ability to get discovery during this process and I was looking at the APA regs and, there isn't any built in discovery you know rediscovery after the, the the.

105 "David Greenwood" (1361435648)
00:21:59.519 --> 00:22:14.909
Prefile direct testimony comes in. There is something like it in dec's regs, but it isn't exactly a, it isn't exactly a discovery section. What dc's regs say, and again, this is not the APA.

106 "David Greenwood" (1361435648)
00:22:14.909 --> 00:22:31.949
Is that, whenever the AOJ requires the submission pre filed testimony, testimony must provide or it must be accompanied with a technical report that provides a full explanation of the basis for the views set force they're in, including data.

107 "David Greenwood" (1361435648)
00:22:31.949 --> 00:22:51.949
Tables, protocols, computations, formula, and any other information necessary for verification of the view set forth as well as a bibiography of reports, studies and other documents relied upon upon ten days notice, which maybe extended. The party submitting pre filed testimony may also be required to make available.

108 "David Greenwood" (1361435648)
00:22:51.949 --> 00:23:16.169
Raw data, well logs, laboratory notes, and other basic materials. So when you put in, this is in the DC regs, when you put in pre filed testimony, you're supposed to have any kind of report or data that you base that on, that comes with the pre filed testimony. There's something like that in 2nd revised scheduling order, which we, we already have and then there's this.

109 "David Greenwood" (1361435648)
00:23:16.169 --> 00:23:31.739
Period where you can ask for the raw data. You might not ask for the raw data and you might, and I know several people have talked about, you know, the need for there being like a discovery period in between now and then, does anybody.

110 "David Greenwood" (1361435648)

00:23:31.739 --> 00:23:51.739
And I also noticed that in the, in the draft 3rd revised scheduling order, it just says when you submit your pre filed testimony you have to put in this supporting data. So it maybe that there isn't a need for having a specific request process after pre filed testimony comes in. I don't know if that's why.

111 "David Greenwood" (1361435648)
00:23:51.739 --> 00:24:14.939
That section was put in there, but it seems to read in a similar way. If we, if we just have a situation where you're supposed to put this material in with your pre filed testimony, if somebody thinks that there's some raw data that they would want to see, they can, they can ask for it within ten days of the, of the pre filed testimony package coming in. Is that gonna be sufficient or do we.

112 "David Greenwood" (1361435648)
00:24:14.939 --> 00:24:35.256
Need to have some other mechanism built into the scheduling order. And I know I said a lot there, so, I'm not sure who feels what about this. Let me just start with Grace Sullivan. Does the agency have any thing they want to bring up about this topic of discovery in the midst of the prepale testimony? We.

113 "Grace Sullivan" (608549120)
00:24:35.256 --> 00:24:54.589
You don't feel that it is necessary to have an additional discovery period. However, we recognize that if there's a need for a particular document, everyone always has the opportunity to submit the emotion, which would, see they can request it 1st from the party and then if they.

114 "Grace Sullivan" (608549120)
00:24:54.589 --> 00:25:13.979
Can't get it and it's something that they need in order to, prove their case. They are able to submit a motion to you at any point. The only reg that we have within our, the APA regulations that speaks to sort of the discovery process for public hearings.

115 "Grace Sullivan" (608549120)
00:25:13.979 --> 00:25:34.157
You know, isn't time specific and it isn't, you know, we're not trying to limit anybody's ability to exercise this right, but we don't think we need a specific, sort of period after each pre file that's submitted, so that's our position and Okay.

116 "David Greenwood" (1361435648)
00:25:34.157 --> 00:25:41.579
Mr. Ramadro, maybe you could begin for the interveners. Sure.

117 "Chris Amato" (1511020032)
00:25:41.579 --> 00:26:09.558
You know, I think if there were built into the scheduling order, the type of language that you refer to from the DEC regulations, it requires certain components of, the background information to be submitted along with the pre filed testimony, you know, that would address the concerns that we have about proceeding without any discovery on pre filed testimony.

118 "David Greenwood" (1361435648)
00:26:09.558 --> 00:26:15.735
Including that, that opportunity to request raw raw data if it didn't come in. Correct.

119 "Chris Amato" (1511020032)
00:26:15.735 --> 00:26:17.196
Okay, alright.

120 "David Greenwood" (1361435648)
00:26:17.196 --> 00:26:21.976
Paul Vancout, do you have anything to add to that? I do not.

121 "Paul " (2127667200)
00:26:21.976 --> 00:26:26.995
Thank you. Okay, and mr. Norfolk?

122 "Matthew Norfolk" (590238464)
00:26:26.995 --> 00:26:46.309
I'm I'm more of the position with attorney Sulvin, but I I don't see a problem with after the pre file testimony, like, say ten days. I think you had mentioned that where if there's an issue or or looking, the interviewers think they need something else to make a request.

123 "Matthew Norfolk" (590238464)
00:26:46.309 --> 00:26:50.095
Like that. I'm ok with that. Okay.

124 "David Greenwood" (1361435648)
00:26:50.095 --> 00:27:05.819
That case, what I think I'm gonna do is I'm just gonna take that sentence I read out of the DEC hearing. This is the part 2046 NYCRRR part 624 permit hearing procedures and I'm just gonna borrow that sentence and I'll put it in the scheduling order.

125 "David Greenwood" (1361435648)
00:27:05.819 --> 00:27:21.869
And just so you know, if you want to look it up, it is section 624 .7 disclosure, and it is section E prefiled testimony. That's 624 .7 disclosure subpart E.

126 "David Greenwood" (1361435648)
00:27:21.869 --> 00:27:41.869
Prefile testimony and I'll just I'll just drag that language over there and I I think it'll, I think it'll solve enough problems that, you know, we'll put that in there and I think we'll be fine. The last date we're looking at is the party shall meet and confer with the hearing office.

127 "David Greenwood" (1361435648)
00:27:41.869 --> 00:28:17.937
Answer on Wednesday 7 October 2026 to discuss the order proceeding scheduling of witnesses and proposed schedule and location for hearing dates. Doing that probably in a format like we're doing right now is definitely a good idea. 7 October actually sounds like that might not give us really enough time to get the 28th and the weeks shortly thereafter, up and running. Does, is it possible we could do it before then? Maybe last week of September. Okay.

128 "Matthew Norfolk" (590238464)
00:28:17.937 --> 00:28:21.821
The week of 27 September.

129 "David Greenwood" (1361435648)
00:28:21.821 --> 00:28:33.777
Yeah, starting Sunday 27 September why don't we pick that Monday the 28th? I don't know just.

130 "David Greenwood" (1361435648)
00:28:34.833 --> 00:28:55.899
Reason being is is you know for scheduling when witnesses are actually going to be showing up a month you know two two or three weeks of leeway is not enough, like we're definitely gonna want like at least a month because I know those

people generally have schedules that are as bad as lawyer schedules or or worse. Yeah, and we're in.

131 "Grace Sullivan" (608549120)
00:28:55.899 --> 00:29:02.031
Not opposed to moving it sooner if needed or if everyone's in agreement, so. I just.

132 "Matthew Norfolk" (590238464)
00:29:02.031 --> 00:29:05.039
Can't do the 28th. Okay, how about the.

133 "David Greenwood" (1361435648)
00:29:05.039 --> 00:29:07.897
29th, which is a Tuesday? I'm open.

134 "Matthew Norfolk" (590238464)
00:29:07.897 --> 00:29:09.937
Okay. Does anybody else.

135 "David Greenwood" (1361435648)
00:29:09.937 --> 00:29:14.998
Have a problem with 29 September to have that conference. I would.

136 "Todd Ommen" (759537920)
00:29:14.998 --> 00:29:19.331
To be done by 03:00 p.m.. Judge, but other than that I'm good. Morning.

137 "David Greenwood" (1361435648)
00:29:19.331 --> 00:29:33.418
Of Morning of 29 September, going once, going twice. That's the last date I see in the scheduling order.

138 "Paul " (2127667200)
00:29:33.418 --> 00:29:36.855
So I think Paul was trying to talk. He was muted. Oh, go ahead.

139 "David Greenwood" (1361435648)
00:29:36.855 --> 00:29:39.118
I'm sorry Tuesday.

140 "Paul " (2127667200)
00:29:39.118 --> 00:29:46.097
I have a bunch of standing calls, so that's gonna be very hard for me to do on a on Tuesday. I apologize. Okay, that's.

141 "David Greenwood" (1361435648)
00:29:46.097 --> 00:29:50.781
So I said going once, going twice cause I know people were looking at their calendars.

142 "Paul " (2127667200)
00:29:50.781 --> 00:29:59.116
By then they will stop, but I I can't guarantee that, you know, it's the ongoing matter at this point.

143 "David Greenwood" (1361435648)
00:29:59.116 --> 00:30:09.330
I'd like to head backwards then and look at 24 September or 25 September, which was the end of the previous week.

144 "Paul " (2127667200)
00:30:09.330 --> 00:30:19.596
You had everybody on the 29th. I'll just get somebody to cover that call. Oh, ok. Yeah, NO, let's let's stick with what you had. I'm.

145 "David Greenwood" (1361435648)
00:30:19.596 --> 00:30:27.251
29th, we're back on. Yep, and who knows, you maybe able to, to, to make it things things change.

146 "Paul " (2127667200)
00:30:27.251 --> 00:30:28.815
This is there's a many many.

147 "David Greenwood" (1361435648)
00:30:28.815 --> 00:30:42.574
Months in advance. Okay, so, for the scheduling order issue, I feel as though I have what I need. Is there any concerns that people brought up in their letters that I haven't talked about yet? Yes Paul, go ahead. Yeah, so.

148 "Paul " (2127667200)
00:30:42.574 --> 00:30:59.849
So, I think one of the big issues, and we brought it up in the 1st pre hearing conference, is the order of adjudication of the issues and making sure that all of the fact testimony is in.

149 "Paul " (2127667200)
00:30:59.849 --> 00:31:18.179
Before you bring people in to speak to the legal issues at the end, and perhaps having, and we can do this in the scheduling when we talk about the, you know, schedule the dates, but to give people a brief, you know, you cannot have.

150 "Paul " (2127667200)
00:31:18.179 --> 00:31:33.179
Someone provide pre filed testimony on whether the project will rep will result in an undo adverse impact until all of the impact testimony is in.

151 "Paul " (2127667200)
00:31:33.179 --> 00:31:53.179
You know, it would be presumptuous of someone who is testifying on those legal issues to, offer an opinion on whether the application complies with the eight oh 09:10 standards until.

152 "Paul " (2127667200)
00:31:53.179 --> 00:32:13.189
You know, all the fact information is in. So that's I, we had suggested, and I think that's in our proposal that we submitted on 20 May, I guess it was or 13 may 13 May, that, you know.

153 "Paul " (2127667200)
00:32:13.189 --> 00:32:31.289
Get all the impact testimony and take a break, short break, and get pre filed in, and maybe we all submit the pre filed for the three legal issues at the same time, so it's not to waste time, but then then.

154 "Paul " (2127667200)
00:32:31.289 --> 00:32:51.099
You know reconnect and finish out the hearing on the legal issues because otherwise it's kind of pointless having those three issues as part of the hearing, you know, because nobody's got an informed opinion until you get all the impact testimony in.

155 "David Greenwood" (1361435648)
00:32:51.099 --> 00:33:09.289
Saying and there's there's a logic to it. Breaking up the hearing like that would be a pretty large structural change and, I would just need to know how other people felt about it especially the applicant and ADA staff simply because, you know, the mec, the mechanics of the.

156 "David Greenwood" (1361435648)
00:33:09.289 --> 00:33:17.713
Doing it the way you're suggesting would be significantly different than just getting a bunch of prefiled testimony and all the material together and then just adding.

157 "Paul " (2127667200)
00:33:17.713 --> 00:33:18.776
Having the hearing and doing the.

158 "David Greenwood" (1361435648)
00:33:18.776 --> 00:33:22.350
Across, but I understand what you're talking about. So if I might.

159 "Paul " (2127667200)
00:33:22.350 --> 00:33:50.299
Just because otherwise what you're presented with is yes, outer on that council could have an expert basically testify based on what the outer on that council has submitted, you know, or is submitting because it would all have to be submitted at the same time through presumably, right? And then it's just an advocacy, we don't have the.

160 "Paul " (2127667200)
00:33:50.299 --> 00:34:09.419
The benefit of hearing from APA staff on what their testimony's gonna be on the impacts. And as we've suggested in our letter, we believe that APA staff have that primary responsibility under the regulations to provide.

161 "Paul " (2127667200)
00:34:09.419 --> 00:34:24.959
That testimony. So we'd like to hear that before we present all our pre filed testimony on whether that's there's an undo adversus impact. I'd like to hear what Math has to say. You know, we're not, we're not, you know.

162 "Paul " (2127667200)
00:34:24.959 --> 00:34:51.537
Deaf to, you know, good information, right? So it just seems like it makes sense to have it all in there and you know it doesn't have to be a long time, but have a short break and then come back at it quickly to finish up. You know, there's a reason, yeah, anyway, that's all I've got to say. Thank you. What do you think?

163 "Matthew Norfolk" (590238464)
00:34:51.537 --> 00:35:10.356
I would I'd like to I'd like to hear from Attorney Solomon 1st if you don't mind and defer on that. I I've been struggling with this so it's ok. We're we're prepared to address this issue.

164 "Grace Sullivan" (608549120)
00:35:10.356 --> 00:35:38.299
And I think APA hearing staff has a, different perspective on the purpose of those issues and what the board intended when they ordered those issues to be adjudicated at hearing. We believe that those were primarily scoping issues and we would intend to present evidence which speaks to those, but we don't intend to present evidence.

165 "Grace Sullivan" (608549120)

00:35:38.299 --> 00:36:01.279
Which, would guide the board in their decision. There's a bifurcation of the agency staff and people who are involved in the hearing process and those who will advise the board after the fact. And so our intent is only to present testimony on the factual issues and we don't intend to.

166 "Grace Sullivan" (608549120)
00:36:01.279 --> 00:36:08.537
Present evidence on those legal conclusions.

167 "Paul " (2127667200)
00:36:08.537 --> 00:36:11.917
One thing, one thing I want to mention real quick is that after all.

168 "David Greenwood" (1361435648)
00:36:41.039 --> 00:36:59.059
Have one set of pre filed testimony, do the the cross examination for every set of witnesses and then do hearing briefs and make a presentation to the to the agency after that just without a bifurcation. Okay. Yeah, NO bifurcation and our is our preference.

169 "Matthew Norfolk" (590238464)
00:37:00.694 --> 00:37:18.749
Rights, thank you. And, and the experience I had too, right, is more in the court, the courtroom. I think what Attorney Solomon, you just sort of reiterated encapsulate is how we'd like to do it is put that, put that evidence in, put that testimony in, then you're all gonna still have that opportunity.

170 "Matthew Norfolk" (590238464)
00:37:18.749 --> 00:37:34.358
To make those, you know, legal conclusions or as you said near the end I don't I don't see why we need to split that up. I get what Paul's saying, but I think ultimately it's still accomplished without that. Okay.

171 "David Greenwood" (1361435648)
00:37:34.358 --> 00:37:38.938
I guess I want to hear from some other people and, I I'm I'm.

172 "Matthew Norfolk" (590238464)
00:37:38.938 --> 00:37:43.375
So I'm not certain what the smartest thing to do here, but I, so I guess I won't.

173 "David Greenwood" (1361435648)
00:37:43.375 --> 00:37:50.095
More opinions. Chris Matto, did you have any thoughts about this?

174 "Chris Amato" (1511020032)
00:38:16.860 --> 00:38:32.130
I think has been mentioned before is that they really have the primary responsibility to assess whether a project application meets the criteria for permit issuance. I mean that's what they do.

175 "Chris Amato" (1511020032)
00:38:32.130 --> 00:38:52.130
So, I kind of am perplexed as to how the APA staff can present a case that does not include some determination as to whether the criteria for permit isssuance are instead.

176 "Chris Amato" (1511020032)
00:38:52.130 --> 00:39:15.260

Opinion met or not. I think that's the way it operates when permit applications go in front of the full board that haven't been subjected to an adjudicatory hearing. It seems that that is a critical component and it's something that the board really has relied on historically is.

177 "Chris Amato" (1511020032)
00:39:15.260 --> 00:39:32.615
You know, staff's opinion as to whether an application meets criteria for approval or not. So, you know, that's that's a real complicating factor from our view. So, you know, we're, we're still kind of tustling with that.

178 "Claudia Braymer" (3687115520)
00:39:32.615 --> 00:40:09.074
If I can just follow up on what Attorneymado said that one of the things that we're concerned about is if, if the hearing is, is not bifurcated and everyone is just putting in their testimony, we want to make sure that we aren't going to be precluded from putting in testimony that we would like to from our experts on those additional legal issues that attorney Sullivans said the agency staff are not going to be putting it in evidence. I I guess I just don't if we're gonna do it all together, we could deal with that. We just presumably presumably the intervene.

179 "David Greenwood" (1361435648)
00:40:09.074 --> 00:40:21.997
Those are gonna be going last, so they'll know whether or not any opinion testimony has come in from APA staff and you would definitely have an opportunity to put that in as part of your direct case. Yeah.

180 "Claudia Braymer" (3687115520)
00:40:21.997 --> 00:40:24.918
Right? Do you're gonna do.

181 "David Greenwood" (1361435648)
00:40:24.918 --> 00:40:33.837
You're gonna have the the evidence that you want to put in including opinion evidence, you're gonna have the opportunity to do that. Okay.

182 "David Greenwood" (1361435648)
00:40:34.937 --> 00:40:45.555
And so that makes now the the order of of operations with the applicant going 1st, APA staff going next and the interveneers going last makes more.

183 "Paul " (2127667200)
00:40:45.555 --> 00:40:49.011
Makes even more sense now based on your concern.

184 "David Greenwood" (1361435648)
00:40:49.011 --> 00:41:08.758
That's that you know you want to be able to, to put in opinion evidence. Basically, you could put that opinion evidence in last and you know, you could get all the facts from everybody out, including yourselves and then put in opinion evidence. Your expert opinion evidence, presumably. Okay. Okay.

185 "Claudia Braymer" (3687115520)
00:41:08.758 --> 00:41:10.839
Go ahead Bob. Yeah, so.

186 "Paul " (2127667200)
00:41:10.839 --> 00:41:26.160
So, Grace, could you just explain a little bit about what APA consider this is a scoping exercise as opposed to, I mean the board put these issues out there.

187 "Paul " (2127667200)
00:41:26.160 --> 00:41:41.610
For adjudication, ok? And you have the responsibility under the regulations to prevent, present testimony and evidence, and that includes opinions and why wouldn't the staff.

188 "Paul " (2127667200)
00:41:41.610 --> 00:41:59.914
Have an opinion as to whether they you know having heard or seen the testimony and see I was suggesting it be at the end so you'd have an even more formed opinion. Why wouldn't you offer an opinion.

189 "Grace Sullivan" (608549120)
00:41:59.914 --> 00:42:03.156
Thought the project complies with the criteria.

190 "Paul " (2127667200)
00:42:03.156 --> 00:42:28.057
An objective opinion. That's your coming at it from an objective place. And I understand that. But you know looking at what the interveners are saying and they're complaining, they're like, oh, there's an understompact and Matt's saying, No, it's not, it's just a baby gun in the, you know, welderness kind of thing. And you guys are kind of like that balancing place in this.

191 "Paul " (2127667200)
00:42:28.657 --> 00:42:51.417
Provide an informed opinion. You have the deputy director for regulatory programs who's on the hearing staff. He does it every day he signs a permit, does it every month that he goes to an APA board meeting. I don't understand why staff is scared to do that here. I.

192 "Grace Sullivan" (608549120)
00:43:09.920 --> 00:43:29.920
If the board needs in order to make an informed decision and they will have the aid and advice of agency staff who didn't participate in the hearing proceedings. So they will have members of the Reg Pro team and legal team advising them after the record is complete. Right. But that is not how we.

193 "Grace Sullivan" (608549120)
00:43:29.920 --> 00:44:09.077
We see our role in moving through these proceedings and we want to make sure that there's a record upon which the board can make a decision, but we don't see that providing opinion testimony of our hearing staff actually helps facilitate that and we believe that it could actually create tension with the bifurcation that we are required to have under the regs with the staff who are going to ultimately advise the board with respect to the hearing records so that's been our position from the outset and if we we maintain them today.

194 "Grace Sullivan" (608549120)
00:44:59.040 --> 00:45:16.555
After the hearing has concluded, and that's how we've understood it from the outset and we're not ready to divert from that unless we are ordered to do so and present evidence on those issues by ALJ Greenwood. And if I can.

195 "Jenny Hubbard" (1088810240)
00:45:16.555 --> 00:45:20.498
And NO one and NO one has asked me to do that yet, so I will.

196 "David Greenwood" (1361435648)
00:45:20.498 --> 00:45:26.417
Not be issuing an order un unless somebody makes a motion. Go ahead. I just wanna like.

197 "Jenny Hubbard" (1088810240)
00:45:55.150 --> 00:46:06.035
The board's responsibility once they have reviewed that record to deliberate and reach a decision, but it's not the hearing staff's purpose in this hearing. Understood.

198 "Paul " (2127667200)
00:46:06.035 --> 00:46:23.210
But you know, they, the board purposely avoided ordering legal issues for adjudication in ACR, and we dealt with it in the briefing and I totally get that. But here the board went to the extent of.

199 "Paul " (2127667200)
00:46:23.210 --> 00:46:48.980
Of differing in that regard and put these issues out for adjudication. And I guess, you know, from my perspective, that's when your obligation as staff kicks in to provide testimony that is informative on those issues and not, not just to explain what the law says. I mean if we're just explaining what the law says.

200 "Paul " (2127667200)
00:46:48.980 --> 00:47:06.000
Then, you know, we we should go back to the board and get these issues knocked off the table. But I guess what I would suggest too is it does present an opportunity for APA hearing staff.

201 "Paul " (2127667200)
00:47:06.000 --> 00:47:22.580
To test the positions of both the interveners and the applicant on their legal conclusions and actually to contribute to a fuller record that's going on.

202 "Matthew Norfolk" (590238464)
00:47:22.580 --> 00:47:25.457
Back to the board. The.

203 "Paul " (2127667200)
00:47:25.457 --> 00:47:40.980
The staff who advised the agency won't have that luxury. They won't be able to cross examine intervenor witnesses. They won't be able to cross examine applicant witnesses.

204 "Paul " (2127667200)
00:47:40.980 --> 00:47:58.958
And so, and, and I don't know, it just it makes sense to me that if you want a full record that everybody would step up to the plate and that staff would follow the regulations and provide the evidence that.

205 "Matthew Norfolk" (590238464)
00:47:58.958 --> 00:48:05.821
Regulations for this, this administrative where we have the hearing, where's the where's the regs? Point to it. Five three.

206 "Paul " (2127667200)
00:48:05.821 --> 00:48:09.018
Five 80.6 A In this in this.

207 "Matthew Norfolk" (590238464)
00:48:09.018 --> 00:48:20.612
Regards here. Yes. No, I will be objecting to what you're proposing. All right. And I'll be I'll be doing it, if I have to do a motion, I will.

208 "Paul " (2127667200)
00:48:20.612 --> 00:48:22.995
Sideways is gonna be brought up in co.

209 "Matthew Norfolk" (590238464)
00:48:22.995 --> 00:48:24.936
Yeah, yeah.

210 "Paul " (2127667200)
00:48:24.936 --> 00:48:29.074
Anyway, that's I'm just I'm not trying to.

211 "Matthew Norfolk" (590238464)
00:48:29.074 --> 00:48:32.431
Yeah I'm just that's that's I understood.

212 "David Greenwood" (1361435648)
00:48:59.920 --> 00:49:02.779
I've heard from everybody here and.

213 "Paul " (2127667200)
00:49:02.779 --> 00:49:05.392
Yep, and, I.

214 "David Greenwood" (1361435648)
00:49:05.392 --> 00:49:37.670
I don't have an opinion on this ultimate issue and I don't think I need to. In the meantime, I don't think I'm gonna add a bifurcation section to the scheduling order. It maybe, I mean maybe rebuttal testimony or rebuttal witnesses can solve some of these problems, but I'm gonna leave it as a as a single hearing block as of now, and if when I put out the 3rd scheduling order, a 3rd revised scheduling order, if somebody wants to challenge it, you know, they, they can.

215 "David Greenwood" (1361435648)
00:49:37.670 --> 00:49:59.090
I, you know, the, the discussion you guys just had was was thought provoking and you know, I guess we'll see what happens when the hearing itself actually occurs, but I will say it does sound as though we're gonna have a lot of evidence for the agency to consider. We're gonna have opinion testimony from everybody wants to give it.

216 "David Greenwood" (1361435648)
00:50:28.230 --> 00:50:43.830
Next week. So i'll try to get that out to you as soon as possible. Is there anything else that people need to go over today while we're here together? Just raise your hand if you have something that you think we need to talk about right now.

217 "David Greenwood" (1361435648)
00:50:43.830 --> 00:50:58.617
Okay, that's that's good. I'm a bit surprised and so that's good. It's three oh five now.

218 "Matthew Norfolk" (590238464)
00:50:58.617 --> 00:51:02.298
Anybody on.

219 "Paul " (2127667200)
00:51:02.298 --> 00:51:31.540
I think Grace is doing a great job and Jenny, you too. Yeah I think you guys are, you know, anyway, so please don't take anything that has been said in here or in writing as anything more than just looking at things differently because it's, it's

good to work with you and Matt, gosh you were a gentleman on this call and I was as well, so that's a good thing, right? I was a gentleman.

220 "Matthew Norfolk" (590238464)
00:51:31.540 --> 00:51:36.859
Until unless it's something warranty, you know, a little bit of a stronger response. Oh yeah.

221 "Paul " (2127667200)
00:51:36.859 --> 00:51:41.398
Don't go down that path. So, I think we should wrap it up on that note.

222 "David Greenwood" (1361435648)
00:51:41.398 --> 00:51:50.280
And, ok, so it is three oh seven and I believe we can end this call.

223 "Todd Ommen" (759537920)
00:52:34.409 --> 00:52:37.896
27 is 22nd, right?

224 "David Greenwood" (1361435648)
00:53:00.818 --> 00:53:06.513
Thank you much for your time, and, we'll, we'll be in touch again soon.

225 "Matthew Norfolk" (590238464)
00:53:07.251 --> 00:53:09.178
Hi. All right. Bye everybody.

12.7 P2021-0276 - Third Revised Scheduling Order-20260615 1815-1.mp4 - June 15, 2026 video conference recording provided separately

13. Certified Record (Principal Folder)

Public Hearing Service List
P2021-0276

Recipient	Address
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This service list includes all parties to the abovementioned proceeding as of May 7, 2026. This list will be updated as parties join the proceeding. Please continue to check the Agency's website for the most updated list of parties.

NEW YORK STATE | Adirondack Park Agency

KATHY HOCHUL
Governor
BARBARA RICE
Executive Director

In the Matter of the application of

UNCONVENTIONAL CONCEPTS, Inc., and MICHAEL HOPMEIER

Certification of Administrative Record

APA Project No. 2021-0276

STATE OF NEW YORK)
)ss.:
COUNTY OF ALBANY)

DAVID N. GREENWOOD says:

I am an Administrative Law Judge in the Office of Hearings and Mediation Services at the New York State Department of Environmental Conservation (DEC), and I am fully familiar with the facts of this proceeding. On November 20, 2025, I was appointed to serve as Hearing Officer for the Adirondack Park Agency's (APA's) public hearing on this Project Application pursuant to State regulation at 9 NYCRR 580.8(a). I have reviewed the exhibits in the Certified Administrative Record from the files, documents, and records of the APA hearing, and certify that they are true and accurate copies of APA's files, documents and records.

I make this certification pursuant to the provisions of APA regulations at 9 NYCRR 580.14(g)(2), SAPA § 302(1)(a-e) and CPLR 2105, I affirm this 8th day of October, 2026, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.

DAVID N. GREENWOOD

CONTENTS of RECORD

APA Project No. 2021-0276 Public Hearing

Per State regulations at 9 NYCRR 580.14(g)(2) the hearing record shall be filed with the Agency and shall include:

1. Application, Notices, Motions.
2. Affidavits of Publication of the Notice of Hearing.
3. Transcripts of testimony taken at the hearing and Exhibits entered into evidence.
4. Letters, Statements, petitions and Comments.
5. Admissions, agreements and stipulations.
6. Statement of matters officially noticed.
7. Offers of Proof, objections thereto and rulings thereon.
8. Proposed findings and exceptions, if any.
9. The hearing officer's report to the Agency, if any.

1.Adjournments Hearing Notice and Scheduling Orders

a. 2025.11.14_Notice of Intent Hearing_P2021-0276.pdf.
b. 2025.12.12_RequestForAdjournment-signedALJGreenwood.pdf.
c. 2025-12-03_NoticeOfPublicHearing.pdf.
d. 2026.1.21_RequestForAdjournment_signedALJGreenwood.pdf.
e. 2026.2.11_AdjournmentOrder.pdf.
f. 2026.2.11_AdjournmentOrderSignedALJGreenwood.pdf.
g. 2026.9.25_RequestForRecord.pdf.
h. 2026.9.25_RequestForRecordandAdjournto12-2-26EXECUTED.pdf.
i. APA Project Order 2021-0276_2025.11.14.pdf.
j. APA2021-0276FirstRevisedSchedulingOrder2-11-2026.pdf. (First Revised Scheduling Order dated Feb. 11.2026).
k. APA2021-0276SchedulingOrder1-23-2026.pdf (Scheduling Order dated Jan. 23-2026).
l. APA2021-0276SecondRevisedSchedulingOrder3-13-2026.pdf (Second Revised Scheduling Order dated March 13, 2026).
m. APA2021-0276ThirdRevisedSchedulingOrder6-24-2026.pdf (Third Revised Scheduling Order dated June 24, 2026).
n. Letter to ALJ Greenwood 2.10.26, 489605667-0862.pdf.
o. Re_APA Project 2021-0276 Issues List – Letter Order.eml (email Feb. 10, 2026 requesting adjournment).

2. Appeal of Party Status Ruling

a. Appeal_AdkWild_Petition.pdf (Sponsor's Appeal of the Ruling Granting Adirondack Wild:Friends of the Forest Preserve Party-Status).
b. Response to Unconventional ConceptsJ Inc. opposition to Adk Wild party status.docx.

3. Discovery Demands and Responses

a. Folder – APA Hearing Staff
    i. 2026.04.08_APAHearingStaff_DiscoveryRequests.pdf.
    ii. 2026.04.29_ApplicantsResponsetoAPADiscoveryRequests.pdf.
    iii. P2021-0276_Discovery Responses_20260626.pdf. (Certification of Records) (268 Pages)
b. Folder – Applicants
    i. 2026.04.29_ADKCouncilResponse ToApplicantInterrogatories.pdf.

ii. 2026.04.29_APAHearingStaff_ResponseToApplicantDiscoveryDemands.pdf.
iii. 2026.04.29_APAHearingStaff_ResponseToApplicantInterrogatories.pdf.
iv. 2026.04.29_ProtectResponseToApplicantInterrogatories.pdf.
v. 2026.04.29_SierraClubResponsetoApplicant Interogatories.pdf.
vi. Adirondack Wild Comment Letter Request to Proceed to Public Hearing, Oct. 30 20205.docx.
vii. Applicants Interrogatories.pdf (Applicants' First Set of Interrogatories).
viii. Draft Response to Applicant Demand for Documents.pdf (Response of Intervenor Adirondack Wild to Applicants' Demand for Production of Documents).
ix. Petition to the APA LJ Dec.2025.pdf (Adirondack Wild submitted copy in discovery response).
x. Response to Applicant Interrogatory, April 29, 2026.docx (Responses of Intervenor Adirondack Wild to Applicant's Interrogatories).

c. Folder – Intervenors
i. 2026.04.29_ADKCouncilResponseToApplicantDiscoveryDemands.pdf.
ii. 2026.04.29_ADKWildResponseToApplicantDiscoveryDemands.pdf.
iii. 2026.04.29_APAHearingStaff_ResponseToIntervenorsDiscoveryDemands.pdf.
iv. 2026.04.29_ApplicantsResponsetoIntervenorsDiscoveryDemands.pdf.
v. 2026.04.29_ProtectResponseToApplicantDocumentDemands.pdf.
vi. 2026.04.29_SierraClubResponseToApplicantDiscovery Demands.pdf.
vii. Applicants Document Demands.pdf (Applicants Demands for Production of Documents and Things).
viii. Combined APA Hearing Staff Demands 4925-331-2670v.11.pdf (Intervenors' Combined Interrogatories and Demands for Discovery and Inspection).
ix. Combined Applicants Demands 4903-3136-9374v.7.pdf (Intervenors' Combined Interrogatories and Demands for Discovery and Inspection).

4. Hearing Officer Qualification
a. 2026.1.21_HearinOfficerChallenge_ExecDirectorResponse.pdf.
b. ALJ Disqualification Challenge (1).pdf (Challenge of Administrative Law Judge's Qualification dated Jan. 20, 2026).
c. ALJ Disqualification Challenge.pdf (Challenge of Administrative Law Judge's Qualification dated Jan. 20, 2026) (notarized).
d. Letter to ED Rice 01.22.2026 Affidavit re Disqualification.pdf.
e. ORDER_580.8_2026.01.27.pdf (Order Pursuant to 9 NYCRR 580.8).

5. Motions and Letter Requests
Folder – Motion to Dismiss
i. 2026.08.28_APAHearingStaff_Response_To_MotionToDIsmiss.pdf.
ii. 2026.09.04_APAHearingStaff_Response_To_Norfolk_CrossMotion.pdf.
iii. Applicants_Opp-and-X-Motion.pdf.
iv. Intervenors Reply FINAL.pdf.
v. Ltr_J_Greenwood_Response_Sullivan.pdf.
v. Notice of Motion to Dismiss with Affirmation and all Exhibits combined.pdf.

a. 2026.03.02_ResponseLetter_MotionforOrderRevisingExistingHearingIssues.pdf.
b. 2026.03.10 Stay LetterSierra.pdf.
c. 2026.03.11_APA_LetterToALJGreenwood.pdf.
d. 2026.08.10 Letter from Sierra Club to ALJ Greenwood.pdf.
e. 2026.1.26_ProposedIssues_APAComments.docx. (Proposed Hearing Issues for APA Project

2021-0276).
f. Applicants' Reply--Issues Motion 2026-03-12.pdf.
g. Applicants' Reply--Stay and Scheduling Order Motions 2026-03-11.pdf.
h. Atty_Norfolk_Opp_Affirmation.pdf. (Attorney Affirmation of Matthew D. Norfolk, Esq. in Opposition to Motion to Disqualify).
i. Cover Letter and Scheduling Order 01.16.2026.pdf.
j. Letter to ALJ Greenwood 2.24.26, 4927-1140-6737.pdf.
k. Letter to ALJ Greenwood 3.11.26,4936-9336-0022AdkCouncil.pdf.
l. Letter to ALJ Greenwood 01.20.2026.pdf.
m. Letter to ALJ Greenwood 02.03.2026.pdf.
n. Letter to ALJ Greenwood re Motion for Stay 03.10.2026Protect.pdf.
o. Letter to ALJ Greenwood re Offer of Proof 03.062026Protect.pdf.
p. Letter to ALJ Greenwood re Request for Modification 03.06.2026Protect.pdf.
q. Letter to ALJ Greenwood, 4934-0931-2137.pdf. (Jan. 20, 2026)
r. Letter to ED Rice 01.20.2026.pdf.
s. Letter to ED Rice 01.22.2026 Affidavit re Disqualification.pdf.
t. Letter to ED Rice re Suspension of Permit Review and Hearing 07.21.2026.pdf.
u. Letter to Executive Director Rice 01.27.26, 4932-6063-4762.pdf.
v. Letter to Executive Director Rice, 4897-2962-4970.pdf (Jan. 20, 2026).
w. Ltr-Greenwood-ProceedingMgmt.pdf.
x. Motion for Disqualification.pdf (Notice of Motion dated Jan. 20, 2026).
y. Notice of Cross-Motion and Attorney Affirmation w exhibit.pdf (Notice of Cross-Motion dated March 4, 2026).
z. Re_APA Project 2021-0276 – Motion.eml (email dated March 2, 2026).
aa. RE_APA Project 2021-0276 – MotionADKWldResponse.eml (email dated March 5, 2026).
bb. Re_P2021-0276 – UCI Ballistic Range Application.eml (email dated Aug. 12, 2026).
cc. Re_Reply in Further Support of Intervenors' Joint Motion.eml (email dated Sept. 10, 2026).
dd. Request_Ext._Evidence_Submission.pdf (dated August 11, 2026).

6. Notices of Appearance
a. 2025.12.16_APANotice of AppearanceForm.pdf
b. 2025.12.16_NOA_RquestLetter.pdf.
c. 2025.12.16_NOA_RequestLetter-SignedALJGreenwood.pdf.
d. 2025.12.17_NoticeOfAppearance_SignedGS.pdf.
e. Adirondack Council – Notice of Appearance.pdf.
f. Amato Notice of Appearance.pdf.
g. Braymer Notice of Appearance.pdf.
h. David Ramirez Notice of Appearance signed.pdf.pdf.
i. Notice of Appearance, Dec. 19 2025.pdf.
j. Notice of Appearance--Kelly.pdf.
k. Notice of Appearance--Norfolk.pdf.
l. Ommen Notice of Appearance.pdf.
m. Signed Gibson Notice of Appearance.pdf.

7. Other Correspondence in Record
a. 2025-12-11 LTR to Norfolk Investigation Request.pdf.
b. 2025-12-11 LTR to Norfolk.pdf.
c. 2026.5.26_APAHearingStaff_SummaryOfOngoingIssues.pdf.
d. ALJRequestLetter_2021-0276_2025.11.18.pdf.

e. Hearing Officer Recusal Response.pdf.
f. HearingOfficerRecusal_ResponseLetter12.1.pdf.
g. Judicial Assignment Notice.pdf.
h. Letter to ALJ Greenwood 6.12.26, 4935-8938-8723.pdf.
i. Letter to ALJ re APA Hearing Issues 20260611.pdf.
j. LetterToExecDirRice12-1-2025.pdf.
k. Ltr-Rice-Objection-Ltr 11-26-2025.pdf.
l. Ltr to Judge Greenwood_Ref-APA Project 2021-0276_Sciarretta_20260419.pdf.
m. Ltr_J_Greenwood_Resonse_Sullivan.pdf.
n. Ltr_Rice_Reserv_Challenge.pdf.
o. Ltr_Visitation_Terms.pdf.
p. Ltr-Rice-Objection-Challenge.pdf.
q. Ltr-Rice-Request for Procedure.pdf.
r. P2021-0276_ALJAppointmentLetterDraft.pdf.
s. Re_Cannon Project in Lewis, NY.eml (email comment March 9, 2026).
s. Recusal Request.pdf.
t. Request_Investigation_TobinSturges.pdf.

8. Petitions for Party Status
a. 2025.12.19 Sierra Club Petition for Party Status.pdf.
b. 2025.12.23_ResponseLetter_PetitionsForIntervention.pdf.
c. Adirondack Council – Petition for Intervention Final 12 19 25.pdf.
d. APA2021-0276ALJLetterRuling12-22-25.docx.
e. By-Laws adopted on Sept. 30, 2025 – Word doc.docx.
f. Letter to ALJ Greenwood 12.22.2025.pdf.
g. Opposition_AdkWild_Petition.pdf.
h. Petition to the APA LJ Dec. 2025.pdf.
i. Protect Petition to Intervene 12.17.2025.pdf.

9. Record Issues
a. 2025.12.23_LettertoALJ_Re_Record.pdf.

10. Rulings and Orders
a. Folder – Appeal of Party Status Ruling.
i. 2026.1.23_LetterToALJ_Appeal_RulingOnPetitionForPartyStatus.pdf.
ii. APA2021-0276PartyStatusAppealProcOrder1-23-2026.pdf.
iii. Appeal_AdkWild_Petition.pdf.
b. 2026.1.23_APAWebsiteStipulation-signedALJGreenwood.pdf.
c. APA2021-0276ISSUESRULING3-24-26.pdf (Issues Ruling dated Mar. 24, 2026).
d. APA2021-0276RULINGMOTIONTO DISQUALIFY2-20-26.pdf (Ruling on Motion to Disqualify dated Feb. 20, 2026).
e. APA2021-0276RULINGONMTD9-14-26.pdf (Ruling on Motion to Dismiss and Applicants' Cross-Motion dated Sept. 14, 2026).
f. APA2021-0276RULINGONPARTYSTATUS1-12-26.pdf. (Ruling on Petitions for Party Status dated January 12, 2026).
g. APA2021-0276RULINGSMOTIONSCHED3-13-26.pdf (Ruling on Scheduling Motions dated Mar. 13, 2026).

11. Summaries and Recordings of Video Conferences

a. 2021-0276ASummaryFeb42026IssuesConference.docx.
b. APA P2021-0276 Pre-Hearing Video Conference-20260121 1800-1.mp4.
c. APA P2021-0276 Pre-hearing Video Conference-20260121 1800-1.vtt.
d. APA2021-0276SummaryJan212026Conference Call.docx. (Summary for Record Prehearing Conference Call January 21, 2026 1:00 p.m.).
e. P2021-0276 – Pre-hearing Issues Videoconference-20260204 2001-1.mp4.
f. P2021-0276 – Third Revised Scheduling Order-20260615 1815-1.vtt.txt.
g. Prehearing conferenceAPA 2021-0276 June 15, 2026.xspf.

12. Witness Lists APA Staff Summary
a. 2026.04.02_APA_HearingStaffStatement.pdf.
b. 2026.04.02_WitnessListAPA.pdf.
c. Applicants Witness List.pdf.
d. Combined Witness List 4897-082602815 v.5.pdf.
e. Supp_Witness_Disc.pdf (Applicants' Supplemental Witness List).

13. 2026.5.7_ServiceList.pdf.

14. Additions Pursuant to 580.14(g)(2)

14.1 Compiled Application Materials - provided separately

NEW YORK STATE OF OPPORTUNITY. | Adirondack Park Agency

MAJOR PROJECT PUBLIC NOTICE (Revised)
APPLICATION RECEIVED
APA PROJECT NO. 2021-0276

Date: March 10, 2022

The purpose of this notice is to inform you that the permit application described below was received by the Adirondack Park Agency on **November 19, 2021,** and to solicit any written comments you may have regarding it at this time. When the application has been deemed complete by the Agency, another notice with a more detailed project description will be provided to you, and you will have another opportunity to provide written comment relevant to the Agency's review.

This notice is being sent to adjoining landowners to the project site to the extent they were identified in the application; the Chairman of the county Planning Board, Chairman of the Regional Planning Board, if any; the chief elected officer, clerk and planning board chairman, if any, of the town or village where the project is located; and the Adirondack Park Local Government Review Board.

It is not necessary to respond to this notice unless you want to do so. Please address any written comments to **Fritz Aldinger** at frederick.aldinger@apa.ny.gov and reference the above project number.

PROJECT SPONSOR, LOCATION AND DESCRIPTION

The Agency received an application from **Michael Hopmeier** for a project located on or near **Hale Hill Road** in the Town of **Lewis, Essex** County, in an area designated as **Rural Use** on the Adirondack Park Land Use and Development Plan Map. The tax map number of the project site is: Section **38.1**, Block **1,** Parcel(s) **31.** The attached map shows the approximate location of the project site. The Agency is currently reviewing the application for completeness.

The project is briefly described as follows: **A new commercial use consisting of a Department of Defense-subcontracted military grade munitions weapons testing range on a leased portion of a 197-acre lot.**

3/10/22
Date

Robert J. Lore
Robert J. Lore
Deputy Director, Regulatory Programs

cc: Michael Hopmeier
James Pulsifer
Adjoining Landowners
Town, County & LGRB Officials

001790

Lookup System Web Map



3/7/2022, 8:56:14 AM This is advisory only, not to be used to confirm exact boundary location or for determining Agency jurisdiction.

001791

Abutter Parcel(s)
Selected Parcel Buffer

Parcels 2020

Park Boundary Blueline

NYS Adirondack Park Agency

NYS Adirondack Park Agency
NYS Adirondack Park Agency | NYS Adirondack Park Agency, NYS DOT | NYS GIS Program Office | NHD, NYS Adirondack Park Agency | RPS | NYS Department of Environmental Conservation | NRCS, NYS Adirondack Park Agency |

NEW YORK STATE | Adirondack Park Agency

Sent Certified Mail, Return Receipt Requested
Tracking No.: 9589 0710 5270 0107 2061 80

MAJOR PROJECT PUBLIC NOTICE
APPLICATION COMPLETED
APA PROJECT NO. 2021-0276

Date: October 1, 2025

The Agency determined on **September 26, 2025,** that the application referenced below is complete and under formal review for Agency action. The purpose of this Notice is to inform you about the proposed project and to ask for any written comments that you may wish to make about the project. Comments previously submitted are already part of the project file and need not be repeated.

It is not necessary to respond to this notice unless you want to do so. If you wish to provide written comments, they must be received by **October 30, 2025.** The Agency website's page for **Public Comment & Hearing Opportunities** (https://www.apa.ny.gov/contact/public-comment.cfm) includes information on the project, including the most recent maps and plans, and an electronic form for submitting any public comments. You may also submit written comments to **Frederick Aldinger** via e-mail (at **rpcomments@apa.ny.gov**) or via mail (at PO Box 99, Ray Brook, NY 12977). Please reference the above project number.

PROJECT SPONSOR, LOCATION AND DESCRIPTION

The Agency received an application on **November 19, 2021**, and additional information on **September 11, 2025,** for a project proposed by **Michael Hopmeier** in the Town of **Lewis, Essex** County, on or near **Hale Hill Lane** in an area designated as **Rural Use** on the Adirondack Park Land Use and Development Plan Map. The tax map number of the project site is: Section **38.1**, Block **1**, Parcel(s) **29.000 and 31.000**. The attached map shows the approximate location of the project site.

The project is briefly described as follows: **A proposed weapons range for testing the internal ballistics of cannon barrels. A portable 155mm howitzer barrel assembly is proposed to be placed on a 100-foot by 100-foot crushed gravel pad and test-fired on a 197-acre property. Each test would fire a steel projectile into a target area. No explosive warheads are proposed to be used. The howitzer assembly is proposed to be fired up to 30 times per year on weekdays, between the hours of 10am and 4pm.**

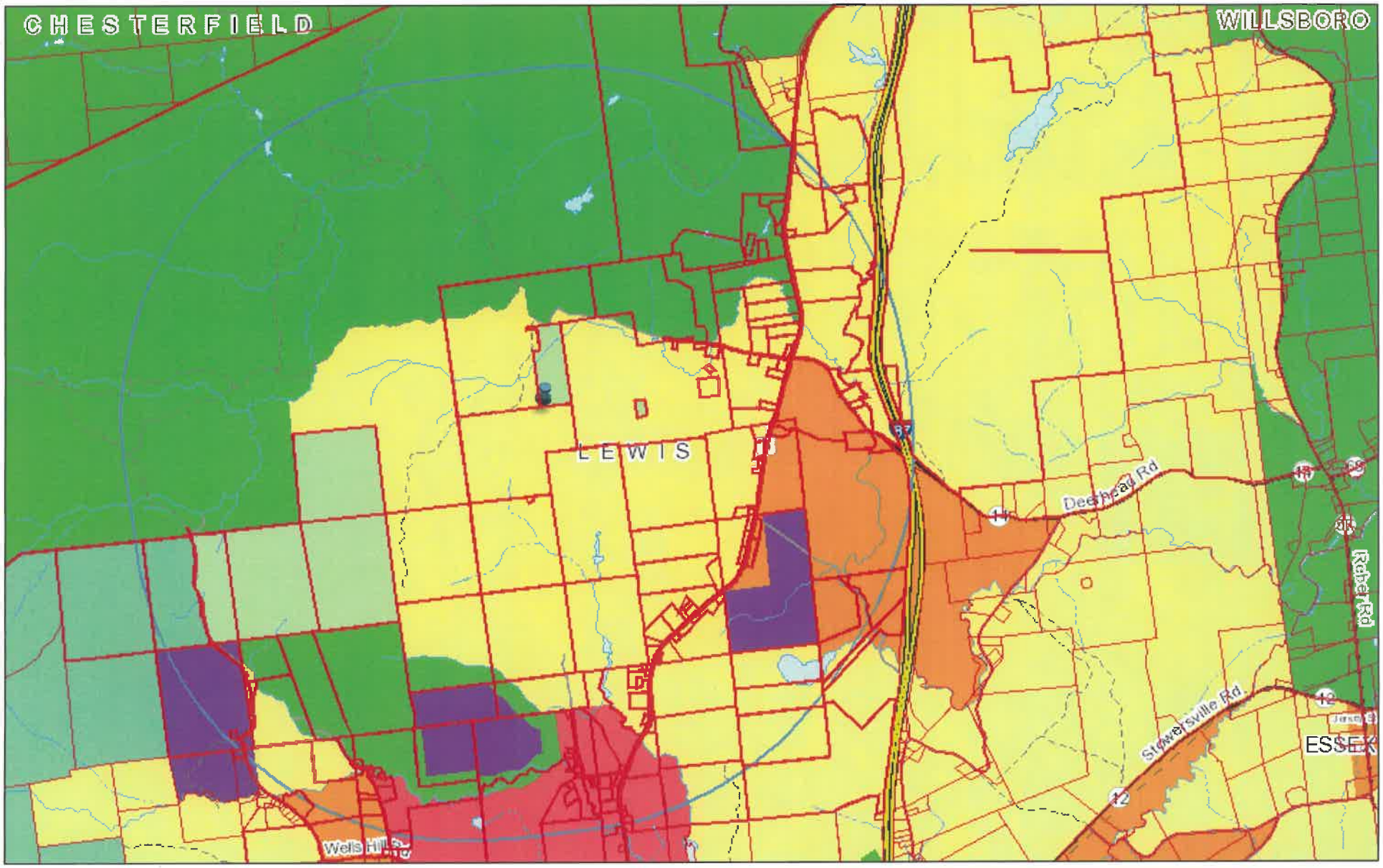
10/1/25
Date

John M. Burth
Deputy Director, Regulatory Programs

cc: Michael Hopmeier
James Pulsifer
Matthew D. Norfolk, Esq.
Adjoining Landowners
Town, County & LGRB Officials

001792

Lookup System Web Map



3/7/2022, 8:56:14 AM This is advisory only, not to be used to confirm exact boundary location or for determining Agency jurisdiction.

001793

Abutter Parcel(s)
Selected Parcel Buffer

Parcels 2020

Park Boundary Blueline

NYS Adirondack Park Agency

NYS Adirondack Park Agency

NYS Adirondack Park Agency | NYS Adirondack Park Agency, NYS DOT | NYS GIS Program Office | NHD, NYS Adirondack Park Agency | RPS | NYS Department of Environmental Conservation | NRCS, NYS Adirondack Park Agency |

NEW YORK STATE | Adirondack Park Agency

KATHY HOCHUL
Governor
BARBARA RICE
Executive Director

AFFIRMATION OF MAILING

Notice of Public Hearing
APA Project 2021-0276

I, Stephanie Petith, hereby affirm that I am over 18 years of age and employed by the New York State Adirondack Park Agency as an Administrative Assistant.

On December 5, 2025, and pursuant to 9 NYCRR §580.4(b), I served the Notice of Public Hearing for the above-named Project Application by placing true copies of the same in securely sealed postpaid envelopes addressed to the persons on the attached service list at their last known address pursuant to Executive Law §812(2) and by depositing such envelopes in an official depository maintained and exclusively controlled by the United States Postal Service at the U.S. Post Office located at 51 Broadway Saranac Lake, New York 12983.

I affirm, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.

Dated: December 9, 2025

Stephanie Petith

Stephanie Petith

Recipient	Address
Project Sponsor – Michael Hopmeier, Unconventional Concepts LLC	Michael Hopmeier Unconventional Concepts, Inc. 620 Herndon Parkway, Suite 120A Herndon, VA 20170 hopmeier@unconventional-inc.com
Authorized Representative – Matthew D. Norfolk	Matthew D. Norfolk, Esq. Norfolk Beier, PLLC 1936 Saranac Ave, Suite 106 Lake Placid, NY 12946 mnorfolk@norfolkbeier.com
Landowner 1	Pulsifer Logging LLC PO Box 27 Lewis, NY 12950
Landowner 2	Diversified Upstate Enterprises LLC 17 Racetrack Rd. Nw Ste E Fort Walton Beach, FL 32547
Adirondack Park Local Government Review Board	Adirondack Park Local Government Review Board 326 Downs Road Cadyville, NY 12918 US
Essex County Planning Board Chair	Shaun Gilliland P.O. Box 217 Elizabethtown, New York 12932
Essex County – Clerk	Chelsea M. Merrihew, Essex County Clerk P.O. Box 217 Elizabethtown, New York 12932
Town of Lewis – Clerk	Pam Williams P. O. Box 59 Lewis, New York 12950
Town of Lewis – Supervisor	James Monty P. O. Box 59 Lewis, New York 12950
Regional Planning Board Chair	David O'Brien P.O. Box 765 Lake George, NY 12845
Landowners within 500 feet of any boarder of the property	
Recipient	**Address**
28.-2-1.000 38.1-1-1.000	BTG Pactual OEF Property 2LP 1180 Peachtree St. NE Atlanta, GA 30309
38.1-1-3.000	Finance Office, Fixed Cost Unit 110 State Street, Albany NY 12236
38.3-1-1.200	William Pulsifer 8981 US Rte 9 Lewis, NY 12950
38.1-1-4.100	Diversified Upstate Enterprises LLC 17 Racetrack Rd. Nw Ste E Fort Walton Beach FL 32547

Recipient	Address
38.3-1-41.000	NYCO Minerals 803 Mountain View Dr. Willsboro, NY 12996
37.1-2-31.000	Philip Pulsifer PO Box 97 Lewis, NY 12950
37.-2-31.000 38.3-1-1.100	Owned by Pulsifer Logging
38.1-1-23.100	John Wimette 9455 US Rte 9 Lewis, NY 12950
38.1-1-32.000	Dennis Arthur 476 Moss Rd Lewis, NY 12950

Adirondack Daily Enterprise

AFFIDAVIT OF PUBLICATION

Adirondack Daily Enterprise
PO Box 318
54 Broadway
Saranac Lake, NY 12983

State of Florida, County of Orange, ss:

Ankit Sachdeva, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC, duly authorized agent of Adirondack Daily Enterprise, a daily newspaper published in the Saranac Lake, New York. A notice was published in said newspaper once a week for 1 successive week(s), commencing on Dec. 10, 2025 and ending on Dec. 10, 2025. The text of the notice as published in said newspaper is as set forth below, or in the annexed exhibit.
Publish dates:
Dec. 10, 2025

This newspaper has been designated by the Representative of Franklin County for this purpose.

Ankit Sachdeva

(Signed)_____

JESSICA GORDON-THOMPSON
Notary Public - State of Florida
Commission # HH301656
Expires on August 17, 2026

VERIFICATION

State of Florida
County of Orange

Subscribed in my presence and sworn to before me on this: 12/11/2025

_____
Notary Public
Notarized remotely online using communication technology via Proof.

PUBLIC NOTICE
NOTICE OF PUBLIC HEARING
Project No. 2021-0276

Notice is hereby given that, on December 22, 2025 at 6:00 P.M., the Adirondack Park Agency ("APA" or "Agency") will commence the public hearing on the application of Unconventional Concepts, Inc. and Michael Hopmeier ("Project Sponsors"), and Pulsifer Logging LLC and Diversified Upstate Enterprises, LLC ("Landowners") for an Agency permit for a weapons range for testing the internal ballistics of 155 mm howitzer cannon barrels over a 5-year period in the Town of Lewis, Essex County.

The public hearing will be held before Administrative Law Judge ("ALJ") David Greenwood. The location of the first hearing session on December 22, 2025 will be held in the APA Boardroom at its headquarters, located at 1133 NY-86 in Ray Brook, NY. The public may attend in person or attend virtually. A virtual livestream option will be available to the public at the following link: *https://tinyurl.comP2021-0276-Public-Hearing* .

Please visit the Agency's website (*https://apa.ny.gov/)* , or contact the Agency at (518) 891-4050, for the most up to date information on the hearing schedule as dates or times may change.

The ALJ will have all the authority provided for under applicable law, including the ability to schedule a pre-hearing con- ference to simplify, define, limit, or resolve the scope of issues, or add an issue if not expressly excluded and for which a party makes an offer of proof to ensure that

the record covers substantive and significant issues relating to the findings or determinations required of the Agency under APA Act § 805(4) and § 809(10); to address petitions from persons seeking to become a party; to address discovery; and to schedule informational presentations, if any, for members of the public who are not parties. Determinations of the hearing officer on party status, issues and the conduct of the hearing shall be reported for the record.

Project Description

The proposed project will utilize two parcels both located on land classified as Rural Use in the official Adirondack Park Land Use and Development Plan Map: (1) Tax Map Number 38.1-1-29.00 (8± acres), located at 87 Hale Hill Lane, is owned by Diversified Upstate Enterprises, LLC (Lot 29), and will be used to store equipment associated with testing; and (2) Tax Map Number 38.1-1-31.000 (197± acres), located at 195 Hale Hill Lane, is owned by Pulsifer Logging LLC (Lot 31). Project Sponsors will be granted access to Lot 31 to perform the testing.

A portable 155mm howitzer barrel assembly is proposed to be placed on a 100-foot by 100-foot crushed gravel pad and test-fired on Lot 31. Each test would fire a steel projectile into a target area. No explosive warheads are proposed to be used. The howitzer assembly is proposed to be fired up to 30 times per year on weekdays, between the hours of 10am and 4pm. Project Sponsors propose to place a kinetic energy-absorbing system (soft catch system) at the eastern side of the range to catch projectiles fired. The soft catch system would consist of an 8-foot by 8-foot by 40-foot long metal shipping container or similar filled container with sand and other material to stop the projectiles.

Additional proposed equipment includes a mobile power supply such as a generator on a trailer, portable instrumentation carriers, a trailer, a port-a-potty, and other mobile support equipment. In between test series, all trailers and equipment would be removed from Lot 31 and stored on Lot 29.

Agency Jurisdiction

The Agency has jurisdiction of the Project as a Class A or Class B regional project pursuant to § 809 of the Adirondack Park Agency Act because it involves either a proposed new "commercial use," or is a land use or development not included on either the primary or secondary use for the Rural Use land area classification.

Issues for Adjudication

The Agency in the November 14, 2025 Project Order identified the following issues for the adjudicatory public hearing:

Issue #1: Whether the proposed howitzer testing range is compatible with the Adirondack Park Land Use and Development Plan, including, but not limited to, whether the howitzer testing range is compatible with the purpose of insuring overall conservation, protection, preservation, development and use of the unique scenic, wildlife, recreational, open space, ecological, and natural resources of the Adirondack Park. [APA Act § 809(10)(a)]

Issue #2: Whether the proposed howitzer testing range is a compatible use within the Rural Use land area classification, and whether it is compatible with the character description and purposes, policies and objectives of the Rural Use land area classification, including but not limited to whether the proposed use should be considered a "commercial use;" and if not, whether the proposed howitzer testing range is a compatible use. [APA Act § 809(10)(b)]

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 park [APA Act § 809(10)(e)], considering the development considerations contained in APA Act § 805(4) and 9 NYCRR 574.5, including, but not limited to the following:

i Whether the howitzer testing range involves any potential discharges, residues, or other pollutants that may affect water resources, land resources, or air resources. [APA Act § 805(4)(a)(1) – (3)]

Party Status

Parties of right to the hearing include: (1) landowners within 500 feet of any border of the property; (2) the Adirondack Park Local Government Review Board; (3) the County Planning Board Chair; (4) the County Clerk; (5) the chair of the appropriate regional planning board; (6) the Town Supervisor; (6) the clerk of any local government within 500 feet of the project site; and (7) any State agency. Although these parties need not formally petition to become a party, they should appear at any scheduled pre-hearing conference, and/or submit a statement in writing prior to the commencement of the hearing, that they formally wish to be named as a party. This statement should include a summary of the issues that concern them, what evidence such party proposes to submit, and information that demonstrates the authority of any individual to act and bind such party.

Any other person or organization seeking to become a party to the hearing in order to present evidence, cross-examine witnesses or otherwise participate in the issues conference and adjudicatory hearing must file a petition pursuant to § 580.7 of the Agency's regulations, and is requested to ensure it is received by Friday, December 19, 2025 at 12:00 P.M. Petitions seeking party status should include the information identified in § 580.7 of the Agency's regulations and must be sent to the following:

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
david.greenwood@dec.ny.gov

Grace Sullivan
Senior Attorney
Adirondack Park Agency
P.O. Box 99
1133 NYS Route 86
Ray Brook, NY 12977
grace.sullivan@apa.ny.gov

Matthew M. Norfolk
Norfolk Beier PLLC
The Outpost
55 Barn Road, Suite 201
Lake Placid, New York 12946

Translation Services and Reasonable Accommodations

Requests for translation services, interpreter services and other requests for reasonable accommodations will be made available, at no charge, upon written request. All requests must be made to Keith McKeever at 518-891-4050 or by email to Keith.McKeever@apa.ny.gov, no later than 4:00 P.M. at least ten days prior to the hearing date.

Project File Availability

The project file is available on the Agency's website at the following link: *https://apa.ny.gov/permitting/topic/permit-hearing.html* . A copy of the project file may be requested by submitting a Freedom of Information Request by contacting the Agency at P.O. Box 99, Ray Brook, New York 12977, or by e-mail at *FOIL@apa.ny.gov* .

The file is also available for in-person public inspection and copying, by appointment, pursuant to Agency regulations implementing the Freedom of Information Law (9 NYCRR Part 587) during normal business hours, weekdays, except on State holidays or during weather or other emergencies (8:30 A.M. to 4:30 P.M.) at the Agency's offices. Also available are copies of Agency Regulation Part 580 (9 NYCRR Part 580) on "Hearing Procedures" and the plain language pamphlet: Adjudicatory Hearings Pursuant to Section 809 of the Adirondack Park Agency Act."

This notice is given pursuant to section 809(3)(e) of the Adirondack Park Agency Act, and 9 NYCRR 580.4 of Agency regulations. *mnorfolk@norfolkbeier.com*

ALJ Contact Information:

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
w: (518) 402-9003
david.greenwood@dec.ny.gov

Agency Contact Information:

Grace Sullivan
Senior Attorney
Adirondack Park Agency
P.O. Box 99
Ray Brook, NY 12977
518-891-4050
grace.sullivan@apa.ny.gov

Dated: December 3, 2025
Pub.: December 10, 2025

AFFIDAVIT COVERSHEET

Customer Information

Customer Name:	Stephanie Petith
Customer Organization:	Adirondack Park Agency
Customer Address:	PO Box 99, 1133 NYS Route 86
	Ray Brook, NY 12977
Phone:	5188914050

Notice Information

Newspaper:	The Press-Republican
Notice ID:	z1mKlxt8KE0LtbkAKnNy
Notice Title:	Hopmeier Adjudicatory Hearing
Invoice Number:	F5895A2E-0025
Invoice Total:	$318.3

State of New York
Clinton County, ss.:

COLUMN
PMB 79042
8450 SW GEMINI DR
BEAVERTON OR 97008-7123

Legal Advertising

Scott Bresett of the City of Plattsburgh, in said county, being duly sworn, doth depose and say that (s)he is the clerk of The Plattsburgh Publishing Co., publishers and printers of the newspaper entitled The Press Republican, printed and published daily and Sunday in the City of Plattsburgh, in said county, and that the advertisements covered on the attached copy have appeared in said newspaper on the dates indicated.

Notary Public

TRUDY E. KENNEDY
Notary Public, State of New York
Qualified in Clinton County
Reg. No. 01KE6291129
My Commission Expires 10/15/2029

PUBLICATION	EXPIRE DATE	AD CAPTION	# TIMES	AMOUNT
PRESS REPUBLICAN	12/12/2025	NOTICE OF PUBLIC HEARING	1	264.36

START DATE: 12/12/2025 END DATE: 12/12/2025

001800

See Proof on Next Page

AFFIDAVIT OF PUBLICATION

Valley News Sun
P.O. Box 338, Elizabethtown, NY 12932
(518) 730-4551

State of Florida, County of Broward, ss:

I, Anjana Bhadoriya, of lawful age, being duly sworn upon oath depose and say that I am an agent of Column Software, PBC, duly appointed and authorized agent of the Publisher of Valley News Sun, a Weekly newspaper of general circulation, printed and published in Elizabethtown, New York, designated by the County Clerk of Essex County as a newspaper of record; that the publication, a copy of which is attached hereto, was published in the said newspaper on the following dates.

Publication Dates:
- Dec 13, 2025

Notice ID: 3uwAmnX949EOc9VDTkjB

Notice Name: Hopmeier Adjudicatory Hearing

Publication Fee: $57.59

Anjana Bhadoriya

Agent

SHERI SMITH
Notary Public - State of Florida
Commission # HH269383
Expires on May 31, 2026

VERIFICATION

State of Florida
County of Broward

Signed or attested before me on this: 12/16/2025

S Smith

Notary Public

Notarized remotely online using communication technology via Proof.

ESSEX COUNTY
LEGAL NOTICE

Notice of Public Hearing

Please take notice that a public hearing will be held by the Adirondack Park Agency to consider an application for an Agency permit for a weapons range for testing the internal ballistics of 155 mm howitzer cannon barrels over a 5-year period in the Town of Lewis, Essex County. The public hearing will be held as follows:

Date: December 22, 2025
Time: 6:00 P.M.
Place: APA Boardroom - APA Headquarters, 1133 NYS Route 86, Ray Brook, NY

Further details concerning this hearing may be obtained by contacting the Adirondack Park Agency during business hours at (518)891-4050 or visiting the agency's website at: www.apa.ny.gov.

The hearing is being held pursuant to §809 of the Adirondack Park Agency Act.

NEW YORK STATE | Adirondack Park Agency

KATHY HOCHUL
Governor

BARBARA RICE
Executive Director

April 29, 2026

(By E-Mail: david.greenwood@dec.ny.gov)

Honorable David Greenwood
Administrative Law Judge
NYS Department of Environmental Conservation
Office of Hearing and Mediation Services
625 Broadway, First Floor
Albany, NY 12233-1550

Re: In the matter of the application of Unconventional Concepts, Inc. and Michael Hopmeier – P2021-0276

Dear Judge Greenwood,

APA hearing staff request the public hearing for the above-mentioned proceeding scheduled for June 24, 2026 be adjourned until October 28, 2026 at 10:00 A.M in the APA Boardroom at its headquarters, located at 1133 NY-86 in Ray Brook, NY.

This adjournment is necessary to provide APA hearing staff, the Applicant, and the intervening parties with ample opportunity to provide complete responses to discovery requests, develop expert reports, and prepare for the evidentiary portion of the hearing. APA hearing staff will collaborate with the Applicant and the intervening parties to prepare a revised scheduling order for your review. This adjournment order vacates the Second Revised Scheduling Order and any deadlines therein.

Respectfully Submitted,

Grace Sullivan
APA Hearing Staff - Attorney

SO ORDERED:

David N. Greenwood
_____
ALJ Greenwood

DATED: 04/30/2026

NEW YORK STATE | Adirondack Park Agency

KATHY HOCHUL
Governor

BARBARA RICE
Executive Director

RESOLUTION

ADOPTED BY THE ADIRONDACK PARK AGENCY WITH RESPECT TO THE SPONSOR'S APPEAL OF THE ADMINISTRATIVE LAW JUDGE'S GRANT OF PARTY STATUS TO ADIRONDACK WILD: FRIENDS OF THE FOREST PRESERVE

WHEREAS, on November 14, 2025, a majority vote of Agency Members was taken, and which vote ordered this matter to public hearing; and

WHEREAS, on December 17, 2025, Adirondack Wild: Friends of the Forest Preserve petitioned to intervene (Petition for Intervention)[1], pursuant to Adirondack Park Agency Rules and Regulations Title 9, Section 580;[2] and

WHEREAS, on December 22, 2025, the Administrative Law Judge requested parties to submit comments or opposition to the petitions for party status on or before January 6, 2026; and

WHEREAS, on January 6, 2026, Sponsor objected to the Petition for Intervention of Adirondack Wild: Friends of the Forest Preserve; and

WHEREAS, on January 12, 2026, the designated Administrative Law Judge granted full party status to Adirondack Wild: Friends of the Forest Preserve over Sponsor's objection; and

WHEREAS, on January 20, 2026, Sponsor filed a partial appeal of the Administrative Law Judge's ruling on party status; and

WHEREAS, on January 23, 2026, parties were requested to submit any responding briefs, either in support or opposition of the ruling appealed from, by January 29, 2026; and

WHEREAS, on January 26, 2026, Adirondack Wild: Friends of the Forest Preserve filed a response to Sponsor's partial appeal of the Administrative Law Judge's ruling on party status; and.

WHEREAS, Agency Members have reviewed the record in this matter, which includes the above referenced documents; and

---

[1] By e-mail dated December 19, 2025, Adirondack Wild: Friends of the Forest Preserve submitted a copy of its bylaws, as adopted on September 25, 2025.

[2] It is noted that three other organizations similarly petitioned to intervene. Only one organization was objected to by any part, Adirondack Wild: Friends of the Forest Preserve. As the remaining Petitions for Intervention were not challenged, they are not discussed here.

WHEREAS, Adirondack Park Agency Rules and Regulations Section 580.7 requires that any person seeking to become a party file a written petition with the executive director or, if selected at the time of its filing, the hearing officer; and

WHEREAS, pursuant to Adirondack Park Agency Rules and Regulations Section 580.7(a) any petition for intervention shall be filed prior to the commencement of the hearing and 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; and

WHEREAS, pursuant to Adirondack Park Agency Rules and Regulations Section 580.7(b), the Administrative Law Judge may require additional information from the petitioners, including evidence in support of the petition and shall allow other parties to be heard with respect to the petition; and

WHEREAS, Section 812 of New York State Executive Law, Article 27, the Adirondack Park Agency Act and Adirondack Park Agency Rules and Regulations Section 580.7 provides that any decision of the hearing officer to grant or deny intervention may, within five days of receipt, be appealed to the Agency, to be decided at its next regular meeting; and

WHEREAS, the next scheduled meeting of the Agency was scheduled and held on February 19, 2026; and

WHEREAS, after consideration of the Sponsor's January 6, 2026 objections, the Administrative Law Judge ruled that the Petition for Intervention met the requirements of Adirondack Park Agency Rules and Regulations Section 580.7, specifically as follows:

> **Objections A & B:** The Petition for Intervention is materially defective and fails to provide sufficient information about the history of its formation and the history of its legal nature. The petition does not state when the organization was created

and does not elaborate its affiliation with Friends of Forest Preserve, fails to provide information on the organizational structure and legal nature of the Friends of the Forest Preserve and what its purpose is or was. The organization also failed to include a copy of any charter, certificate of incorporation, bylaws, constitution or the like.

Ruling: The Petition for Intervention described 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.

The Petition stated that the organization 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, 1,000 members and two full-time staff. The Administrative Law Judge also noted that a copy of the By-Laws of Friends of the Forest Preserve, Inc., which further sufficiently detailed this information.

Objection C: The Petition for Intervention fails to demonstrate the organization's capacity to participate in administrative proceedings and to supply information or expertise relative to matters likely to be considered at the hearing. The organization alleges that it (1) often submits public comments to the Agency, and (2) that it has the capacity to participate in the proceeding because it participated in an adjudicatory hearing 15 years ago, in 2011, in connection with an unrelated development project involving the Adirondack Club and Resort. Sponsor noted that any individual or entity is free to submit comments to the Agency and doing so does not qualify an individual or entity to have the capacity to participate in an administrative proceeding of this type, and the organization's prior experience with an adjudicatory hearing was materially different than the proposed project before the Agency. The Petition for Intervention is wholly devoid of any allegation or offering of proof that it can supply information or expertise relative to matters likely to be considered at the hearing.

Ruling: The Petition for Intervention stated that the organization is very familiar with and a frequent participant in Agency administrative proceedings. The organization's participation in monthly comments to the Agency on new land use and development applications, including projects proposed within the Rural Use classification. Further, the Petition for Intervention states that organization participates in Agency legislative hearings on proposed variances and participated in lengthier duration administrative processes regarding amendments to the Adirondack Park State Land Master Plan and finally, that the organization 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. The Petition for Intervention also describes the factual, legal and

policy arguments they intend to make at the hearing with respect to the impact of the Proposed Project.

Objections D & E: Without providing a copy of its corporate charter, the organization fails to demonstrate it has a material social, economic or environmental interest which is likely to be affected by the Agency's decision concerning this project and the organization's concerns, through unsworn testimony, focus largely on state land management, which is primarily the responsibility of the New York State Department of Environmental Conservation.

Ruling: As noted in the Administrative Law Judge's ruling addressing Objections A & B above, the organization submitted by-laws which sufficiently described the organization's interest in this proceeding. The Petition for Intervention stated the organization "is focused on conservation of wildlands for the interconnected public and private landscapes of the Adirondack Park, [and] especially concerned about the relationship of the howitzer cannon testing with adjacent Forest Preserve located just hundreds of yards away at the closest point," and that the proposed project will have potential noise impacts that pose a threat to the Adirondack Park Forest Preserve and that approval would 'threaten to industrialize and pollute this Rural Use area.' Further, the Petition for Intervention contains assertions regarding the organization's social and environmental interests which are likely to be affected by the Agency decision because the organization has demonstrated a "strong interest in defending the 'forever wild' constitutional protections and wilderness values of the Forest Preserve" noting that the organization's by-laws contain a mission statement that declares its 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."

WHEREAS, the January 20, 2026 partial appeal of the Administrative Law Judge's ruling on party status requests that the Agency:

(1) Reverse the Administrative Law Judge's ruling granting Adirondack Wild: Friends of the Forest Preserve's Petition for Intervention, finding that the Administrative Law Judge erred in not requesting additional information, or erred in finding that the Petition for Intervention was sufficient, and accordingly deny Adirondack Wild: Friends of the Forest Preserve's Petition for Intervention, or alternatively

(2) Reverse the Administrative Law Judge's ruling granting Adirondack Wild: Friends of the Forest Preserve's Petition for Intervention, in part, and limit its participation in the subject hearing to only those matters that directly and narrowly affect any potential harm to the Forest Preserve.

WHEREAS, the December 15, 2025 Adirondack Wild: Friends of the Forest Preserve Petition for Intervention refers to the organization's advocacy to protect the 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 Park wildlands; and

WHEREAS, the Petition for Intervention notes its connection to the predecessor organization Friends of the Forest Preserve; and

WHEREAS, the Petition for Intervention states the organization has demonstrated strong interest in defending the "forever wild" constitutional protections and wilderness values of the Forest Preserve and that those lands are in close proximity to the proposed project; and

WHEREAS, the Petition for Intervention also states that the organization has advocated for greater protection of Rural Use areas; and

WHEREAS, pursuant to Adirondack Park Agency Rules and Regulations Section 580.7(e), in granting the petition, the hearing officer may, but is not required to, limit the participation of a petitioner; and

NOW, THEREFORE, BE IT RESOLVED, the Agency determines that there is insufficient basis to disturb the Administrative Law Judge's January 12, 2026 ruling granting full party status to Adirondack Wild: Friends of the Forest Preserve, including the Administrative Law Judge's decision to not request additional information from the organization, and that the ruling was supported by substantial evidence before him, nor was made in violation of lawful procedure, an error of law, arbitrary and capricious or an abuse of discretion, and is hereby affirmed; and

NOW, BE IT FINALLY RESOLVED, pursuant to Adirondack Park Agency Rules and Regulations Section 580.7(f)(1), the matter is hereby remanded for proceedings consistent with this determination.

Ayes: 9	**Recusals: 1**
Nays: 0	**Absent: 1**
Abstentions: 0	

I, Mark Hall, as Chairperson of the Adirondack Park Agency, organized and existing under the laws of New York, hereby certify that the above is a true copy of a resolution adopted by the Adirondack Park Agency at a meeting convened and held February 19, 2026, at which a quorum was present and voting throughout, and that this resolution is adopted upon approval and is in accordance with the provisions of the Adirondack Park Agency Act, and its implementing rules and regulations.

Dated: February 19, 2026

Mark Hall, Chairperson

14.7 Public Comments - provided separately

From:	Matthew D. Norfolk
To:	Rice, Barbara (APA)
Cc:	Greenwood, David N (DEC); Sullivan, Grace (APA); Shane Kelly; PVanCott@woh.com; Christopher Amato; David Gibson; pgitlen@WOH.com; Ommen, Todd D.; Executivedirector@protectadks.org; Roger.Downs@sierraclub.org; Seitelman, Anna V.
Subject:	APA 2021-0276 Project
Date:	Tuesday, January 20, 2026 3:35:06 PM
Attachments:	Outlook-wvz5yebj.png ALJ Disqualification Challenge.pdf
Importance:	High

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Dear Director Rice:

Please find attached the Sponsor's challenge of ALJ Greenwood's qualification to be the presiding administrative law judge or hearing officer in connection with the above-referenced matter. Pursuant to 9 NYCRR 580.8(b), I request a conference with you and ALJ Greenwood. APA Attorney Sullivan and counsel of record for the other parties may attend the required pre-hearing conference to address the Sponsor's disqualification challenge, if they so choose.

By copy hereof to ALJ Greenwood, I request you stay all proceedings, that includes adjourning without date tomorrow's scheduled pre-hearing conference, while the Sponsor's challenge is pending.

Sincerely,

Matthew D. Norfolk, Esq.
NORFOLK BEIER PLLC
D: 518.302.7064
F: 518.302.7100
A: The Outpost Plaza
55 Barn Road, Suite 201
Lake Placid, NY 12946
E: mnorfolk@norfolkbeier.com

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From: Matthew D. Norfolk
To: Greenwood, David N (DEC); Rice, Barbara (APA)
Cc: PVanCott@woh.com; Ramirez, David; Hubbard, Jennifer M (APA); Shane Kelly; David Gibson; pgitlen@WOH.com; Seitelman, Anna V.; conservationdirector@protectadks.org; Executivedirector@protectadks.org; Roger.Downs@sierraclub.org; Ommen, Todd D.; Sullivan, Grace (APA)
Subject: Re: APA Project 2021-0276 Motion - Service by email only
Date: Tuesday, January 20, 2026 4:41:48 PM
Attachments: Outlook-iz0lbovv.png

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Dear Executive Director Rice and Judge Greenwood:

I just reviewed Adirondack Council's bogus motion to disqualify Norfolk Beier PLLC as counsel for the Sponsor. A briefing schedule should be put in place and the administrative proceeding should be stayed. On behalf of the Sponsor, I hereby request a stay. Adirondack Council's motion to disqualify and the Sponsor's challenge of Judge Greenwood's qualification must be resolved before going forward with this proceeding.

Moreover, we just discovered that APA Board Member Rush Holt, Jr. was an active Member of the Board for Adirondack Council while the organization was or has been opposing the Sponsor's application. The application was filed with the APA in 2021. Since 2022, Adirondack Council has been submitting papers to the APA in opposition to the application. As far as we know presently, Mr. Holt was a Board Member for Adirondack Council from at least 2022 to 2025. (It is unclear if Mr. Holt remains a Board Member for Adirondack Council or possibly a member of Adirondack Council.) We also just learned that, as an APA Board Member, Mr. Holt voted to send the application to a public hearing. Despite being in a leadership role at Adirondack Council while it opposed or opposes the application, Mr. Holt did not recuse himself. It was grossly inappropriate and undoubtedly a violation of law for Mr. Holt to participate as an APA Board member and vote to send the application to a public hearing. As a consequence of Mr. Holt's failure to recuse himself, the APA's decision to send the application to a public hearing, as a matter of law, is null and void. We intend to seek judicial relief. Of course, if the APA or Adirondack Council has proof that Mr. Holt was not affiliated with Adirondack Council while it was or has been opposing the application, I ask that either or both provide us with such proof.

Sincerely,
Matthew D. Norfolk, Esq.

NORFOLK BEIER PLLC
D: 518.302.7064
F: 518.302.7100
A: The Outpost Plaza
55 Barn Road, Suite 201
Lake Placid, NY 12946
E: mnorfolk@norfolkbeier.com

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From: VanCott, Paul <PVanCott@woh.com>
Sent: Tuesday, January 20, 2026 2:31 PM
To: Greenwood, David N (DEC) <david.greenwood@dec.ny.gov>
Cc: Ramirez, David <dramirez2@law.pace.edu>; Hubbard, Jennifer M (APA) <Jennifer.Hubbard@apa.ny.gov>; Shane Kelly <skelly@norfolkbeier.com>; David Gibson <dgibson@adirondackwild.org>; Gitlen, Philip <PGitlen@woh.com>; Seitelman, Anna V. <ASeitelman@woh.com>; conservationdirector@protectadks.org <conservationdirector@protectadks.org>; Executivedirector@protectadks.org <executivedirector@protectadks.org>; Roger.Downs@sierraclub.org <roger.downs@sierraclub.org>; Matthew D. Norfolk <mnorfolk@norfolkbeier.com>; Ommen, Todd D. <tommen@law.pace.edu>; Sullivan, Grace (APA) <Grace.Sullivan@apa.ny.gov>
Subject: APA Project 2021-0276 Motion - Service by email only

Judge Greenwood -

Please find our motion in this matter for your consideration at the following link:

Links expire 2026-02-03

Motion for disqualification.pdf	DOWNLOAD	VIEW

If there are any issues accessing this motion, please let us know.

Respectfully submitted,

Paul

Paul Van Cott | Whiteman Osterman & Hanna LLP
Of Counsel
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From: Sullivan, Grace (APA) <Grace.Sullivan@apa.ny.gov>
Sent: Friday, January 16, 2026 9:06 AM
To: Ommen, Todd D. <tommen@law.pace.edu>
Cc: Ramirez, David <dramirez2@law.pace.edu>; Greenwood, David N (DEC) <david.greenwood@dec.ny.gov>; VanCott, Paul <PVanCott@woh.com>; Hubbard, Jennifer M (APA) <Jennifer.Hubbard@apa.ny.gov>; Shane Kelly <skelly@norfolkbeier.com>; David Gibson <dgibson@adirondackwild.org>; Gitlen, Philip <pgitlen@WOH.com>; Seitelman, Anna V. <ASeitelman@woh.com>; conservationdirector@protectadks.org; Executivedirector@protectadks.org; Roger.Downs@sierraclub.org; mnorfolk@norfolkbeier.com
Subject: RE: APA Project 2021-0276 Prehearing Videoconference

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Hi Todd,

Copying folks back in for visibility. We have no objection to David's participation in the call as an observer. I will add him to the invite, so long as I do not hear an objection from any of the other parties.

Thank you,
Grace Sullivan

From: Ommen, Todd D. <tommen@law.pace.edu>
Sent: Thursday, January 15, 2026 3:49 PM
To: Sullivan, Grace (APA) <Grace.Sullivan@apa.ny.gov>
Cc: Ramirez, David <dramirez2@law.pace.edu>
Subject: RE: APA Project 2021-0276 Prehearing Videoconference

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Thank you, I received, but can you also add David Ramirez (on cc here). He is a clinic intern assigned to this matter.

Todd D. Ommen
Managing Attorney - Pace Environmental Litigation Clinic
Professor of Law - Elisabeth Haub School of Law
Executive Director – John Jay Legal Services, Inc.
78 North Broadway, White Plains, NY 10603
tommen@law.pace.edu
914-422-4343 (O) - 914-422-4437 (F)



From: Sullivan, Grace (APA) <Grace.Sullivan@apa.ny.gov>
Sent: Thursday, January 15, 2026 3:36 PM
To: Greenwood, David N (DEC) <david.greenwood@dec.ny.gov>; PVanCott@woh.com; Ommen, Todd D. <tommen@law.pace.edu>; Hubbard, Jennifer M (APA) <Jennifer.Hubbard@apa.ny.gov>; mnorfolk@norfolkbeier.com; skelly@norfolkbeier.com; David Gibson <dgibson@adirondackwild.org>; pgitlen@WOH.com; Seitelman, Anna V. <ASeitelman@woh.com>; conservationdirector@protectadks.org; Executivedirector@protectadks.org;

Roger.Downs@sierraclub.org
Subject: RE: APA Project 2021-0276 Prehearing Videoconference

Good afternoon,

Everyone should have received a Webex invite for Wednesday January 21 at 1:00 p.m. Please let me know if I inadvertently left anyone off, or if you otherwise have issues with the invite.

I hope everyone is able to enjoy the long weekend.

Thank you,
Grace Sullivan

From: Greenwood, David N (DEC) <david.greenwood@dec.ny.gov>
Sent: Thursday, January 15, 2026 3:22 PM
To: PVanCott@woh.com; Sullivan, Grace (APA) <Grace.Sullivan@apa.ny.gov>; Ommen, Todd D. <tommen@law.pace.edu>; Hubbard, Jennifer M (APA) <Jennifer.Hubbard@apa.ny.gov>; mnorfolk@norfolkbeier.com; skelly@norfolkbeier.com; David Gibson <dgibson@adirondackwild.org>; pgitlen@WOH.com; Seitelman, Anna V. <ASeitelman@woh.com>; conservationdirector@protectadks.org; Executivedirector@protectadks.org; Roger.Downs@sierraclub.org
Subject: RE: APA Project 2021-0276 Prehearing Videoconference

Mr. Van Cott: Thank you **very much** for your flexibility. Scheduling these matters is quite a challenge, as we are all familiar with.

Dear All: I believe we are all available for a prehearing videoconference to be held on Wednesday January 21 at 1:00 p.m. Please keep an eye out for a Webex link to the videoconference from Grace Sullivan, APA Hearing Staff. Grace, if you have any issues setting up the Webex just let me know and I will have Steven Killar from my office (DEC Office of Hearings and Mediations Services) send out the invitation links. I will send out a brief agenda for the conference before Wednesday next week.

Sincerely and thank you,

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
w: (518) 402-9004 | david.greenwood@dec.ny.gov
dec.ny.gov

From: VanCott, Paul <PVanCott@woh.com>
Sent: Thursday, January 15, 2026 1:28 PM
To: Greenwood, David N (DEC) <david.greenwood@dec.ny.gov>; Sullivan, Grace (APA) <Grace.Sullivan@apa.ny.gov>; Ommen, Todd D. <tommen@law.pace.edu>; Hubbard, Jennifer M (APA) <Jennifer.Hubbard@apa.ny.gov>; mnorfolk@norfolkbeier.com; skelly@norfolkbeier.com; David Gibson <dgibson@adirondackwild.org>; pgitlen@WOH.com; Seitelman, Anna V. <ASeitelman@woh.com>; conservationdirector@protectadks.org; Executivedirector@protectadks.org; Roger.Downs@sierraclub.org
Subject: RE: APA Project 2021-0276 Prehearing Videoconference

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Judge Greenwood –

Either Phil Gitlen or I were planning on attending and he is out of the country next week unfortunately. Given the applicant's unavailability Thursday afternoon I have made arrangements to adjust my schedule next Wednesday so that I can participate at 1 pm if that still works for everyone.

Thank you.

Paul

Paul Van Cott | Whiteman Osterman & Hanna LLP
Of Counsel
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| e | pvancott@woh.com | w | www.woh.com

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From: Greenwood, David N (DEC) <david.greenwood@dec.ny.gov>
Sent: Thursday, January 15, 2026 10:09 AM
To: VanCott, Paul <PVanCott@woh.com>; Sullivan, Grace (APA) <Grace.Sullivan@apa.ny.gov>; Ommen, Todd D. <tommen@law.pace.edu>; Hubbard, Jennifer M (APA) <Jennifer.Hubbard@apa.ny.gov>; mnorfolk@norfolkbeier.com; skelly@norfolkbeier.com; David Gibson <dgibson@adirondackwild.org>; Gitlen, Philip <pgitlen@WOH.com>; Seitelman, Anna V. <ASeitelman@woh.com>; conservationdirector@protectadks.org; Executivedirector@protectadks.org; Roger.Downs@sierraclub.org
Subject: RE: APA Project 2021-0276 Prehearing Videoconference

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Dear All:
I can make after 1:00 p.m. on Thursday January 22, 2026 but, we have not heard from the Project Sponsor's representatives yet.
The next time today I will be able to get to this email address is after 3pm.
Mr. Van Cott: Perhaps one of the other two attorneys named in your notice of appearance could attend a prehearing videconference on the proposed January 20 or January 21 date and time?

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
w: (518) 402-9004 | david.greenwood@dec.ny.gov
dec.ny.gov

From: VanCott, Paul <PVanCott@woh.com>
Sent: Wednesday, January 14, 2026 6:07 PM
To: Sullivan, Grace (APA) <Grace.Sullivan@apa.ny.gov>; Ommen, Todd D. <tommen@law.pace.edu>; Greenwood, David N (DEC) <david.greenwood@dec.ny.gov>; Hubbard, Jennifer M (APA) <Jennifer.Hubbard@apa.ny.gov>; mnorfolk@norfolkbeier.com; skelly@norfolkbeier.com; David Gibson <dgibson@adirondackwild.org>; pgitlen@WOH.com; Seitelman, Anna V. <ASeitelman@woh.com>; conservationdirector@protectadks.org; Executivedirector@protectadks.org; Roger.Downs@sierraclub.org; Ramirez, David <dramirez2@law.pace.edu>
Subject: RE: APA Project 2021-0276 Prehearing Videoconference

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Next Thursday would work after 1 pm and I apologize for complicating this. Friday may now be a work and travel day to the Hudson Valley. Thank you, Ms. Sullivan.

Paul

Paul Van Cott | Whiteman Osterman & Hanna LLP
Of Counsel
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use.

From: Sullivan, Grace (APA) <Grace.Sullivan@apa.ny.gov>
Sent: Wednesday, January 14, 2026 1:50 PM
To: VanCott, Paul <PVanCott@woh.com>; Ommen, Todd D. <tommen@law.pace.edu>; Greenwood, David N (DEC) <david.greenwood@dec.ny.gov>; Hubbard, Jennifer M (APA) <Jennifer.Hubbard@apa.ny.gov>; mnorfolk@norfolkbeier.com; skelly@norfolkbeier.com; David Gibson <dgibson@adirondackwild.org>; Gitlen, Philip <pgitlen@WOH.com>; Seitelman, Anna V. <ASeitelman@woh.com>; conservationdirector@protectadks.org; Executivedirector@protectadks.org; Roger.Downs@sierraclub.org; Ramirez, David <dramirez2@law.pace.edu>
Subject: RE: APA Project 2021-0276 Prehearing Videoconference

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Good afternoon all,

Judge Greenwood, the APA hearing staff can be available anytime on Thursday or Friday but would prefer to meet after 1:00 P.M. on Thursday. Please advise as to your availability those days.

Thank you,
Grace Sullivan

From: VanCott, Paul <PVanCott@woh.com>
Sent: Wednesday, January 14, 2026 1:30 PM
To: Ommen, Todd D. <tommen@law.pace.edu>; Greenwood, David N (DEC) <david.greenwood@dec.ny.gov>; Sullivan, Grace (APA) <Grace.Sullivan@apa.ny.gov>; Hubbard, Jennifer M (APA) <Jennifer.Hubbard@apa.ny.gov>; mnorfolk@norfolkbeier.com; skelly@norfolkbeier.com; David Gibson <dgibson@adirondackwild.org>; pgitlen@WOH.com; Seitelman, Anna V. <ASeitelman@woh.com>; conservationdirector@protectadks.org; Executivedirector@protectadks.org; Roger.Downs@sierraclub.org; Ramirez, David <dramirez2@law.pace.edu>
Subject: RE: APA Project 2021-0276 Prehearing Videoconference

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Judge Greenwood and all –

With apologies, I have scheduled conflicts on Tuesday and Wednesday next week for the times proposed but can be available on Thursday or Friday at everyone's convenience.

Paul

Paul Van Cott | Whiteman Osterman & Hanna LLP
Of Counsel
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From: Ommen, Todd D. <tommen@law.pace.edu>
Sent: Wednesday, January 14, 2026 1:21 PM
To: Greenwood, David N (DEC) <david.greenwood@dec.ny.gov>; Sullivan, Grace (APA) <Grace.Sullivan@apa.ny.gov>; Hubbard, Jennifer M (APA) <Jennifer.Hubbard@apa.ny.gov>; mnorfolk@norfolkbeier.com; skelly@norfolkbeier.com; David Gibson <dgibson@adirondackwild.org>; Gitlen, Philip <pgitlen@WOH.com>; VanCott, Paul <PVanCott@woh.com>; Seitelman, Anna V. <aseitelman@woh.com>; conservationdirector@protectadks.org; Executivedirector@protectadks.org; Roger.Downs@sierraclub.org; Ramirez, David <dramirez2@law.pace.edu>
Subject: RE: APA Project 2021-0276 Prehearing Videoconference

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On behalf of Sierra Club, Atlantic Chapter, the Wednesday times are all acceptable. We can also make the Tuesday times work if necessary due to other parties' unavailability.

Todd D. Ommen
Managing Attorney - Pace Environmental Litigation Clinic
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From: Greenwood, David N (DEC) <david.greenwood@dec.ny.gov>
Sent: Wednesday, January 14, 2026 10:34 AM
To: Sullivan, Grace (APA) <Grace.Sullivan@apa.ny.gov>; Hubbard, Jennifer M (APA) <Jennifer.Hubbard@apa.ny.gov>; mnorfolk@norfolkbeier.com; skelly@norfolkbeier.com; David Gibson <dgibson@adirondackwild.org>; pgitlen@WOH.com; PVanCott@woh.com; ASeitelman@woh.com; conservationdirector@protectadks.org; Executivedirector@protectadks.org; Ommen, Todd D. <tommen@law.pace.edu>; Roger.Downs@sierraclub.org
Subject: RE: APA Project 2021-0276 Prehearing Videoconference

Dear Parties:

I write to schedule a prehearing video conference in anticipation of the in person hearing to be held February 4 at 10am at APA Offices in Ray Brook, NY. APA staff has helpfully identified their availability on Tuesday January 20 and Wednesday January 21. Those days work for me as well. I propose the following time slots:
Tuesday January 20, 2026: 1:00 p.m. or 3:00 p.m.
Wednesday January 21, 2026: 10:00 a.m., 1:00 p.m. or 3:00 p.m.
Previously APA hearing staff coordinated a videoconference among the parties using Webex. **Please respond with your availability for each of these time slots by close of business tomorrow, January 15**. I will review the responses and pick a time on Friday, January 16. Additionally, I will prepare a short agenda.

Sincerely and thank you,

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
w: (518) 402-9004 | david.greenwood@dec.ny.gov
dec.ny.gov

From: Sullivan, Grace (APA) <Grace.Sullivan@apa.ny.gov>
Sent: Tuesday, January 13, 2026 11:19 AM
To: Greenwood, David N (DEC) <david.greenwood@dec.ny.gov>; Hubbard, Jennifer M (APA) <Jennifer.Hubbard@apa.ny.gov>; mnorfolk@norfolkbeier.com; skelly@norfolkbeier.com; David Gibson <dgibson@adirondackwild.org>; pgitlen@WOH.com; PVanCott@woh.com; ASeitelman@woh.com; conservationdirector@protectadks.org; Executivedirector@protectadks.org; tommen@law.pace.edu; Roger.Downs@sierraclub.org
Subject: RE: APA Project 2021-0276 Intervention Petitions Ruling

Dear Judge Greenwood,

The Agency acknowledges receipt of the ruling and will post the decision to the Agency's hearing webpage. The Agency is available for a pre-hearing video conference any time on Tuesday the 20th or Wednesday the 21st – we look forward to your follow up email on scheduling.

Thank you,
Grace Sullivan

Grace Sullivan
Senior Attorney

Adirondack Park Agency
P.O. Box 99
1133 State Route 86
Ray Brook, NY 12977

(518) 891-4050 | grace.sullivan@apa.ny.gov
www.apa.ny.gov

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From: Greenwood, David N (DEC) <david.greenwood@dec.ny.gov>
Sent: Monday, January 12, 2026 3:34 PM
To: Sullivan, Grace (APA) <Grace.Sullivan@apa.ny.gov>; Hubbard, Jennifer M (APA) <Jennifer.Hubbard@apa.ny.gov>; mnorfolk@norfolkbeier.com; skelly@norfolkbeier.com; David Gibson <dgibson@adirondackwild.org>; pgitlen@WOH.com; PVanCott@woh.com; ASeitelman@woh.com; conservationdirector@protectadks.org; Executivedirector@protectadks.org; tommen@law.pace.edu; Roger.Downs@sierraclub.org
Subject: APA Project 2021-0276 Intervention Petitions Ruling

TO:
Project Sponsor – Michael Hopmeier Unconventional Concept LLC Authorized Representatives – Matthew D. Norfolk and Shane Kelly
Agency Hearing Staff – Grace Sullivan and Jennifer Hubbard
Petitioners for Intervention -
David Gibson Managing Partner Adirondack Wild: Friends of the Forest Preserve
Christopher Amato Conservation Director and Counsel Protect the Adirondacks
Philip H. Gitlen, Esq., Paul Van Cott, Esq. and Anna V. Seitelman, Esq. Attorneys for Adirondack Council, Inc. Whiteman Osterman & Hanna LLP
Roger Downs Conservation Director Sierra Club Atlantic Chapter Care of Todd D. Ommen Managing Attorney Pace Environmental Litigation Clinic

Please find attached the ruling on the four petitions for party status and responses dated today January 12, 2026. A hard copy of this ruling has been mailed to you as well. As a reminder all individuals who will appear at the hearing representing an organization are directed to submit a notice of appearance. The form of the notice may be found in the public hearing section of APA's website, the purpose of the notice of appearance is so that Agency hearing staff can update the Service List for the hearing. The next in-person hearing date for this matter is scheduled for February 4 at 10 a.m. at the APA headquarters in Ray Brook. There are many things to discuss prior to the February 4 hearing date. I have several out of office commitments this week, but I would like to convene for a pre-hearing videoconference sometime early the week of Tuesday January 20 (January 19 is a holiday). I will email to work out a schedule for a video conference in the near future.

Sincerely and thank you,

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
w: (518) 402-9004 | david.greenwood@dec.ny.gov
dec.ny.gov

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14.10 Re P2021-0276 - UCI Ballistic Range Application 20260819 1429-1 - August 19th video conference recording provided separately

WEBVTT

1 "David Greenwood" (1598934528)
00:00:01.613 --> 00:00:02.701
Thanks.

2 "19175****44" (3864063744)
00:00:02.701 --> 00:00:05.296
Thank you.

3 "David Greenwood" (1598934528)
00:00:05.296 --> 00:00:28.933
Okay, we are convening for a scheduling conference on APA project number 2020 one-02 76, the application of Michael Hoppmere and unconventional concepts incorporated. I arranged this meeting to discuss the schedule of.

4 "David Greenwood" (1598934528)
00:00:29.895 --> 00:00:34.797
Hearing that we're hearing.

5 "Paul Van Cott" (115261184)
00:00:34.797 --> 00:00:40.555
My workday ended at 04:30 on Monday. I was out of the office yesterday.

6 "David Greenwood" (1598934528)
00:00:40.555 --> 00:00:52.017
I'm getting my private pilots license and I was in in the air all day yesterday. So I did not see the motion submitted on behalf of all the interveners until this morning.

7 "Matthew Norfolk" (285450752)
00:00:52.017 --> 00:00:57.734
Okay. However, that motion of done to explicitly recre.

8 "David Greenwood" (1598934528)
00:00:57.734 --> 00:01:14.280
Request that we not create a 4th revised scheduling order among other things. So I'm not sure we can all agree on a 4th revised scheduling order prior to me making some kind of determination on this motion.

9 "David Greenwood" (1598934528)
00:01:14.280 --> 00:01:32.640
And, the APA regs at five 80.11, say that the all all the parties have an opportunity to respond to a motion. This motion is made in writing. It's long. It's 65 pages long. It's got a twelve page affirmation attached to it.

10 "David Greenwood" (1598934528)
00:01:32.640 --> 00:01:50.224
I do not expect the applicant to be able to respond to this motion. Five 80.11 has NO timeline in it, doesn't say five days or ten days or anything like that. So what do you think is a reasonable amount of time to respond in writing?

11 "Matthew Norfolk" (285450752)
00:01:50.224 --> 00:02:06.316
Can I, well, this is what I was thinking, I was thinking if I could have 21 days, but I was to jump ahead a little bit about the issue about pre filed testimony. My thought was reply to the.

12 "19175****44" (3864063744)

00:02:06.316 --> 00:02:10.795
Motion and then, you know, I'm not seeking permission on this, it's kind of.

13 "Matthew Norfolk" (285450752)
00:02:10.795 --> 00:02:27.300
Like whether you want to call it strategy or idea, is reply to it, but also include as like an exhibit the pre filed testimony and that doesn't That way you see it and maybe I I don't.

14 "Matthew Norfolk" (285450752)
00:02:27.300 --> 00:02:47.300
It is not, I I it is not as valum as I think that the other parties are anticipating. So I was thinking, give me 01:21 days, I will pose I will in part oppose the motion, I suppose because of, I didn't do a formal application, I'll cross move to be allowed to put the pre file.

15 "Matthew Norfolk" (285450752)
00:02:47.300 --> 00:03:05.580
Testimony in, you know, I'll I'll attach it. You see what I'm saying? So it's here it is too. So, you know, if I was the other side and say, you know, what, what is this? Well, are we getting a thousand pages of pre filed testimony? You know, I think it would be helpful if I literally, you know, have it.

16 "Matthew Norfolk" (285450752)
00:03:05.580 --> 00:03:25.580
Include in the motion. This is what we're looking to have submitted. Does that make, I don't know if that makes sense where I make the I opposed the the code of motion and smith and you can call it whatever you want. I I think it has to do with preclu you know precluding me from providing evidence, and then the whole point of the hearing was for applicants.

17 "Matthew Norfolk" (285450752)
00:03:25.580 --> 00:03:42.870
To present their, right, their information and data from support of the application, develop the record. So I think it, well, I don't need to characterize or mischaracterize the promotion, but I think it's more of that. Like, well, look, if you're not going to put any evidence in and you have this burden to proof.

18 "Matthew Norfolk" (285450752)
00:03:42.870 --> 00:04:07.654
You know, why go forward? I get that. So what I was, what after I was proposed is I I oppose a motion, do a cross motion, include the free pre filed testimony, say this is what we want to end. And I'm not sure that interviews with interviewers would exactly say, ok, we allow it, but I think it will put in perspective of what we were filing. I mean It's across.

19 "David Greenwood" (1598934528)
00:04:07.654 --> 00:04:10.533
Then they're gonna have an opportunity to respond to that.

20 "Matthew Norfolk" (285450752)
00:04:10.533 --> 00:04:21.240
Yeah, yeah, right. So there's the motion cross motion, then they have the reply. Even if I just did the opposition, I'm just going based on CPL, you know, what, what I do in court.

21 "Matthew Norfolk" (285450752)
00:04:21.240 --> 00:04:37.439
If I either way they're gonna have a right to reply. So I'll I'll I'll pose/cross move formally right in writing because now it's in the motion to oppose it saying why I want this in and by the way, I'll even attach it like here it is.

22 "Matthew Norfolk" (285450752)
00:04:37.439 --> 00:04:54.659
You see what I'm saying? So, you know, it it's, they can, they can put their eyes on what we presented and it may or may not change their position say ok I we can, you know, the other has been delay, but it's not like a dropped which I'm not going to.

23 "Matthew Norfolk" (285450752)
00:04:54.659 --> 00:05:22.754
Significant you know testimony of illuminous papers of testimony. So that's what I was proposing suppose that's like what Matt will, however you want to do it, you do it, but that's what I was thinking cause we're not gonna get with this motion right we're not gonna talk about potential for a 4th scheduling, you know, order. They're opposing it so I could, I could put the papers in like you give me 21 days or.

24 "David Greenwood" (1598934528)
00:05:22.754 --> 00:05:32.934
Well, so, the 12 August deadline didn't get complied with. What do you think the penalty for failing to comply with should be from, for the.

25 "Matthew Norfolk" (285450752)
00:05:32.934 --> 00:05:39.656
Well, this reasonable sort of upshot of that would be of what would be the.

26 "David Greenwood" (1598934528)
00:05:39.656 --> 00:05:58.639
Yeah, what? Yeah, well I mean there was this 3rd device scheduling order, there was a deadline of 12 August and it failed to meet the deadline. What what should the penalty for that be? Like, you know, what should you be prevented from putting any evidence in? Yeah. Should I mean maybe your response would be there should be NO.

27 "Matthew Norfolk" (285450752)
00:05:58.639 --> 00:06:31.319
No, I think the the look, I think if we be granted an extension and everybody else be a granted extension. You know, we're talking about, well, there's a delay in this, there's a delay and there hasn't a delay, there's there's NO prejudice, if anything, it's to the client. We're not the applicant, we're not gonna be able to do anything, right? Of under what we're seeking as far as firing a haulages or we don't have a contract right now anyways with the federal government, right? If we had a federal government contract, that'd be a different.

28 "Matthew Norfolk" (285450752)
00:06:31.319 --> 00:06:51.319
You know, the different thing at least for the applicant's part. So I don't I don't see the, the prejudice in, you know, kicking back the dates. And, and so I guess the penalty, I guess the delay wouldn't be a penalty to be a cure to to a way to.

29 "Matthew Norfolk" (285450752)
00:06:51.319 --> 00:06:57.674
Remedy, any complaints that the intervenors have of the APAs to, is to give them more time to to.

30 "David Greenwood" (1598934528)
00:06:57.674 --> 00:07:09.935
In in their in their motion to dismiss, they speak quite a bit about their being prejudice. I have not made a ruling on whether or not there is any, but they certainly argued that they are prejudiced by moving these dates.

31 "Matthew Norfolk" (285450752)
00:07:09.935 --> 00:07:16.613
At the expense of of you know modifying the way they were going to defend.

32 "David Greenwood" (1598934528)
00:07:16.613 --> 00:07:36.529
Issues in the hearing, be that as a may, do, do we, do we want to continue complying with the existing dates in the 3rd revised scheduling order? E.g., the 26 August date for APA staff to have their pre filed testimony in. Is that something that.

33 "David Greenwood" (1598934528)
00:07:36.529 --> 00:07:39.721
People still plan on complying with?

34 "Grace Sullivan" (3803409664)
00:07:39.721 --> 00:08:01.258
I don't think it makes sense to continue moving forward with the scheduling order as exit as it exists because the whole idea behind the structure of it was that we'd have the opportunity to see what the applicant was presenting and while we may.

35 "19175****44" (3864063744)
00:08:01.258 --> 00:08:03.716
Like we would be able to provide password.

36 "Grace Sullivan" (3803409664)
00:08:03.716 --> 00:08:22.375
Only for certain witnesses and experts by the state this scheduling delay and also delays in providing requested data have created issues with the timeline for one of our experts, so we at least have one issue.

37 "19175****44" (3864063744)
00:08:22.375 --> 00:08:25.674
With, that needs to be resolved as far as.

38 "Grace Sullivan" (3803409664)
00:08:25.674 --> 00:08:47.238
Like seeing that what they're presenting as their testimony as the applicant, and then providing our expert the opportunity to respond and dealing with their internal scheduling conflicts, so I don't think it makes sense to move forward with the 3rd advised scheduling order dates until we have established whether this hearing is going to move forward.

39 "David Greenwood" (1598934528)
00:08:47.238 --> 00:09:10.536
Okay, I understand. The intervenetors I imagine you would feel similarly about wanting time to respond to a submission from the applicant in terms of their prefiled direct testimony, should that testimony ever be allowed into the record and you would want time to respond to that Such that the.

40 "19175****44" (3864063744)
00:09:10.536 --> 00:09:16.615
It's 9 September eight, you would not be attending. I'm complying with that right now.

41 "Chris Amato" (110185472)
00:09:18.741 --> 00:09:21.680
That's correct, your honor. Okay.

42 "Paul Van Cott" (115261184)
00:09:21.680 --> 00:09:28.357
Yeah, and I just, our witnesses all scheduled their lives, right?

43 "Paul Van Cott" (115261184)
00:09:30.444 --> 00:09:41.309
And one of our witnesses in particular, will be leaving on vacation on 13 September and not returning until 27 September.

44 "Paul Van Cott" (115261184)
00:09:41.309 --> 00:10:01.837
Yep. So, you know, and he's a critical witness and he, he needs to be able to review the applicant's testimony, he needs to be able to review APA staff's testimony in order to be able to provide his own. So yeah.

45 "Matthew Norfolk" (285450752)
00:10:02.414 --> 00:10:23.699
I understand. Go ahead. Sorry. And that's what I was saying, look, of course that was the way that the schedule was set out, right? And and the intent behind it was they have an opportunity to see our testimony 1st, the APAs, and then the interveners. The only thing I see, and I get what what Paul just said about.

46 "Matthew Norfolk" (285450752)
00:10:23.699 --> 00:10:38.909
I I think he's saying is for preparation for for the witness after looking at the docs, but isn't my, is my understanding correct or 7 October, we're gonna show up, I can either do my directive comments, you know, my, I guess.

47 "Matthew Norfolk" (285450752)
00:10:38.909 --> 00:10:56.518
Presentation at 1st, and then the way I understand it, there's gonna be adjournments after adjournments or are we gonna present, do I present evidence that day in 7 October? Is that it because then if you think about we were gonna make a detailed plan as to what.

48 "David Greenwood" (1598934528)
00:10:56.518 --> 00:11:04.814
It's going to happen and talking about, you know, how soon additional hearing dates would would be scheduled as 7 October approach. So that that was our.

49 "Matthew Norfolk" (285450752)
00:11:04.814 --> 00:11:36.336
Okay. And that goes to where I was saying is, I understand it. We don't want this out the world, I don't, I don't know what others do cause in the past think the only other case or proceeding lasted for years. I don't think anyone want that or at least we don't, but if it's just showing up to 7 October, say, ok, we started it and then let's talk about scheduling. What's, what's the And that's where I see where's the prejudice then? If we give them more time, if we give them more time to prepare, I'm not trying to shorthand them. They have they have the right.

50 "David Greenwood" (1598934528)
00:11:36.336 --> 00:11:45.958
So. Well, I guess that's my. They want the whole case dismissed and they want the APA board to start to to to deny the application. So.

51 "Matthew Norfolk" (285450752)
00:11:45.958 --> 00:11:50.758
So like that that could be quite a different thing than, than.

52 "David Greenwood" (1598934528)
00:11:50.758 --> 00:11:53.095
What we would say now with just giving people more time.

53 "David Greenwood" (1598934528)
00:11:53.999 --> 00:11:56.973
They effectively enforcement my store of new data.

54 "Matthew Norfolk" (285450752)
00:11:56.973 --> 00:12:03.277
That's very different. I don't know if I have the authority to dismiss the matter.

55 "David Greenwood" (1598934528)
00:12:03.277 --> 00:12:18.538
One, thing that I may do is simply get your response and refer this motion to the board and see if they want to dismiss the matter for the reasons in the motion. I don't think there's a dismissal.

56 "David Greenwood" (1598934528)
00:12:19.597 --> 00:12:22.284
There there definitely maybe a dismiss.

57 "Matthew Norfolk" (285450752)
00:12:22.284 --> 00:12:38.219
No, NO, I meant I, I guess what I'm not saying what you're gonna ruin I just don't know if it's quote unquote a dismissal, but I I think it's more of they're making the, they're going further well if you're precluded from providing evidence, you can't win your case.

58 "Matthew Norfolk" (285450752)
00:12:38.219 --> 00:12:54.449
Therefore, that then just goes back to the board, right? They don't have anything new. All they have is the reports or the the written application, right? And that's where the board says, well, we've already said we need more information, he hasn't given it denied, right? I'm assuming that's.

59 "Matthew Norfolk" (285450752)
00:12:54.449 --> 00:13:12.657
How it could happen or, and I'm not, you know, I don't want to make a concession that that's what's gonna happen or I agreed, but that's how I see the proceeding going is well if you're not putting any testimony in or other evidence or not allowed to, then it's almost, you know, well, ok, here it is you give it back hey.

60 "19175****44" (3864063744)
00:13:12.657 --> 00:13:17.675
They would then.

61 "Matthew Norfolk" (285450752)
00:13:17.675 --> 00:13:35.639
Approve which they don't see that likely if they've already said to go back to go to a hearing or they deny it. With that said, the borrowing from, they're really getting the CPLR, there's a motion to dismiss.

62 "Matthew Norfolk" (285450752)
00:13:35.639 --> 00:14:05.733
Wouldn't it be incumbent upon stopping everything anyways right now to see if that's gonna be granted before, you know, we've got, well, I don't know how you're gonna grant. It is, shouldn't the scheduling order be paused because of this motion also now? I mean is the AP gonna go ahead and say they were happy to put in testimony while we had this pending where I guess conceivably the whole proceeding could be terminated? Like how are we gonna how's that playing?

63 "David Greenwood" (1598934528)
00:14:05.733 --> 00:14:35.819

Well, it sounds as though NO one is proposing that the scheduling order dates for submission of testimony are gonna be complied with pending this motion. So I, I I think I think effectively that is what will happen. And I understand the reasons for that and I'm i'm comfortable with that. I don't think that 21 days to respond to this motion, I think that's way too many. I think that would also effectively give you the delay that you were seeking when you.

64 "David Greenwood" (1598934528)
00:14:35.819 --> 00:14:53.357
On timely asked you know a request for 21 days which I've already denied. So, I'm thinking something like half that ten days, does that sound something, I mean, this isn't for you to put your testimony in, this is for you to respond to the motion.

65 "Matthew Norfolk" (285450752)
00:14:53.357 --> 00:14:56.976
If in the process of of respond.

66 "David Greenwood" (1598934528)
00:14:56.976 --> 00:14:59.335
Running to the motion you wanna put testimony in, that's that's.

67 "Matthew Norfolk" (285450752)
00:14:59.335 --> 00:15:05.356
Yeah, I was just thinking a legal response to the motion should be much more timely.

68 "David Greenwood" (1598934528)
00:15:05.356 --> 00:15:18.222
On that. So let's let's say ten days I'll I'll memorialize this in an email to the parties before done. So Ten days from today.

69 "Matthew Norfolk" (285450752)
00:15:18.222 --> 00:15:30.477
So if it's ten days from today, that'll be the a Saturday. Do we still want that or do we.

70 "David Greenwood" (1598934528)
00:15:30.477 --> 00:15:34.542
Let's make it that Friday. Okay.

71 "David Greenwood" (1598934528)
00:15:35.495 --> 00:15:39.534
So let's see what day this is.

72 "Claudia Braymer, Protect the Adirondacks" (1727535872)
00:15:40.997 --> 00:15:44.077
August the 28th.

73 "Matthew Norfolk" (285450752)
00:15:44.077 --> 00:15:45.677
08:20 8th.

74 "David Greenwood" (1598934528)
00:15:45.677 --> 00:15:52.137
Yeah, 28 August, ok. So.

75 "Matthew Norfolk" (285450752)
00:15:52.137 --> 00:15:55.979

Apple it has a deadline to respond to.

76 "David Greenwood" (1598934528)
00:15:55.979 --> 00:16:09.936
The notice of joint motion to dismiss that the notice is dated 17 August 2020 6th, you happen to 28 August 2026 to respond in writing to that motion.

77 "Matthew Norfolk" (285450752)
00:16:09.936 --> 00:16:12.778
Yep. I got a 28.

78 "19175****44" (3864063744)
00:16:12.778 --> 00:16:24.296
A couple of clarifications with Toddle and I don't know if the APA is planning on filing a written response of whatever nature, but would that be the same date to the sent APA it's gonna respond.

79 "David Greenwood" (1598934528)
00:16:24.296 --> 00:16:33.676
Yep, that sounds reasonable. Is that is that acceptable? Okay. Applicant and APA both have until August 2820 20 sixter.

80 "Matthew Norfolk" (285450752)
00:16:33.676 --> 00:16:38.317
Should we build, should we.

81 "19175****44" (3864063744)
00:16:38.317 --> 00:16:40.397
Filled in a reply as well.

82 "David Greenwood" (1598934528)
00:16:40.397 --> 00:16:51.398
Well, assuming there's a cross motion made at the same time period, how about an additional five days to respond to the cross motion?

83 "19175****44" (3864063744)
00:16:51.398 --> 00:16:58.918
I guess it depends on what the. Yeah alright that's fine. If Chris, if you're comfortable with it, I'm fine. That's, that's.

84 "David Greenwood" (1598934528)
00:16:58.918 --> 00:17:05.905
How about the following week, which would be 4 September? Any event, in the event that there's a cross motion?

85 "Claudia Braymer, Protect the Adirondacks" (1727535872)
00:17:08.036 --> 00:17:13.298
Right, go ahead.

86 "Claudia Braymer, Protect the Adirondacks" (1727535872)
00:17:14.277 --> 00:17:24.138
No, I was just thinking it's before Labor Day so if we get it done the 4th as, as the judge is saying. Okay.

87 "Paul Van Cott" (115261184)
00:17:26.575 --> 00:17:27.556
Todd.

88 "19175****44" (3864063744)

00:17:27.556 --> 00:17:31.176
No, NO, that's that's fine.

89 "David Greenwood" (1598934528)
00:17:31.176 --> 00:17:35.920
Okay, and Claudia, you had the 4 September is, is ok with you guys?

90 "Claudia Braymer, Protect the Adirondacks" (1727535872)
00:17:35.920 --> 00:17:39.173
I will make it work. Okay, thank you. I appreciate it.

91 "David Greenwood" (1598934528)
00:17:39.173 --> 00:18:02.574
Okay so I think we have our collective marching orders and a reasonable way to proceed over the next couple of weeks dealing with the joint motion to dismiss and what we're going to do for scheduling. I don't think it's necessary to move the hearing date at this point.

92 "David Greenwood" (1598934528)
00:18:05.797 --> 00:18:10.897
Anything else that we should discuss at this moment?

93 "Paul Van Cott" (115261184)
00:18:13.735 --> 00:18:20.136
Okay. Thank you. Thanks for your time.

94 "David Greenwood" (1598934528)
00:18:20.136 --> 00:18:23.781
I'm sorry I didn't understand the last thing that somebody said.

95 "David Greenwood" (1598934528)
00:18:24.774 --> 00:18:30.419
Thank you. Oh, ok. Yes, thank you all as well. I'm going to.

96 "David Greenwood" (1598934528)
00:18:30.419 --> 00:19:00.495
Finished reading the motion which I've I just got through the the affirmation, I haven't ran down you know the the attachments and exhibits to it, but I will do that and I will look forward to receiving the applicant's response to that motion on 28 August and in the event that there's a cross motion I will look forward to receiving responses to the cross motion by 4 September, ok?

97 "Matthew Norfolk" (285450752)
00:19:00.495 --> 00:19:05.640
Alright, sounds good. All these would be, you know, end of business day 05:00, that kind of thing.

98 "Paul Van Cott" (115261184)
00:19:05.640 --> 00:19:06.955
Bring it.

99 "19175****44" (3864063744)
00:19:08.193 --> 00:19:09.357
Thank you.

100 "Chris Amato" (110185472)
00:19:09.357 --> 00:19:10.916

Thank you all. Thank you.

101 "Claudia Braymer, Protect the Adirondacks" (1727535872)
00:19:10.916 --> 00:19:13.056
Thank you. Bye.