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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.

Protect the Adirondacks

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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. The Sound Study Shows Unacceptable Noise Impacts

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 to 127 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,

A handwritten signature in black ink, appearing to read "Chris Amato", with a stylized flourish at the end.

Christopher Amato
Conservation Director and Counsel