

PROTECT THE ADIRONDACKS!

Via Email

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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

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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