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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**

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.

Protect the Adirondacks

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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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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:

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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 propellant. 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,

A handwritten signature in black ink, appearing to read "Chris Amato". The signature is fluid and cursive, with a large initial "C" and a long, sweeping tail.

Christopher A. Amato, Esq.
Conservation Director and Counsel

Cc: Service List

EXHIBIT B

From:

(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 its 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)

(A) Competency Manager
Applied Science & Technology Division
DEVCOM AC WSEC, Benet Laboratories

(b) (6)