



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 of 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

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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

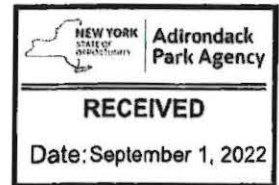
JD

EXHIBIT 2



ADIRONDACK COUNCIL

PRESERVING WATER,
AIR AND WILDLANDS



Board of Directors

Sarah C. Hatfield
Chair

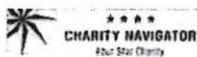
Liza Cowan
Vice-Chair

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



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

The mission of the Adirondack Council is to ensure the ecological integrity and wild character of the Adirondack Park for current and future generations

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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

11/21/25, 2:50 PM

Adirondack Council Calls for Hearing on Hopmeier Project - Adirondack Council

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."

<https://www.adirondackcouncil.org/adirondack-council-calls-for-hearing-on-hopmeier-project/>

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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.

11/21/25, 2:50 PM

Adirondack Council Calls for Hearing on Hopmeier Project - Adirondack Council

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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[Adirondack Council Applauds APA Howitzer Decision](#)

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[Adirondack Council Releases 44th State of the Park Report, Celebrates 50th Anniversary](#)

October 31, 2025

Categories

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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

11/21/25, 2:53 PM

The Adirondack Council Inc | Urge the APA to hold an Adjudicatory Hearing for Ballistics Testing on Private Lands

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!

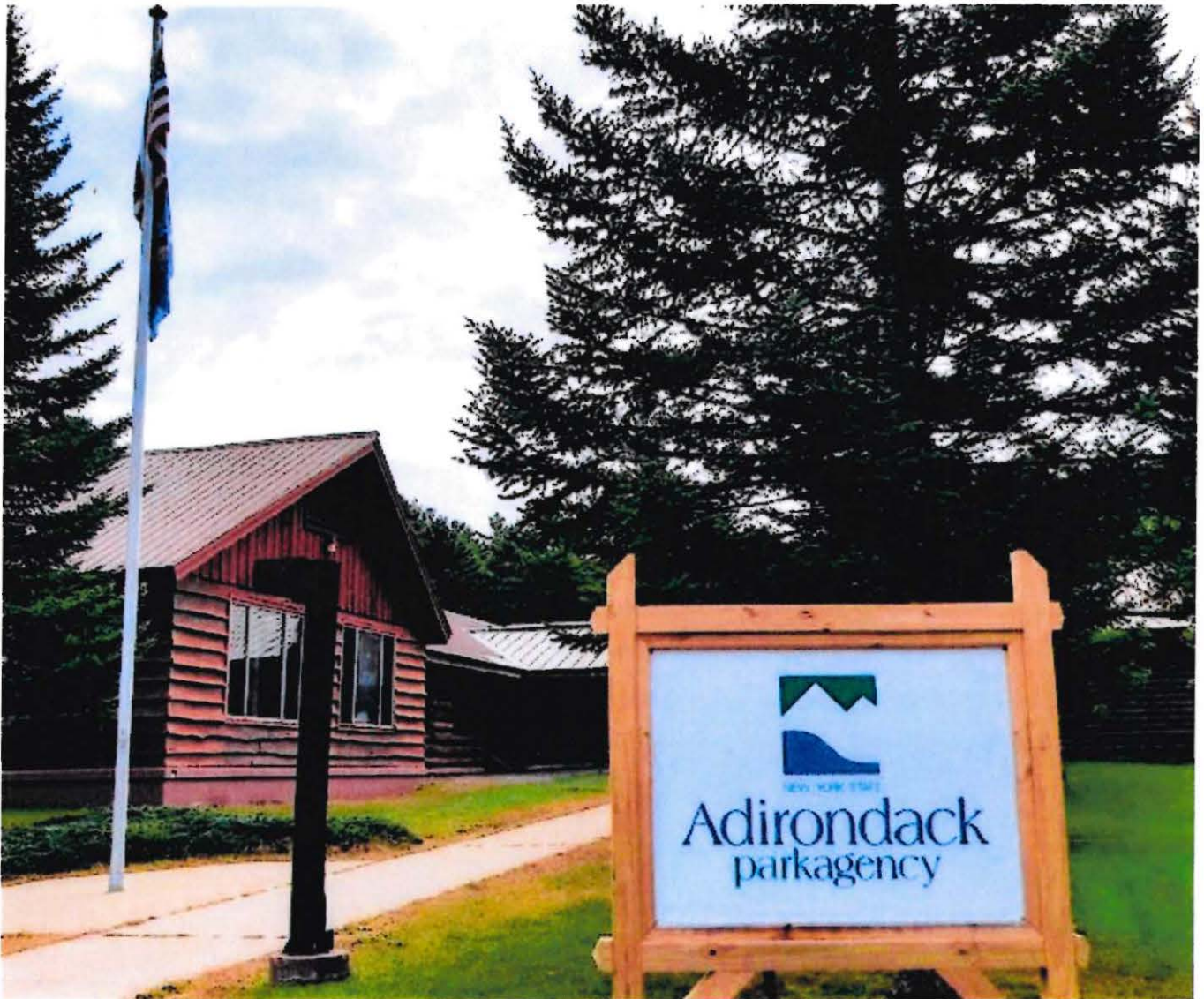
EXHIBIT 5

11/24/25, 12:06 PM

Adirondack Council Applauds APA Howitzer Decision - Adirondack Council

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.

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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!*