

PACE ENVIRONMENTAL LITIGATION CLINIC

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SUPERVISING ATTORNEY
TODD D. OMMEN

ADMINISTRATOR
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 Intervenor 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 Intervenor, 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. Intervenor 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



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]

Hon. David Greenwood
July 7, 2026
Page 2

Sincerely,

Norfolk Beier PLLC

By: 

Matthew D. Norfolk

cc: Counsel of Record

Exhibit B



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.



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

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.

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.



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



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.



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



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.



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 PLC

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



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.



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.



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