

STATE OF NEW YORK
ADIRONDACK PARK AGENCY

In the Matter of the Application of

**UNCONVENTIONAL CONCEPTS, INC.
and MICHAEL HOPMEIER**

for a Permit pursuant to Section 809 of the
Adirondack Park Agency Act and
9 NYCRR Parts 573 and 574

**RESPONSE TO APPLICANTS'
INTERROGATORIES**

APA Project No. 2021-0276

Intervenor Adirondack Council, Inc. (the “Council”), through its attorneys Whiteman, Osterman & Hanna LLP, hereby responds and objects as follows to the Interrogatories (the “Interrogatory” or “Interrogatories”) from Unconventional Concepts, Inc. and Michael Hopmeier (the “Applicants”) pursuant to 9 NYCRR Part 580 and the Administrative Law Judge’s March 13, 2026 Second Revised Scheduling Order (the “Scheduling Order”).

GENERAL OBJECTIONS

The purpose of these general objections is to avoid restating them in their entirety in response to each Interrogatory. The Council reserves the right to assert additional objections or supplemental responses as future investigations and discovery may reveal. Thus, the Council states the following general objections to the Applicants’ Interrogatories:

A. The Council shall respond to the Interrogatories as required by applicable rules, procedures, or orders, and the Council objects to any instruction or definition, which is intended to expand the scope thereof.

B. To the extent that the Applicants’ Interrogatories seek the production of information that is privileged or protected from disclosure, same shall not be produced except as required under applicable rules, procedures, or orders. To the extent that any privileged or protected information

is inadvertently provided, such disclosure shall not be construed as a waiver of such privilege or protection.

C. Interrogatories which are unduly burdensome shall not be produced. For example, The Council objects to any demand for information to which Applicants have the same access as the Council.

D. The Council objects to Interrogatories which are not relevant to the subject matter involved in the pending application or not reasonably calculated to lead to the discovery of admissible evidence.

E. The Council objects to any Interrogatory to the extent that Applicants seek information not in its possession, custody or control.

F. The Council objects to any Interrogatory to the extent such requests call for legal conclusions.

G. The Council, by providing responses to Applicants' Interrogatories, does not waive or intend to waive and intends to preserve and does preserve:

- (i) all objections as to competency, relevancy, materiality and admissibility;
- (ii) all rights to object on any grounds as to the use of any of the responses herein during any subsequent proceedings, including this administrative hearing or any other action;
- (iii) all objections as to vagueness, broadness and ambiguity;
- (iv) all rights to object on any ground to any further discovery requests in this action; and
- (v) all rights to amend and/or supplement these responses.

H. The Council objects to the Applicants' Interrogatories to the extent that they do not limit their scope to a finite period of time.

I. In producing any response to the Applicants' Interrogatories, the Council does not concede that such response is relevant to the subject matter involved in the pending administrative hearing, the claims or defenses of any party herein, or are reasonably calculated to lead to the

discovery of admissible evidence. The Council expressly reserves the right to object to the use of any response to the Applicants' Interrogatories at any point in this proceeding on any grounds.

J. The Council objects to Applicant's Interrogatories to the extent that they purport to require the Council to take positions on the Application before the Applicant has submitted complete, comprehensive Application materials. For example, one of the central issues regarding the Application is the extent and characteristics of noise and related environmental impacts of the Howitzer firings that Applicant proposes; yet it is not yet clear exactly what the Applicant projects these impacts will be, despite the numerous responses of the Applicant to the Notices of Incomplete Application issues by the APA.

K. The Council's responses to Applicants' Interrogatories are not intended to be exhaustive of all the evidence that exists on the subject; rather, the evidence supplied is that which the Council is presently capable of identifying. The Council reserves the right to supplement the responses on a rolling basis as it discovers additional information responsive to the Applicants' Interrogatories. In addition, any fact document or oral statement that the Council may cite in any prehearing submission that has not been previously included as part of the responses to the Applicants' Interrogatories will be deemed to have been incorporated into such responses as a supplement to the original responses.

L. In responding to the Applicants' Interrogatories, the Council does not waive any objections to any other discovery request involving or relating to the subject matter of the Applicants' Interrogatories.

M. Each of the foregoing objections shall be deemed incorporated herein in response to each of the specific paragraphs of the Applicants' Interrogatories.

RESPONSE TO INTERROGATORIES

1. State all factual bases for Your opposition to the Project.

RESPONSE: Respondents object to this Interrogatory on the grounds set forth above in the General Objections. The Council further objects as this Interrogatory is unduly burdensome, overly broad, vague, and ambiguous. Without waiving any of the foregoing objections, the Council has opposed the granting of the Application because the Applicant has thus far failed to meet its burden of demonstrating compliance with the applicable legal requirements for issuance of a permit.

2. Identify all statutes, regulations, or legal standards You contend the Project violates.

RESPONSE: The Council objects to this Interrogatory on the grounds set forth above in the General Objections. The Council further objects to this Interrogatory because it calls for legal conclusions. Without waiver of the foregoing objections, until the Applicant identifies the actual environmental impacts of the Project, it cannot be assessed whether the Project meets that applicable legal requirements for permit issuance.

3. Describe in detail each alleged environmental impact the Project will cause, including its basis and supporting evidence.

RESPONSE: The Council objects to this Interrogatory on the grounds set forth above in the General Objections. The Council further objects as this Interrogatory is unduly burdensome, overly broad, vague, and ambiguous. Without waiving the foregoing objections, see Responses to Interrogatories 1 and 2.

4. Identify all studies, reports, or data upon which You rely.

RESPONSE: The Council objects to this Interrogatory on the grounds set forth above in the General Objections. The Council further objects as this document request is premature at this stage of the hearing. The Council further objects as this Interrogatory is unduly burdensome,

overly broad, vague, and ambiguous. Without waiving the foregoing objections, the Council reserves the right to respond with its pre-filed testimony in this proceeding responding to Applicant's testimony which will presumably make its case for permit issuance.

5. Describe any alternative designs, locations, or mitigation measures You propose.

RESPONSE: The Council objects to this Interrogatory on the grounds set forth above in the General Objections. The Council further objects as this document request is premature at this stage of the hearing.

6. Identify all Communications with government agencies concerning the Project.

RESPONSE: The Council objects to this Interrogatory on the grounds set forth above in the General Objections. The Council further objects as this Interrogatory is unduly burdensome, overly broad, vague, and ambiguous. Without waiving the foregoing objections, the Council will be responding to Applicant's Demands for Production of Documents.

7. State whether You contend the Project poses risks to public health or safety, and describe the basis for such contention.

RESPONSE: The Council objects to this Interrogatory on the grounds set forth above in the General Objections. The Council further objects as this Interrogatory is unduly burdensome, overly broad, vague, and ambiguous. Without waiving the foregoing objections, the Council understands that the United States Department of Defense raised concerns regarding the risks to public safety of the Project and reserves the right to address public safety and public health concerns in its pre-filed testimony.

8. Identify all experts consulted, whether or not they will testify.

RESPONSE: The Council objects to this Interrogatory on the grounds set forth above in the General Objections and, in particular, on the ground that the Interrogatory seeks information that is neither relevant nor calculated to lead to the discovery of relevant evidence.

9. Describe any prior proceedings in which You have opposed similar projects.

RESPONSE: The Council objects to this Interrogatory on the grounds set forth above in the General Objections and on the particular ground noted in response to Interrogatory 8.

10. State whether the hearing officer in this Hearing is a current or former member of Your organization, whether the hearing officer is currently paying or formerly paid dues or made donations to Your organization, and the years of the hearing officer's active membership in Your organization.

RESPONSE: The Council objects to this Interrogatory on the grounds set forth above in the General Objections and on the particular ground noted in response to Interrogatory 8.

11. The following is to be answered by Adirondack Council only:

- a. State whether Rush Holt, Jr. is a current member of Your organization;
- b. State the years Rush Holt, Jr. paid dues or made a donation to Your organization;
- c. Describe Rush Holt, Jr.'s current participation in Your organization;
- d. State whether there has been any Communication between Rush Holt, Jr. and any member, officer, employee, and staff person of Your organization relating to the Project and Hearing.

RESPONSE: The Council objects to this Interrogatory on the grounds set forth above in the General Objections and on the particular ground noted in response to Interrogatory 8.

Whiteman Osterman & Hanna LLP
Attorneys for Adirondack Council, LLC



Paul Van Cott

Dated: April 29, 2026

TO: Applicants
Service List