



**Meeting Agenda – STAMP Committee**  
 Genesee County Economic Development Center  
 Wednesday, July 6, 2022 - 8:00 a.m.  
 Location: 99 MedTech Drive, Innovation Zone

Page #’s	Topic	Discussion Leader	Desired Outcome
	<b>1. Call to Order – Enter Public Session</b>	P. Zeliff	
	1a. Executive Session Motion to enter executive session under the Public Officers Law, Article 7, Open Meetings Law Section 105 for the following reasons: <ol style="list-style-type: none"> <li>1. Discussions regarding proposed, pending or current litigation.</li> <li>2. The medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.</li> </ol> 1b. Enter Public Session	P. Zeliff	
2-3	<b>2. Chairman’s Report &amp; Activities</b>  2a. Agenda Additions / Deletions / Other Business  2b. Minutes: May 31, 2022	P. Zeliff	Vote
4-10	<b>3. Discussions / Official Recommendations to the Board:</b> 3a. Easement Approval	M. Masse	Disc / Vote
11	3b. STAMP Payment for Storage Yard	M. Masse	Disc / Vote
12-14	3c. Morsch Pipeline, Inc Change Order	M. Masse	Disc / Vote
15-46	3d. SEQR Update Approval	M. Masse	Disc / Vote
47-60	3e. Proposed STAMP Property Transfer	M. Masse	Disc / Vote
	4. Adjournment	P. Zeliff	Vote



**GCEDC STAMP Committee Meeting**

**Tuesday, May 31, 2022**

**Location: Electronically**

**12:30 p.m.**

**MINUTES**

**ATTENDANCE**

Committee Members: P. Zeliff, M. Clattenburg, C. Kemp, C. Yunker  
Staff: M. Masse, J. Krencik, S. Hyde, C. Suozzi, L. Casey, L. Farrell  
Guests: R. Crossen (Town of Alabama Supervisor), A. Walters (Phillips Lytle)  
Absent:

**1. Call to Order / Enter Public Session**

P. Zeliff called the meeting to order at 12:32 p.m. via conference call / video conference.

Governor Kathy Hochul signed legislation (S.50001 / A.40001) on September 2, 2021 extending virtual access to public meetings under NYS's Open Meetings Law, which allows virtual participation in local government meetings during the COVID-19 pandemic. This meeting is being held electronically via conference call / video conference instead of a public meeting open for the public to attend in person.

**1a. Executive Session**

M. Clattenburg made a motion to enter executive session under the Public Officers Law, Article 7, Open Meetings Law Section 105, at 12:33 p.m., for the following reasons:

1. Discussions regarding proposed, pending, or current litigation.
2. The proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by such public body, but only when publicity would substantially affect the value thereof.
3. The medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.

The motion was seconded by C. Yunker and approved by all members present.

**1b. Re-Enter Public Session**

C. Yunker made a motion to enter back into public session at 1:48 p.m., seconded by M. Clattenburg and approved by all.

**2. Chairman's Report & Activities**

**2a. Agenda Additions / Other Business** – Nothing at this time.

**2b. Minutes: May 4, 2022**

**M. Clattenburg made a motion to approve the May 4, 2022 minutes; the motion was seconded by C. Yunker. Roll call resulted as follows:**

P. Zeff - Yes  
C. Yunker - Yes  
M. Clattenburg – Yes  
C. Kemp - Yes

**The item was approved as presented.**

**3. Discussions / Official Recommendations to the Board:**

**3a. Easement Approval** - In conjunction with the installation of the force main from the STAMP site to the direct discharge point at Oak Orchard Creek, there are several easements needed. Based on a compensation model the following payment is needed for one easement:

1. Temporary Easement 25 - \$500

**Fund Commitment:** \$500 from the \$33 million.

**Board Action Request:** Approval of payment of \$500 to the holder of the easement number identified above.

**C. Yunker made a motion to recommend to the full Board the approval of the ROW easement payment not to exceed \$500 as presented; the motion was seconded by M. Clattenburg. Roll call resulted as follows:**

P. Zeff - Yes  
C. Yunker - Yes  
M. Clattenburg – Yes  
C. Kemp - Yes

**The item was approved as presented.**

**3b. Draft Land Management Plan** – Per the Committee’s request, a red-lined version of the Draft Land Management Plan, denoting the changes from 2017 was provided. Any comments or changes should be directed to M. Masse. No comment or vote was requested at this time. A final draft will be provided at the next meeting.

**3c. Site Selectors Guild – The Future of Megaprojects** – Included with the meeting materials was an infographic that illustrates the staying power of large projects. There are three non-negotiables for site selectors when it comes to large projects, including 1) availability of skilled workforce 2) sufficient acreage or facility and 3) utility infrastructure. S. Hyde stated that the Agency has done well with the first two requirements and will continue to work the issues that surround utility infrastructure.

**4. Adjournment**

As there was no further business, C. Yunker made a motion to adjourn at 1:52 p.m., seconded by M. Clattenburg and passed unanimously.

Mark Masse

**STAMP Committee**  
**July 6, 2022**

**STAMP Payment for easement**

**Discussion:** In conjunction with the installation of the force main from the STAMP site to the direct discharge point at Oak Orchard Creek, there are a number of easements needed. Based on a compensation model the following payment is needed for one easement:

1. Temporary Easement 28 - \$500

**Fund Commitment:** \$500 from the \$33 million.

**Board Action Request:** Approval of payment of \$500 to the holder of the easement number identified above.

RECORD & RETURN TO:  
Anthony J. Iacchetta, Esq.  
Phillips Lytle LLP  
1400 First Federal Plaza  
Rochester, New York 14614

STAMP POST TREATED EFFLUENT FORCE MAIN  
TEMPORARY EASEMENT AGREEMENT

(TEMPORARY EASEMENT NO. TE-28)

THIS STAMP POST TREATED EFFLUENT FORCE MAIN TEMPORARY EASEMENT AGREEMENT (this "Agreement") is effective as of \_\_\_\_\_, 2022 (the "Effective Date") and is made by and between GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER, a New York public benefit corporation having an office at 99 MedTech Drive, Batavia, New York 14020 ("Grantee") and JEFFREY D. KESSLER, individuals having an address of 1324 Lewiston Road, Basom, New York 14013 ("Grantor"). Grantor and Grantee are sometimes individually referred to herein as a "Party" or collectively as, the "Parties".

RECITALS

A. Grantor is the owner of certain real property known as 1324 Lewiston Road, Alabama, New York (SBL No. 10.-1-17.1) ("Grantor's Premises").

B. Grantee intends to construct, install and maintain a post treated effluent force main facility and related appurtenances (the "Facility") for the benefit of Grantee's project known as the Western New York Science and Technology Advanced Manufacturing Park (the "STAMP Project") on lands adjacent to Grantor's Premises.

C. Grantor intends to grant unto Grantee and its successors and/or assigns, a temporary non-exclusive easement for activities related to the construction and installation of the Facility on and through a portion of Grantor's Premises.

AGREEMENT

Therefore, Grantor and Grantee, for themselves, their successors and assigns, declare that Grantor's Premises is and shall be held, transferred, sold, conveyed and occupied subject to the covenants, conditions, restrictions, and easements, hereinafter set forth:

1. Grantor hereby reserves unto Grantee, its agents, successors or assigns, a temporary right of way, easement and privilege (the "Temporary Easement") on, through, over and under those portions of Grantor's Premises as described on the legal description and map attached hereto as Exhibit "A" (the "Temporary Easement Area"), to be used for activities related to the construction and installation of the Facility. This Temporary Easement shall automatically expire and be of no further force and effect upon the earlier of the final completion of the construction and installation of the Facility or August 31, 2022 (each being a, "Termination Event"). Upon the occurrence of a Termination Event, this Agreement shall automatically terminate and Grantee may, without the joinder or consent of Grantor or any other owner, record a termination of this Agreement in the ~~Orleans~~ Genesee County Clerk's Office.

2. It shall not be the duty of Grantee or Grantee's successors and assigns to perform routine property maintenance of the Temporary Easement Area or maintain said areas in a fashion that would typically be performed by Grantor in the normal course of the upkeep of Grantor's Premises.

3. Grantee and Grantee's servants, agents, employees, contractors and subcontractors, shall have the right, as applicable, to enter upon the Temporary Easement Area by vehicle and on foot, and to utilize the same, whenever necessary, for the exercise of the rights and privileges herein granted; provided such access does not materially interfere with the use and enjoyment of Grantor's Premises, except temporarily while work is in progress.

4. Grantee shall use commercially reasonable efforts in the exercise of the rights granted under this Agreement to avoid interference with Grantor's use of Grantor's Premises. Grantee shall, at Grantee's sole cost and expense and in each instance following the exercise of the rights herein granted, repair any damage to the Temporary Easement Area caused by or arising out of the exercise of the rights granted under this Agreement.

5. Both Grantor and Grantee hereby represent and covenant to each other that each Party has the right to grant the easement rights herein granted.

6. This Agreement and the Temporary Easement shall run with the land and shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns, forever.

7. Nothing contained in this Agreement shall be deemed to be a gift or dedication of any portion of the properties subject to this Agreement.

8. Except as set forth herein, this Agreement may be amended, modified or terminated only in a writing mutually agreed to, executed and acknowledged by the Parties or their successors and/or assigns and thereafter duly recorded in the Orleans County Clerk's Office.

9. The determination by any court that any provision hereof is unenforceable, invalid or void shall not affect the enforceability or validity of any other provisions hereof.

10. This Agreement shall be construed in accordance with the laws of the State of New York. Each of the parties hereto hereby irrevocably waives any and all right to a trial by jury in any legal proceeding arising out of or related to this Agreement or the transactions contemplated hereby.

11. This Agreement may be executed in counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the Grantor and Grantee have executed this Agreement with the intent that it be effective as of the Effective Date.

GRANTOR:

  
JEFFREY D. KESSLER


GRANTEE:

GENESEE COUNTY INDUSTRIAL  
DEVELOPMENT AGENCY D/B/A GENESEE  
COUNTY ECONOMIC DEVELOPMENT  
CENTER

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Its: \_\_\_\_\_

STATE OF NEW YORK    )  
                                  ) ss.:  
COUNTY OF GENESEE    )

On the 13 day of June in the year 2022 before me, the undersigned, a Notary Public in and for said State, personally appeared JEFFREY D. KESSLER personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

  
NOTARY PUBLIC

REBECCA L. BORKHOLDER  
Notary Public, State of New York  
Reg. #01BO6047373  
QUAL. IN GENESEE COUNTY  
COMM EXPIRES AUG 28, 2022

STATE OF NEW YORK    )  
                                  ) ss.:  
COUNTY OF GENESEE    )

On the \_\_\_\_\_ day of \_\_\_\_\_ in the year 2022 before me, the undersigned, a Notary Public in and for said State, personally appeared \_\_\_\_\_ personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
NOTARY PUBLIC



EXHIBIT "A"

**STAMP FORCE MAIN  
TEMPORARY EASEMENT NO. TE-28**

All that tract or parcel of land situate in the Town of Alabama, County of Genesee, State of New York and more particularly described as follows:

Beginning at the intersection of the southerly right-of-way line of Lewiston Road (New York State Route 77) (66 feet wide right-of-way) and the westerly line of tax account number 10-1-17.1; thence,

- 1) Easterly, along the southerly right-of-way line of Lewiston Road, a distance of 225 feet, more or less, to the easterly line of tax account number 10-1-17.1; thence,
- 2) Southerly, along the easterly line of tax account number 10-1-17.1, a distance of 10 feet, more or less, to a point 10 feet southerly of and parallel to the southerly right-of-way line of Lewiston Road; thence,
- 3) Westerly, through the lands of tax account number 10-1-17.1, along a line 10 feet southerly of and parallel to the southerly right-of-way line of Lewiston Road, a distance of 225 feet, more or less, to the westerly line of tax account number 10-1-17.1; thence,
- 4) Northerly, along the westerly line of tax account number 10-1-17.1, a distance of 10 feet, more or less, to the southerly right-of-way line of Lewiston Road and the point of beginning.

Temporary Easement, as described above, contains approximately 0.052 acre of land.

All as shown on a map prepared by CPL, entitled "Temporary Easement TE-28", dated January 4, 2022.



**STAMP Payment for storage yard**

**Discussion:** In conjunction with the installation of the force main from the STAMP site to the direct discharge point at Oak Orchard Creek, the GCEDC had to extend the rental agreement for the storage of pipes until we can begin construction with the issuance of NYSDEC permits.

**Fund Commitment:** \$2,000 from the \$33 million.

**Board Action Request:** Approval of payment of \$2,000 to the landowner.

**STAMP Change order for tiling related to water line installation**

**Discussion:** In conjunction with the installation of the force main from the Town of Pembroke to the Town of Alabama there is a residence located at the corner of Route 77 and Ledge Road that has seen an accumulation of water in their yard after the construction was completed. It appears that the water is now running along the water line and discharging into the resident's yard. There is a lot of rock in the area that is preventing the water from flowing into the catch basin at the intersection. This work will install an underground tile line that will allow the water a place to flow and discharge into the catch basin where it can move underneath the intersection through the culvert.

**Fund Commitment:** \$4,975.50 from the agency operating funds.

**Board Action Request:** Approval of change order of \$4,975.50 to Morsch Pipeline, Inc.

Date of Issuance: June 30, 2022	Effective Date: June 30, 2022
Owner: GCEDC	Owner's Contract No.:
Contractor: Morsch Pipeline, Inc.	Contractor's Project No.:
Engineer: CPL	Engineer's Project No.: 14351.00
Project: STAMP Offsite Water – Phase 4	Contract Name: STAMP Offsite Water -Phase 4

The Contract is modified as follows upon execution of this Change Order:

Description: Extension of Contract Times for Final Payment due to delays:

1. MCWA request to replace check valve in meter vault: Original delivery quoted for July 2021; Actual delivery was April 19, 2022, and installed April 29, 2022.
2. Additional drain tile repairs and installation at 7601 Alleghany Road to resolve post-construction drainage issues reputedly caused by water main installation, unseen during construction.

Attachments: See attached Proposal from Morsch Pipeline for detailed descriptions of work.

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES
Original Contract Price:  \$ <u>2,220,743.00</u>	Original Contract Times: 1. Initial 4,000 LF to Indian Falls Road: Substantial Completion: <u>July 1, 2020</u> Ready for Final Payment: <u>August 1, 2020</u> 2. All Work: Substantial Completion: <u>November 30, 2020</u> Ready for Final Payment: <u>December 31, 2020</u>
Modifications of previously approved Change Orders:  \$ <u>101,232.50</u>	Modifications of previously approved Change Orders: 1. Initial 4,000 LF to Indian Falls Road: Substantial Completion: <u>(Achieved) August 1, 2020</u> Ready for Final Payment: <u>(Achieved) September 1, 2020</u> 2. All Work: Substantial Completion: <u>July 27, 2021</u> Ready for Final Payment: <u>August 31, 2021</u>
Contract Price prior to this Change Order:  \$ <u>2,321,975.50</u>	Contract Times prior to this Change Order: 1. Initial 4,000 LF to Indian Falls Road: Substantial Completion: <u>(Achieved) August 1, 2020</u> Ready for Final Payment: <u>(Achieved) September 1, 2020</u> 2. All Work: Substantial Completion: <u>(Actual) July 27, 2021</u> Ready for Final Payment: <u>August 31, 2021</u>
Increase of this Change Order:  \$ <u>4,975.50</u>	Increase of this Change Order: 1. All Work: Substantial Completion: <u>(Actual/Achieved) July 27, 2021</u> Ready for Final Payment: <u>July 31, 2022</u>
Contract Price incorporating this Change Order:  \$ <u>2,326,951.00</u>	Contract Times with all approved Change Orders: 1. All Work: Substantial Completion: <u>(Actual/Achieved) July 27, 2021</u> Ready for Final Payment: <u>July 31, 2022</u>

RECOMMENDED:	ACCEPTED:	ACCEPTED:
By: <u><i>Jerry DeLuzes</i></u>	By: _____	By: <u><i>Steph...</i></u>
Engineer (Authorized Signature)	Owner (Authorized Signature)	Contractor (Authorized Signature)
Title: <u>Project Manager</u>	Title: <u>Senior Vice President</u>	Title: <u>President</u>
Date: <u>6/30/2022</u>	Date: _____	Date: _____

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# Morsch Pipeline, Inc.

3929 South Avon Road  
Avon, NY 14414  
Phone: (585) 226-2891 Fax: (585) 226-3198  
E-Mail: Morschpipeline@aol.com

## Quote

GCEDC

Date

6/30/2022

### Route 77 Water Main

Quantity	Item	Description	Unit Price	Total
1	LS	Extend private drainage tile southeast toward Volleyball Court Labor, Mini-Excavator, 100 LF of 4" Drainage Pipe, Fittings, Field Drain Box, Washed #2 Stone, Drainage Cloth, Restoration	\$4,975.50	\$4,975.50
			Total	\$4,975.50

## SEQR for STAMP for Certain Proposed Infrastructure Projects

**Discussion:** On March 1, 2012, as Lead Agency under SEQR, the GCEDC Board approved the Findings Statement that concluded the GEIS process for the STAMP project. Since that time, there have been a number of changes to STAMP that weren't anticipated at the time SEQR was completed in 2016, a number of changes were made to the Project including changes to the STAMP master plan including an expansion of the footprint of STAMP, demolition of additional houses along Crosby Road, construction of a new municipal water system to serve the residents of the Town of Alabama, and construction of a new sewer force main to discharge wastewater from STAMP to the Village of Medina wastewater treatment plant, twelve miles north of the STAMP Site, as well as the reroute of on-site powerlines to the western edge of the STAMP Site and in July of 2016 the Agency adopted an Amended Findings Statement to the FGEIS approving the 2016 Project Modifications in accordance with the requirements of the GEIS and SEQR; and in August of 2019, the Agency again considered certain infrastructure modifications to the Project and the Agency circulated a notice of intent to re-establish itself as lead agency pursuant to SEQR; and there were additional Project modifications reviewed in 2019 and 2020 including all actions necessary to undertake the following:

- a) Construction of a wastewater treatment facility ("**WWTF**") on the STAMP Site within the utility infrastructure area to treat the sanitary wastewater generated by STAMP's manufacturing and other tenants. The WWTF will not treat the manufacturing tenants' process wastewater, rather, the tenants will treat their own process wastewaters directly before discharging to the main pump station wet well. The main pump station will then pump the combined flows through a proposed force main ("**Force Main**") to a new discharge point to be located on Oak Orchard Creek in the Town of Shelby, Orleans County, New York. While the design of the WWTF was updated, the GEIS included an analysis of the impacts for a previous design of a WWTF on the STAMP Site.
- b) Construction of the Force Main which involves the installation of approximately 44,750 linear feet of sanitary force main, metering vaults, and maintenance manholes along the same route as the previously analyzed Medina Force Main. The vast majority of installation of sewer related infrastructure will be along public roads via a combination of open cut method and directional drill methods. The Force Main will convey up to six (6) million gallons per day ("**MGD**") of treated wastewater from the STAMP Site to a new discharge in Oak Orchard Creek. In connection with the Agency's review of the prior WWTF design, the construction of a force main was also considered and analyzed in the STAMP Environmental Record.
- c) A new water main ("**Water Main**") of approximately 23,000 linear feet to be installed along the Lewiston Road right of way between the Genesee County line with Niagara County and the STAMP Site. The new water main will bring up to six (6) MGD of water from the Niagara County Water District ("**NCWD**") to the STAMP Site. The layout of the water main system has been extended, however, the STAMP Environmental Record includes an analysis of the impacts for the construction of a new municipal water system to serve the residents of the Town of Alabama and provide water service to the STAMP Site.
- d) The development of an approximate 20 acre parcel located immediately north of STAMP for the siting of a new substation to service the STAMP Site ("**Substation**"). The landlocked parcel lies between the STAMP Site and a utility corridor which houses the Empire Pipeline and a 345 KV Power Line which will ultimately supply power to STAMP tenants. This parcel is located to the west of the intersection of Lewiston Road (NYS Route 77) and Crosby Road in the Town of Alabama and is bounded by the Empire Pipeline/345 KV Power Line utility corridor to the north, hedgerows to the east and south, and woods and brush to the west. The STAMP Environmental Record includes an analysis of the impacts of minor expansions of the STAMP Site as well as the impacts for the demand for energy for the Project, and potential infrastructure improvements relating to the same.

And in August of 2020, the Agency adopted an Amended Findings Statement to the FGEIS approving the 2020 Project Modifications listed above in accordance with the requirements of the GEIS and SEQR; and the Agency has elected to undertake an updated review of the WWTF, Force Main, Substation, and Powerline Reroute ("**Project Infrastructure**") with respect to this additional environmental analysis (the "**2022 SEQR Update**"); and in June of 2022, the Agency circulated a notice of intent to re-establish itself as lead agency pursuant to SEQR for purposes of undertaking the 2022 SEQR Update; and all involved agencies consented, or did not respond and were deemed to have consented, to the Agency acting as lead agency and thus, the Agency has properly been established as the lead agency for purposes of these infrastructure improvements.

To aid the Agency in evaluating what actions are required relative to the Project Infrastructure and all of the additional environmental analysis regarding same work to comply with SEQRA pursuant to the STAMP GEIS, the Agency has completed, received and/or reviewed a number of documents that are available at an online repository that we will send the link out to the Board separately.

After a thorough analysis of the Environmental Information and potential environmental impacts associated with the Project Infrastructure reveals that, while the Project Infrastructure is not addressed or not adequately addressed in the STAMP GEIS, and the Project Infrastructure exceeds thresholds set forth in the STAMP GEIS, the Environmental Information demonstrates that the Project Infrastructure will not result in any potential significant adverse environmental impacts, and this, pursuant to the STAMP GEIS, a Negative Declaration should be prepared pursuant to 6 N.Y.C.R.R. § 617.10(d)(3);

Therefore it is appropriate that the Agency issue a negative declaration pursuant to 6 N.Y.C.R.R. § 617.10(d)(3) for the Project Infrastructure.

**Fund commitment:** None.

**Committee action request:** Recommend to the full Board that the Agency issue a negative declaration pursuant to 6 N.Y.C.R.R. § 617.10(d)(3) for the Project Infrastructure.



RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT  
AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER  
PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT  
CONCERNING CERTAIN PROPOSED INFRASTRUCTURE IMPROVEMENTS TO  
THE WESTERN NEW YORK SCIENCE & TECHNOLOGY ADVANCED  
MANUFACTURING PARK

**Project Name:** Infrastructure Improvements to the Western New York Science & Technology Advanced Manufacturing Park  
**Location:** Town of Alabama, Genesee County, NY; Town of Shelby, Orleans County, NY (see location map attached to EAF, (“**Site**”))

WHEREAS, the Genesee County Industrial Development Agency d/b/a the Genesee County Economic Development Center (“**GCEDC** or “**Agency**””), in conjunction with the Genesee Gateway Local Development Corporation (“**GGLDC**”), the non-profit real estate affiliate of the GCEDC have been working for more than a decade on the development of the Western New York Science & Technology Advanced Manufacturing Park (“**STAMP**” or the “**Project**”), an advanced manufacturing technology campus on approximately 1,262 acres located on the west side of New York State Route 63/77, approximately five miles north of the I-90/New York State Thruway (“**STAMP Site**”) in the Town of Alabama, New York (“**Town**”), and

WHEREAS, the Agency is authorized and empowered by the provisions of Chapter 1030 of the Laws of 1969 of New York, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the “**Enabling Act**”) and Chapter 71 of the 1972 Laws of New York, as amended, constituting Section 895-e of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the “**Act**”) to promote, develop, encourage and assist in the acquiring, constructing, renovating, improving, maintaining, equipping and furnishing of commercial facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to acquire, construct, reconstruct and install one or more “**projects**” (as defined in the Act) or to cause said projects to be acquired, constructed, reconstructed and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, in 2010, the Agency, acting as Lead Agency conducting a coordinated environmental review, commenced preparation of a generic environmental impact statement for STAMP consisting of the Draft Generic Environmental Impact Statement (“**DGEIS**”) accepted by the Agency on April 14, 2011 and the Final Generic Environmental Impact Statement (“**FGEIS**”) accepted by the Agency on January 19, 2012

WHEREAS, the GCEDC, as lead agency, issued a written Findings Statement (“**2012 GCEDC Findings**”) on March 12, 2012 approving the Project and committing to undertake it (collectively, the DGEIS, the FGEIS and the 2012 GCEDC Findings are referred to as the “**STAMP GEIS**”); and

WHEREAS, the purposes of the STAMP GEIS were to identify and evaluate the potential significant adverse environmental impacts of STAMP, compare the reasonable alternatives, and, where applicable, to identify reasonable mitigation measures to reduce the effect of those impacts to the maximum extent practicable, while weighing the substantial potential social and economic benefits of STAMP; and

WHEREAS, the STAMP GEIS analyzed the impacts from full build out of STAMP consisting of the rezoning the entire STAMP Site from agricultural/residential use to industrial/advanced manufacturing use, and with constructing and operating 6,130,000 square feet of advanced technology manufacturing uses at full build-out, providing direct employment for over 9,000 people and certified that, consistent with social, economic and other essential considerations from among reasonable alternatives evaluated, STAMP avoided or minimized adverse environmental impacts to the maximum extent practicable; and

WHEREAS, the Agency prepared a smart growth impact statement (“**SGIS**”) pursuant to the State Smart Growth Public Infrastructure Policy Act separately from the GEIS in February, 2012; and

WHEREAS, in 2016, a number of changes were made to the Project including changes to the STAMP master plan including an expansion of the footprint of STAMP, demolition of additional houses along Crosby Road, construction of a new municipal water system to serve the residents of the Town of Alabama, and construction of a new sewer force main to discharge wastewater from STAMP to the Village of Medina wastewater treatment plant (“**Medina Force Main**”), twelve miles north of the STAMP Site, as well as the reroute of on-Site powerlines to the western edge of the STAMP Site (“**Powerline Reroute**” and together with the Medina Force Main, the “**2016 Project Modifications**”); and

WHEREAS, the 2016 Project Modifications necessitated further environmental review and such review was undertaken by the Agency to determine whether the 2016

Project Modifications would result in any significant adverse environmental impacts not previously addressed in the FGEIS; and

WHEREAS, in July of 2016 the Agency adopted an Amended Findings Statement to the FGEIS ("**2016 Amended Findings**") approving the 2016 Project Modifications in accordance with the requirements of the GEIS and SEQR; and

WHEREAS in August of 2019, the Agency again considered certain infrastructure modifications to the Project and the Agency circulated a notice of intent to re-establish itself as lead agency pursuant to SEQR; and

WHEREAS, the Project modifications reviewed in 2019 and 2020 included all actions necessary to undertake the following:

- a) Construction of a wastewater treatment facility ("**WWTF**") on the STAMP Site within the utility infrastructure area to treat the sanitary wastewater generated by STAMP's manufacturing and other tenants. The WWTF will not treat the manufacturing tenants' process wastewater, rather, the tenants will treat their own process wastewaters directly before discharging to the main pump station wet well. The main pump station will then pump the combined flows through a proposed force main ("**Force Main**") to a new discharge point to be located on Oak Orchard Creek in the Town of Shelby, Orleans County, New York. While the design of the WWTF was updated, the GEIS included an analysis of the impacts for a previous design of a WWTF on the STAMP Site.
- b) Construction of the Force Main which involves the installation of approximately 44,750 linear feet of sanitary force main, metering vaults, and maintenance manholes along the same route as the previously analyzed Medina Force Main. The vast majority of installation of sewer related infrastructure will be along public roads via a combination of open cut method and directional drill methods. The Force Main will convey up to six (6) million gallons per day ("**MGD**") of treated wastewater from the STAMP Site to a new discharge in Oak Orchard Creek. In connection with the Agency's review of the prior WWTF design, the construction of a force main was also considered and analyzed in the STAMP Environmental Record.
- c) A new water main ("**Water Main**") of approximately 23,000 linear feet to be installed along the Lewiston Road right of way between the Genesee County line with Niagara County and the STAMP Site. The new water main will bring up to six (6) MGD of water from the

Niagara County Water District (“**NCWD**”) to the STAMP Site. The layout of the water main system has been extended, however, the STAMP Environmental Record includes an analysis of the impacts for the construction of the previously constructed municipal water system to serve the residents of the Town of Alabama as well the general plan to provide greater water service to the STAMP Site.

- d) The development of an approximate 20 acre parcel located immediately north of STAMP for the siting of a new substation to service the STAMP Site (“**Substation**”). The landlocked parcel lies between the STAMP Site and a utility corridor which houses the Empire Pipeline and a 345 KV Power Line which will ultimately supply power to STAMP tenants. This parcel is located to the west of the intersection of Lewiston Road (NYS Route 77) and Crosby Road in the Town of Alabama and is bounded by the Empire Pipeline/345 KV Power Line utility corridor to the north, hedgerows to the east and south, and woods and brush to the west. The STAMP Environmental Record includes an analysis of the impacts of minor expansions of the STAMP Site as well as the impacts for the demand for energy for the Project, and potential infrastructure improvements relating to the same.

WHEREAS, in August of 2020, the Agency adopted an Amended Findings Statement to the FGEIS (“**2020 Amended Findings**”) approving the 2020 Project Modifications in accordance with the requirements of the GEIS and SEQR; and

WHEREAS, the 2020 Amended Findings included, among other things, amendments to the water, sewer, and electrical thresholds set forth in the GEIS; and

WHEREAS, in February of 2021, the Agency adopted a SEQR determination (“**2021 SEQR Determination**”) that the proposed use of a portion of the STAMP Site for a hydro-powered electrolysis hydrogen production facility (“**Project Gateway**”) would be carried out in conformance with the conditions and thresholds set forth in the STAMP GEIS, as amended; and

WHEREAS, in June of 2021 the Nation commenced a lawsuit against the Agency with respect to the Agency’s 2021 SEQR Determination that was ultimately dismissed by the Genesee County Supreme Court (“**Gateway Litigation**”); and

WHEREAS, the Nation and Agency entered into a Stipulation of Settlement (“**Plug Power Settlement Agreement**”) which provided, among other things, that the Powerline Reroute would be located within a future easement to National Grid located within the Restricted Protected Property Area set forth therein; and

WHEREAS, GCEDC has signed on to a 2018 Programmatic Agreement ("**Programmatic Agreement**") between the United States Army Corps of Engineers ("**USACE**") and the New York State Office of Parks, Recreation and Historic Preservation State Historic Preservation Office ("**SHPO**"), SHPO, the New York State Department of Environmental Conservation ("**NYSDEC**") as an Invited Signatory; and

WHEREAS, the Nation was invited to sign the Programmatic Agreement as an Invited Signatory but has declined to do so; and

WHEREAS, the Programmatic Agreement governs USACE's compliance with Section 106 of the National Historic Preservation Act and, at the request of the Nation, sets forth that the Nation shall undertake an investigation of the Nation's Territory as a Traditional Cultural Property ("**TCP**") to evaluate the eligibility of the Nation's Territory for listing on the National Register as a property of religious and cultural significance and to guide evaluation of potential adverse effects to the Nation's Territory as a TCP; and

WHEREAS, to date, the Nation has declined to share any results from the TCP investigation with the USACE, SHPO, NYSDEC, GCEDC, or any other party to the Programmatic Agreement other than such information as was disclosed by the Nation's members in certain affidavits submitted in connection with the Gateway Litigation; and

WHEREAS, the Programmatic Agreement also details the extensive archaeological investigation undertaken for the STAMP Site, including a detailed and comprehensive plan for those areas of the STAMP Site requiring further investigation; and

WHEREAS, because the Programmatic Agreement's provisions governing the evaluation of potential impacts to the Nation as a TCP only apply to those STAMP-related projects which are subject to USACE permitting authority, NYSDEC, SHPO, and GCEDC have entered into a 2021 Letter of Resolution ("**LOR**") which governs how SHPO and NYSDEC consider impacts of the Project on the Nation's Territory as a TCP; and

WHEREAS, the LOR requires the Agency to prepare an initial assessment of each project at STAMP that requires any permitting from NYSDEC for potential impacts to the Tonawanda Seneca Nation's ("**Nation**") Territory as a potential property of religious and cultural significance based on the National Register Criteria for eligibility; and

WHEREAS, the LOR further provides that such initial assessment is provided to the Nation for a 30 day review and comment period, after which NYSDEC and SHPO

must then make a determination of whether there are adverse impacts to the Nation's Territory as a potential property of religious and cultural significance based on the National Register Criteria for eligibility from the undertaking described in such initial assessment; and

WHEREAS, notwithstanding the fact that the Nation has declined to share any results from the TCP investigation other than such information as was disclosed during the Gateway Litigation, for the purpose of analyzing impacts on the Nation as a TCP in accordance with SEQR, the Agency assumes that the Nation's Territory would be eligible for the National Register; and

WHEREAS, the Agency provides the Nation with weekly written email updates on the status of development at STAMP and participates in monthly calls with the Nation and NYSDEC to help keep the Nation fully informed on development of the STAMP Site; and

WHEREAS, NYSDEC, as required by the LOR and its consultation obligations, has undertaken extensive outreach and consultation to the Nation and does so for each permit issued by NYSDEC; and

WHEREAS, together, the GEIS, the 2012 GCEDC Findings, the SGIS, the 2016 Amended Findings, the 2020 Amended Findings, and the 2021 SEQR Determination constitute the prior environmental reviews for STAMP (collectively, these documents are referred to as the "**STAMP Environmental Record**"); and

WHEREAS, since the issuance of the 2020 Amended Findings, the Agency has completed significant additional environmental analysis with respect to portions of the 2016 Project Modifications and 2020 Project Modifications in conjunction with the permitting processes for the same; and

WHEREAS, in comment letters received by the Agency, the Nation has called upon the Agency to prepare a supplemental GEIS and NYSDEC has suggested that a supplemental GEIS may need to be prepared; and

WHEREAS, the Agency has elected to undertake an updated review of the WWTF, Force Main, Substation, and Powerline Reroute ("**Project Infrastructure**") with respect to this additional environmental analysis (the "**2022 SEQR Update**"); and

WHEREAS, in connection with the 2022 SEQR Update, in June of 2022, the Agency circulated a notice of intent to re-establish itself as lead agency pursuant to SEQR for purposes of undertaking the 2022 SEQR Update; and

WHEREAS, all involved agencies consented, or did not respond and were deemed to have consented, to the Agency acting as lead agency and thus, the Agency has properly been established as the lead agency for purposes of these infrastructure improvements; and

WHEREAS, pursuant to the STAMP GEIS, final designs for less-defined Project components, as well as any proposed changes to the more well-defined elements (defined in the STAMP GEIS as "Future Project Use(s)"), may require further evaluation pursuant to SEQRA; and

WHEREAS, the STAMP GEIS further provides that GCEDC, as lead agency, will be responsible for performing an environmental determination on Future Project Uses pursuant to SEQRA, and will consider Future Project Uses proposals in relation to the STAMP GEIS, as amended; and

WHEREAS, the STAMP GEIS further provides that the GCEDC must determine if the environmental impacts associated with Future Project Uses have been adequately addressed in the STAMP GEIS DGEIS, taking into account whether the Future Project Uses exceed any of the thresholds set forth in the STAMP GEIS and

WHEREAS the STAMP GEIS further provides that in the event that GCEDC determines that: (i) Future Project Uses would be carried out in conformance with the conditions and thresholds set forth in the STAMP GEIS, then no further SEQRA compliance will be required; (ii) Future Project Uses would be carried out in conformance with the conditions and thresholds set forth in the STAMP GEIS, but are not addressed or are not adequately addressed in the STAMP GEIS, then an amended Findings Statement will be prepared; (iii) the Future Project Uses are not addressed or are not adequately addressed in the STAMP GEIS, but the proposal does not exceed any of the conditions or thresholds set forth in the STAMP GEIS, or the proposal does exceed a threshold set forth in the STAMP GEIS, but would not result in any potential significant adverse environmental impacts, then a Negative Declaration will be prepared pursuant to 6 N.Y.C.R.R. § 617.10(d)(3); or (iv) the Future Project Uses are not addressed or are not adequately addressed in the STAMP GEIS, and/or the proposed use would exceed the conditions or thresholds set forth in the STAMP GEIS, and may have one or more potential significant adverse environmental impacts, then a supplement to the STAMP GEIS will be prepared; and

WHEREAS, to aid the Agency in evaluating what actions are required relative to the Project Infrastructure and all of the additional environmental analysis regarding same work to comply with SEQRA pursuant to the STAMP GEIS, the Agency has completed, received and/or reviewed:

(1) the STAMP Environmental Record;

- (2) Part 1 of a Full Environmental Assessment Form for the WWTF, Force Main, Substation, and Powerline Reroute ("**EAF**");
- (3) a Settlement Agreement between the Tonawanda Seneca Nation and the Agency ("**Plug Power Settlement Agreement**");
- (4) a revised Joint Permit Application and draft Pre-Construction Notification for Offsite Wastewater prepared by CC Environment & Planning and revised in February 2021 ("**Wastewater PCN**");
- (5) a Letter of Resolution between New York State Department of Environmental Conservation, the New York State Office of Parks, Recreation and Historic Preservation, and Genesee County Economic Development Center regarding STAMP executed by the parties in March 2022 ("**Letter of Resolution**");
- (6) an Enhanced Public Participation Plan dated July 2021 ("**EPPP**");
- (7) minutes from a meeting between the Nation, NYSDEC and Agency leadership on September 9, 2021 ("**EPPP Leadership Meeting Minutes**");
- (8) a transcript from an EPPP public informational meeting ("**EPPP Transcript**");
- (9) a final summary report and certification completed by the Agency ("**EPPP Certification**");
- (10) a STAMP Onsite Wastewater Treatment Facility Basis of Design Report ("**WWTF BODR**") prepared by CPL dated January 2022;
- (11) an updated STAMP Force Main, Main Pump Station Basis of Design Report ("**Force Main BODR**") prepared by CPL dated April 2022;
- (12) a revised Cultural Resource Screening and Initial Assessment for the WWTF dated October 2021 ("**WWTF IA**");
- (13) a Letter from the Nation commenting on the WWTF IA ("**Nation WWTF IA Letter**");
- (14) a Response to the Nation WWTF IA Letter from the Agency ("**GCEDC WWTF IA Response Letter**");
- (15) a comment letter from NYSDEC on the WWTF IA ("**NYSDEC WWTF IA Letter**");
- (16) a letter from the Office of Parks, Recreation and Historic Preservation's Division of Historic Preservation regarding the WWTF ("**WWTF SHPO Letter**");
- (17) a letter from the Agency in response to the WWTF SHPO Letter ("**GCEDC SHPO Response Letter**");
- (18) a Cultural Resource Screening and Initial Assessment for the Powerline Reroute ("**Powerline IA**")
- (19) a Letter from the Nation commenting on the Powerline IA ("**Nation Powerline IA Letter**")
- (20) a Response to the Nation Powerline IA Letter from the Agency ("**GCEDC Powerline IA Response Letter**")
- (21) a Cultural Resource Screening and Initial Assessment for the Substation ("**Substation IA**")
- (22) a Letter from the Nation commenting on the Substation IA ("**Nation Substation IA Letter**")



- (23) a revised State Pollutant Discharge Permit Application dated March 5, 2021 ("**WWTF SPDES Permit Application**");
- (24) an Application for Permit Transfer and Application for Transfer of Pending Application form dated January 21, 2021 ("**Permit Application Transfer Form**");
- (25) a Notice of Complete Application from NYSDEC dated July 30, 2021 ("**Complete Application Notice**");
- (26) a letter from the Nation to Kimberly Merchant, NYSDEC regarding phosphorus discharge from the SPDES permit dated October 22, 2021 ("**Nation Phosphorus Letter**");
- (27) a joint letter from Jeff Smith, Supervisor of the Town of Shelby, and Michael Sidari, Mayor of the Village of Medina concerning the WWTF SPDES Permit Application dated September 2, 2021 ("**Shelby/Medina Joint SPDES Letter**");
- (28) a letter from the Agency responding to the Shelby/Medina Joint SPDES Letter dated September 17, 2021 ("**GCEDC Shelby/Medina Response Letter**");
- (29) a letter from NYSDEC allowing the Nation's additional time to comment on the WWTF SPDES Permit Application dated December 23, 2021 ("**NYSDEC Comment Extension Letter**");
- (30) a letter from Joshua Kogan, Acting Chief of the United States Environmental Protection Agency Region 2 NPDES Section, to Kimberly Merchant, NYSDEC concerning the WWTF dated January 11, 2022 ("**USEPA WWTF Letter**");
- (31) a letter from the Nation to NYSDEC opposing the WWTF SPDES Permit Application dated January 13, 2022 ("**Nation SPDES Letter**");
- (32) a memorandum prepared by CPL analyzing the technical feasibility of treating wastewater prior to discharge to meet the mercury limit proposal of the WWTF ("**Mercury Memo**");
- (33) a STAMP Discharge Analysis to Oak Orchard Creek prepared by JM Davidson Engineering dated May 22, 2020 ("**Hydraulics Report**");
- (34) Maps prepared by NYSDEC relative to the status of occupied habitat on the STAMP Site ("**NYSDEC Preliminary Maps**");
- (35) a STAMP Mussel Survey of Oak Orchard Creek prepared in October 2020 ("**Mussel Survey**");
- (36) a letter from the Agency to NYSDEC requesting clearance under Part 182 for minor infrastructure at STAMP ("**Part 182 Clearance Request for Minor Infrastructure**");
- (37) a letter from NYSDEC in response to the Part 182 Clearance Request for Minor Infrastructure ("**NYSDEC Part 182 Response on Minor Infrastructure**");
- (38) a letter from the Agency to NYSDEC requesting clearance under Part 182 for electrical infrastructure at STAMP ("**Part 182 Clearance Request for Electrical Infrastructure**");
- (39) a letter from NYSDEC in response to the Part 182 Clearance Request for Electrical Infrastructure ("**NYSDEC Part 182 Response on Electrical Infrastructure**");
- (40) a letter from the Agency to NYSDEC in response to the NYSDE Part 182 Response on Electrical Infrastructure ("**GCEDC Part 182 Response on Electrical Infrastructure**");

- (41) an Incidental Take Permit Application submitted to NYSDEC (together with all studies undertaken to date, the **"Take Permit Application"**);
- (42) a supplement to the Take Permit Application;
- (43) a letter from O'Connell Electric Company, Inc. in response to public comments with respect to the Substation (**"Substation Letter"**);
- (44) United States Fish and Wildlife Services ("USFWS") Environmental Permitting Documentation (**"Refuge NEPA Record"**);
- (45) Draft Land Management Plan for the STAMP Site (**"LMP"**);
- (46) an updated USACE jurisdictional determination (**"USACE JD"**);
- (47) an acknowledgement letter from the USACE confirming the completion of archaeological work relating to the Programmatic Agreement;
- (48) all documentation filed in connection with the Gateway Litigation, including but not limited to affidavits, the complaint, answering papers, and related items (**"Gateway Litigation Record"**);
- (49) other relevant environmental information (collectively, 1-49, together with all analysis and supporting documentation referenced therein or relied upon thereby, are incorporated by reference herein in their entirety and shall be referred to as the **"Environmental Information"**); and

WHEREAS, a thorough analysis of the Environmental Information and potential environmental impacts associated with the Project Infrastructure reveals that, while the Project Infrastructure is not addressed or not adequately addressed in the STAMP GEIS, and the Project Infrastructure exceeds thresholds set forth in the STAMP GEIS, the Environmental Information demonstrates that the Project Infrastructure will not result in any potential significant adverse environmental impacts, and this, pursuant to the STAMP GEIS, a Negative Declaration should be prepared pursuant to 6 N.Y.C.R.R. § 617.10(d)(3);

WHEREAS, it is appropriate that the Agency issue a negative declaration pursuant to 6 N.Y.C.R.R. § 617.10(d)(3) for the Project Infrastructure.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE GENESEE COUNTY INDUSTRIAL DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC DEVELOPMENT CENTER AS FOLLOWS:

**Section 1.** Based upon a thorough review and examination of the Project Infrastructure and the Environmental Information, and upon the Agency's knowledge of the area surrounding the STAMP Site and such further investigation of the Project Infrastructure and its environmental effects as the Agency has deemed appropriate, the Agency makes the following findings with respect to the Project Infrastructure:

- (A) The Project Infrastructure remains a Type I Action;

- (B) The Agency, as Lead Agency for the Project, has undertaken a coordinated review of the Project Infrastructure in accordance with SEQR and the STAMP GEIS, as amended; and

**Section 2.** Based upon the Agency's review of the Environmental Information and investigations of the potential environmental impacts associated with the Project Infrastructure, considering both the magnitude and importance of each potential environmental impact indicated, and upon the Agency's knowledge of the STAMP Site and surrounding area and such further investigations of the Project Infrastructure and its environmental effects as the Agency has deemed appropriate, the Agency has determined that, while the Project Infrastructure is not addressed or not adequately addressed in the STAMP GEIS, and the Project Infrastructure exceeds thresholds set forth in the STAMP GEIS, the Environmental Information demonstrates that the Project Infrastructure will not result in any potential significant adverse environmental impacts, and this, pursuant to the STAMP GEIS, a Negative Declaration is hereby issued pursuant to 6 N.Y.C.R.R. § 617.10(d)(3) Reasons supporting this determination are provided below:

1. Project Infrastructure. The Project Infrastructure includes:
  - a) Construction of the WWTF on the STAMP Site within the utility infrastructure area to treat the sanitary wastewater generated by STAMP's manufacturing and other tenants. The WWTF will not treat the manufacturing tenants' process wastewater; rather, the tenants will treat their own process wastewaters directly before discharging to the main pump station wet well. The main pump station will then pump the combined flows through the proposed Force Main to a new discharge point to be located in Oak Orchard Creek in the Town of Shelby, Orleans County, New York. The 2020 Amended Findings included a detailed analysis of the WWTF. While the design remains largely unchanged, the Take Permit Application and various correspondence relating to the SPDES permit for the WWTF (including extensive consultation with the Nation) post-date the 2020 Amended Findings and are analyzed below.
  - b) Construction of the Force Main involves the installation of approximately 47,000 linear feet of sanitary force main, metering vaults, and maintenance manholes along the same route as was analyzed in the 2020 Amended Findings. The vast majority of installation of sewer related infrastructure will be along public roads via a combination of open cut method and directional drill methods. The Force Main will continue to have the capacity to convey up to six (6) MGD of treated wastewater from the STAMP Site to the discharge

in Oak Orchard Creek. While the design of the Force Main remains largely unchanged, certain additional analysis regarding potential impacts to Oak Orchard Creek (including modification to the outfall location to prevent erosion) are analyzed below.

- c) The development of an approximate 20 acre parcel located immediately north of STAMP for the siting of the Substation. The landlocked parcel lies between the STAMP Site and a utility corridor which houses the Empire Pipeline and a 345 KV Power Line which will ultimately supply power to STAMP tenants. This parcel is located to the west of the intersection of Lewiston Road (NYS Route 77) and Crosby Road in the Town of Alabama and is bounded by the Empire Pipeline/345 KV Power Line utility corridor to the north, hedgerows to the east and south, and woods and brush to the west. While the design of the Substation remains largely unchanged, the Take Permit Application and various correspondence relating to the Substation (including extensive consultation with the Nation) post-date the 2020 Amended Findings and are analyzed below.

## 2. Impact on Land.

### WWTF

The WWTF does not include any new potentially significant adverse impacts to land resources or land use that were not analyzed in the STAMP GEIS, as amended. The WWTF footprint and design remain largely unchanged from what was previously reviewed in 2016 and 2020. Further, the WWTF remains consistent with current uses of the STAMP Site, which are commercial and industrial in nature.

The Shelby/Medina Joint SPDES Letter raises concerns about the impact of the discharge from the WWTF through the Force Main on erosion. However, as noted in the GCEDC Shelby/Medina Response Letter and Force Main BODR, the outfall has been designed to minimize soil erosion. Further, the outfall discharge includes grouted heavy stone rip rap to dissipate the anticipated flow and reduce velocity, as well as heavy stone rip rap along the entire stream bank to reduce erosion and stabilize the creek banks.

Additionally, as noted in the EPPP, the WWTF will include a screw press to dewater solids for final landfill disposal. As discussed in the EPPP Leadership Meeting Minutes, any hazardous materials stored at the WWTF will be stored in accordance with DEC bulk storage requirements, including

secondary containment measures such as loading areas for trucks, designed to mitigate risks in the event of a spill.

As part of the Plug Power Settlement Agreement (and as detailed extensively below) STAMP Infrastructure, including the WWTF, was specifically designed to avoid potential adverse impacts to the Nation and a buffer was agreed to in order to minimize impacts to surrounding land. In fact, the WWTF (and associated Force Main) are designed to reduce impacts on the Nation's Territory by carrying treated effluent miles away from the Nation's Territory rather than to Whitney Creek (as originally proposed in the GEIS).

### Force Main

As noted in the Wastewater PCN, the Force Main involves the physical disturbance of approximately eight acres and is anticipated to take approximately 8 months to construct. Approximately 0.74 acres will be disturbed for staging. A SWPPP for the Force Main will be developed under the requirements of the SPDES GP-0-10-001, and stormwater will be managed in accordance with the SWPPP.

The Wastewater PCN notes that approximately 50% of the local watersheds are dominated by agriculture interspersed with forest and forested/non-forested wetlands. There will be a temporary disturbance during construction of the Force Main but any impacts will be mitigated by horizontal direction drilling ("**HDD**") installation methods through all wetland and stream crossings.

The Shelby/Medina Joint SPDES Letter raises concerns about the impact of the discharge on erosion. However, as noted in the GCEDC Shelby/Medina Response Letter and FM & MPS BODR, the outfall has been designed to minimize soil erosion. Further, as mentioned above, the outfall discharge includes grouted heavy stone rip rap to dissipate the anticipated flow and reduce velocity, as well as heavy stone rip rap along the entire stream bank to reduce erosion and stabilize the creek banks.

The NEPA Refuge Record included an extensive analysis of the Force Main's compatibility crossing through the Iroquois National Wildlife Refuge ("**Refuge**"). As detailed therein, the Force Main has been extensively reviewed, with substantial mitigation proposed.

### Substation

As detailed in the Substation Letter, the Substation is a permitted use in the underlying zoning districts and has been sited and designed to minimize impacts to adjacent land uses. While the Substation will be visible to adjacent property owners, the Substation is located in the vicinity of existing transmission infrastructure and is consistent with the same in terms of scale and design. The Substation is located far from the Nation's Territory, and will not be appreciably visible or audible from the same, such that no impacts to land use on the Nation's Territory are anticipated.

#### Powerline Reroute

The Powerline Reroute will enable more efficient usage of the STAMP Site by moving the existing powerlines on the Site into an area agreed-upon pursuant to the Plug Power Settlement Agreement. As detailed therein, the Powerline Reroute will create 100 feet of additional buffer space between future tenants at the STAMP Site and the Nation's Territory, on top of the existing 400' buffer present along the majority of the western edge of the STAMP Site. Further, the Powerline Reroute (as detailed in the Powerline IA) has been carefully sited to avoid impacts to trees and wetlands.

Accordingly, the Project Infrastructure are not anticipated to create any potentially significant adverse impacts to land that were not analyzed in the STAMP Environmental Record.

3. Impact on Geological Features. The Site does not contain, and is not adjacent to, any unique geologic features or National Natural Landmarks, nor will the Force Main pass through or near any unique geologic features or National Natural Landmarks off-Site. Accordingly, the Project Infrastructure are not anticipated to create any potentially significant adverse impacts to geological features that were not analyzed in the STAMP Environmental Record.
4. Impact on Surface Water.

#### WWTF/Force Main

As noted in the 2020 Amended Findings, the Project Infrastructure WWTF will enable an increase in the sewer discharge threshold capacity of the STAMP Site. As detailed in the Environmental Information, the WWTF (along with the Force Main) allows for an increase in the STAMP sewer capacity threshold set forth in the GEIS from 3 MGD up to 6 MGD, including 1 MGD of sanitary wastewater and 5 MGD of treated process wastewater (the 2020 Amended Findings similarly increased the water capacity threshold from 3 MGD up to 6 MGD in connection with the Water Main). As observed in the

WWTF BODR, by utilizing onsite recycling for the industrial process water, the overall potential total volume of wastewater decreased significantly from 12 MGD to 6 MGD. Based on this, the WWTF was designed to have an average daily flow of 1.0 MGD with a peak design flow capacity of 2.0 MGD for system redundancy purposes.

The WWTF will not create a new body of water, result in an increase or decrease of the surface area of a waterbody, and does not involve the dredging of a wetland or waterbody. The 2020 Amended Findings extensively detail that, as noted in the Environmental Information, the WWTF will involve construction well-outside of the 100-foot zone of an existing surface water feature, namely Whitney Creek, a Class C stream.

Per the LOR, and as discussed in greater detail below, the Agency has engaged with, and taken the input of the Nation, regarding SPDES permitting at STAMP. Further, as reflected in the EPPP Leadership Meeting Minutes, sewage will be screened and will undergo a three-step sanitation process. According to the EPPP Leadership Meeting Minutes, the WWTF will not be served by an existing sewer line, as none presently exists; however, 100,000 GPD have been reserved for the Town of Alabama in the event the Town decides to create a sewer district in the future and send wastewater to the WWTF.

The SPDES permit effluent limitations have been specifically drafted, with feedback from the Nation and USEPA, to ensure that a discharge does not adversely impact surface waters, and the WWTF will comply with the requirements of the SPDES permit. Similarly, as noted in the Permit Application Transfer Form, STAMP Sewer Works, Inc. (the eventual owner of the Force Main and WWTF) will comply with all conditions of the SPDES Permit. In addition, the Force Main (and associated discharge) has been extensively peer-reviewed by the Town of Shelby, which has consented to the route and design of the Force Main.

As thoroughly outlined in the Environmental Information, the construction of the Force Main will be done through HDD methods in order to minimize impacts to wetlands. The Force Main BODR was supplemented by a frac out plan reviewed and approved by NYSDEC which provides assurance of adequate monitoring, detection, containment, and cleanup for any potential discharge of drilling fluid or other materials resulting from the HDD. The impacted areas will be returned to existing conditions when construction is complete, and all applicable permits will be secured prior to the construction of the Project Infrastructure. As the Hydraulics Report details and EPPP Transcript further describes, the proposed discharge from the Force Main to

the Oak Orchard Creek is a very small quantity compared to the overall statistical peak discharges and will result in no significant changes in the elevation of Oak Orchard Creek. The outflow from the WWTF will be sanitary wastewater and will not have an adverse impact on the quality of the water in Oak Orchard Creek. A stormwater retention pond is proposed in order to mitigate any potential adverse impacts due to the increase in impermeable surfaces associated with the Project Infrastructure.

In the Nation Phosphorus Letter, the Nation raised concerns with the phosphorus discharge "may cause or contribute to a violation of water quality standards." However, as noted in the Force Main BODR and analyzed in the Hydraulics Report, the Agency will comply with its SPDES permit, which requires that a discharge complies with applicable water quality standards and does not adversely impact surface waters. Per the Letter of Resolution, GCEDC has engaged with, and taken the input of the Nation, regarding SPDES permitting at STAMP. Moreover, the Wastewater PCN confirms that the WWTF and Force Main have been designed to minimize the impacts to the "greatest extent practicable."

#### Powerline Reroute/Substation

While the Powerline Reroute will include development adjacent to existing wetland resources, no permanent impacts to the wetlands are proposed. Instead, the access drive servicing the Powerline Reroute will end at the edge of the wetland, and access across the same will be accomplished by placing temporary mats across the wetland when access is needed.

#### Substation

The Substation will include development far away from Whitney Creek and has been carefully sited to avoid impacts to adjacent wetlands, as detailed in the Substation Letter.

Accordingly, the Project Infrastructure do not pose any risk of significant adverse impacts on water that were not analyzed in the STAMP Environmental Record.

### 5. Impact on Groundwater.

#### WWTF

As analyzed in the 2020 Amended Findings, while the WWTF will include the storage of aluminum sulfate, the BODR details that the chemical will be



stored in a chemical bulk storage area located in the headworks and control building of the WWTF. As described in the EPPP, the WWTF “will utilize a sequencing batch reactor process, as well as disc filters, and a UV Disinfection system to treat sanitary wastewater.” Such process is “suited to accept sanitary wastewater and biological waste streams such as from food processing plants.” Spill prevention measures, including double containment per NYSDEC bulk storage requirements, will be included to mitigate any risk to groundwater.

Further, the SPDES permit effluent limitations will ensure that a discharge does not adversely impact groundwater, and the WWTF will comply with the requirements of the SPDES permit. Similarly, as noted in the Permit Application Transfer Form, STAMP Sewer Works, Inc. will comply with all conditions of the SPDES Permit.

#### Force Main

As mentioned in the EPPP Leadership Meeting Minutes, under the Right of Way permit from the USFWS, GCEDC is required to monitor the flow rates at the points entering and existing the wildlife refuge to ensure no leaks or other issues with the Force Main. Additionally, as described in the FM & MPS BODR, the Force Main will be marked by pipeline markers to help identify the location of the underground pipe.

As noted in the EPPP Transcript, the Force Main will be monitored 24-hours a day, utilizing failure and high water alarm systems, and if needed, the maintenance manholes with metering and valve control installed along the Force Main.

#### Powerline Reroute/Substation

Neither the Powerline Reroute nor the Substation entails the types of activities or operations that would be associated with any risks to groundwater, such as the storage or handling of hazardous materials.

Accordingly, the Project Infrastructure are not anticipated to create any potentially significant adverse impacts to groundwater that were not analyzed in the STAMP Environmental Record.

### 6. Impact on Flooding.

#### WWTF/Force Main

While the WWTF is not in a designated Floodway, as noted in the 2020 Amended Findings, the Force Main discharge location is in the 100-year and 500-year Floodplains. The discharge area itself will not be a significantly large impervious surface. The Hydraulics Report directly addresses the discharge from the Force Main and concludes that the increased discharge from the Force Main will have a negligible effect on the flood elevations in Oak Orchard Creek, without significant observable changes to the anticipated water surface elevations.

As noted in the Shelby/Medina Joint SPDES Letter, Orleans County “has an extremely flat topography” and “[d]rainage and flooding concerns are . . . main issues.” However, as noted in the GCEDC Shelby/Medina Response Letter and demonstrated in the Hydraulics Report, the discharge was shown to have an unappreciable increase in water surface elevations downstream, even during a 100-year flood event.

In addition, in response to the Shelby/Medina Joint SPDES Letter, the GCEDC Shelby/Medina Response Letter further details that the discharge into Oak Orchard Creek was carefully analyzed by a NYSDEC-reviewed and approved Hydraulics Report. Accordingly, the Project Infrastructure are not anticipated to create any potentially significant adverse impacts to flooding that were not analyzed in the STAMP Environmental Record.

#### Powerline Reroute/Substation

Neither the Powerline Reroute nor the Substation entails the types of activities or operations that would be associated with any risks to flooding. While the Substation and Powerline Reroute will result in the creation of impervious surfaces, all stormwater discharge associated with these projects will be managed in accordance with NYSDEC requirements pursuant to a SWPPP.

Accordingly, the Project Infrastructure are not anticipated to create any potentially significant adverse impacts to flooding that were not analyzed in the STAMP Environmental Record.

7. Impact on Air. The Project Infrastructure will not be a significant source of air emissions. The Project Infrastructure do not entail the types of activities or operations that require the Applicant to acquire an Air Facility Permit or that are associated with a significant potential for air emissions. Any impacts to air quality from construction activities will be minor, and temporary in nature. Accordingly, the Project Infrastructure are not anticipated to create

any significant adverse impacts to air resources that were not analyzed in the STAMP Environmental Record.

8. Impact on Plants and Animals. As detailed in the 2020 Amended Findings, the Force Main will take place in habitat for various plants and animals noted in the EAF, Iroquois EA, Mussel Survey, and Wastewater PCN including several species listed as threatened or endangered. Pied-Billed Grebe, Sedge Wren, Henslow's Sparrow, Bald Eagle, Northern Harrier, Upland Sandpiper, Least Bittern, Short-eared Owl, Bog Turtle, Eastern Massasauga, and Mussels were all independently analyzed and evaluated in the context of the Force Main. The Iroquois EA and Wastewater PCN lays out the potential impacts to such species as well as the mitigation that is proposed in order to reduce impacts to the same. As detailed in the Iroquois EA and Wastewater PCN, the mitigation measures reduce the potential impact of the Force Main such that they are not likely to adversely affect the species noted in the Environmental Information.

In addition, following the submission of the Part 182 Clearance Request for Electrical Infrastructure, NYSDEC has determined that a Part 182 Incidental Take Permit will be required for the development of the Substation and WWTF in order to address the presence of the Short-Eared Owl and Northern Harrier (together, the "**Winter Raptors**") on the northwestern portion of the STAMP Site. Notably, NYSDEC confirmed in the NYSDEC Part 182 Response on Electrical Infrastructure that the Powerline Reroute (including its associated laydown area) would not require any additional permitting due to the minor and temporary nature of the disturbance associated with those projects. While the GEIS previously noted the presence of Winter Raptors on the STAMP Site, and the Agency disagreed that a Part 182 Incidental Take Permit was required for any of the Project Infrastructure (for the reasons detailed in the Agency's Part 182 correspondence with NYSDEC), the Agency nevertheless conducted extensive additional monitoring of Winter Raptor activity on the STAMP Site as detailed in the Take Permit Application at the request of NYSDEC. The Substation and WWTF will permanently impact approximately 11.5 acres of NYSDEC-designated "occupied habitat" for the Winter Raptors. Notably, as detailed in the Take Permit Application, the Project Infrastructure has been designed with the smallest permanent and temporary footprints possible to minimize disturbance to the occupied habitat, including locating roughly one-third of the Substation in forest/shrub land that does not serve as occupied habitat.

Accordingly, pursuant to Part 182, the Agency has proposed to mitigate any potentially adverse impacts associated with the loss of such habitat by establishing and maintaining new and improved habitat to replace the lost

habitat. 11.5 acres of land that has transition into an old field/shrubland matrix will be mowed/brush-hogged, with treatment and successional mowing thereafter as needed to allow grass and forb species to established. The proposed mitigation site is located on the STAMP Site, is owned by the Agency, and is located approximately 700' from the adjacent grasslands at the John White Wildlife Management Area. The Agency has consulted closely with NYSDEC to ensure that the proposed mitigation plan confers a net conservation benefit to the Winter Raptors, as required by Part 182.

It is also worth noting that the LMP (a mitigation document pursuant to the GEIS) provides for the management of STAMP land and environmental resources (including species). Pursuant to the GEIS, the LMP is updated every five years, and is currently in the process of being updated. As noted in the LMP, extensive mitigation has been proposed to ensure that threatened and endangered species are not adversely impacted by the development of STAMP generally, as well as the Project Infrastructure specifically.

Accordingly, the Project Infrastructure are not anticipated to create any significant adverse impacts to plants, animals or natural communities, or wildlife habitat that were not analyzed in the STAMP Environmental Record. In fact, the additional mitigation measures proposed in connection with the Take Permit Application will confer a net conservation benefit to the Winter Raptors.

9. Impact on Agricultural Land Resources. The STAMP Environmental Record includes an analysis of the impacts of minor expansions of the STAMP Site and potential infrastructure improvements relating to the same. As described in the Environmental Information, the Force Main will be constructed within existing rights of way to avoid impacts to agricultural resources. The WWTF will be constructed on the STAMP Site, within the existing utility infrastructure area. The Substation will remain constructed partially within the STAMP Site and partially within a parcel immediately north of the STAMP Site, as detailed in the 2020 Amended Findings. Therefore, the Project Infrastructure are not anticipated to create any significant adverse impacts to agricultural land resources that were not analyzed in the STAMP Environmental Record.
10. Impact on Aesthetic Resources. The Project Infrastructure will not be visible from any officially designated federal, state or local scenic or aesthetic resource. As detailed in the 2020 Amended Findings, the Force Main and Water Main will be buried underground, and the remainder of the Project Infrastructure are situated adjacent to the STAMP Site, which is anticipated to be a well-developed commercial and industrial area. In addition, the photo

simulations prepared in connection with the Substation IA and Powerline IA demonstrate that the Project Infrastructure are substantially screened by existing vegetation as well as the significant buffers between the Project Infrastructure and surrounding properties. Accordingly, the Project Infrastructure are not anticipated to create any significant adverse impacts to aesthetic resources that were not analyzed in the STAMP Environmental Record.

11. Impact on Historic and Archeological Resources. The Project Infrastructure do not contain, nor are they adjacent to, a building, or district which is listed on, or that has been nominated to the State or National Register of Historic Places. The Project Infrastructure include an area designated as sensitive for archeological sites by the NYS Historic Preservation Office, however, the Agency has historically coordinated with the NYS Historic Preservation Office on the development of the STAMP Site, with such coordination continuing for the Project Infrastructure. Impacts to historic and archaeological resources are analyzed extensively in the STAMP Environmental Record, and the Programmatic Agreement comprehensively cleared the STAMP Site of Archaeological resources.

The Agency has engaged in extensive consultation with the Nation with respect to the Project Infrastructure, including weekly written updates to the Nation and monthly consultation conference calls. Further, as required by the LOR, the Agency has prepared the WWTF IA, Substation IA, and Powerline IA in order to evaluate whether the Project Infrastructure will have any adverse impact upon the Nation's Territory as a potential property of religious and cultural significance based on the National Register Criteria for eligibility. Each of the IA's analysis and findings (including subsequent correspondence from the Agency to the Nation, SHPO, and NYSDEC) are incorporated herein by reference. The IA's provide an extensive analysis of the Nation's history, including a detailed understanding of the Nation's usage of the Nation's Territory as explained by the Nation. The IA's have historically been updated whenever specific feedback is provided by the Nation. While the Nation has provided comments letters voicing generalized opposition the Project Infrastructure, none of the Nation's letters have alleged any specific, substantiated significant adverse environmental impacts resulting from the Project Infrastructure.

#### Substation

As detailed in the Substation IA, the Substation will be located approximately 3,800 feet, or 3/4ths of a mile, from the Nation's Territory at its closest point. The visual assessment provided therein further demonstrates that the

Substation will not be substantially visible above the significant intervening vegetation. Further, as the buffer areas provided for in the Plug Power Settlement Agreement are allowed to continue to grow in their natural state, additional screening will naturally be provided. As detailed below, noise levels from the Substation fall well below ambient noise levels at the border of the Nation's Territory.

#### WWTF / Force Main

The GEIS originally included an on-site wastewater treatment plant to treat wastewater generated at STAMP, before it would discharge to Whitney Creek. After the Nation expressed concerns about the original discharge location, which would be upstream from the Nation's Territory, GCEDC addressed this concern by negotiating a pathway for review and approval of the installation of a new force main sewer line from STAMP to Medina, New York as detailed in the 2016 Project Modifications. In the 2020 Project Modifications, GCEDC reviewed and approved changes to the proposed force main sewer line, with a proposed discharge location in Oak Orchard Creek just upstream from Medina and an on-Site WWTF.

In addition to the WWTF IA that was prepared for the WWTF and Force Main, the Agency prepared and executed an Enhanced Public Participation Plan consistent with NYSDEC's Commissioner Policy 29 ("CP 29"). CP 29 was issued by NYSDEC to promote the fair involvement of all people in the environmental permitting process and to ensure that NYSDEC's environmental permitting processes promote environmental justice. Accordingly, as detailed in the EPPP Certification, the Agency held information meetings with both Nation leadership and citizens of the Nation. The Agency also maintained a document repository to make information about the WWTF readily available to the Nation and its citizens. Throughout the EPPP process, the Agency addressed all comments, questions, and concerns raised by the Nation with respect to the WWTF.

As detailed in the WWTF IA and noted below, the WWTF will not be substantially visible, audible, or emanate odors which would impact the Nation's Territory. The WWTF and Force Main now proposed represent a substantial investment by the Agency to mitigate any potential impacts of the development of STAMP on the Nation. As the NYSDEC Comment Letter concisely summarizes, "unlike the other wastewater treatment configurations GCEDC considered prior to the final version of the SPDES permit application, no wastewater from the proposed WWTF would enter the TSN reservation watershed under the SPDES permit. Rather, the force main/effluent pipe

from the WWTF would run for nine miles to an Oak Orchard Creek discharge point well away from that watershed.”

### Powerline Reroute

As detailed in the GCEDC Powerline IA Response Letter, the Agency and the Nation’s discussion of the Powerline Reroute dates back to at least 2018. At the recommendation of NYSDEC, the Agency began conducting direct consultation with the Nation with respect to the Project. Over the course of approximately 18 months, the Agency provided the Nation with information relating to the Project including design plans, and conducted site visits with representatives of the Nation in order to assist the Nation in better understanding any potential impacts of the Project on the Nation’s Territory.

In the Plug Power Settlement Agreement, the Agency and Nation agreed not only to the relocation of the power lines, but also the exact location of the 100’ wide area in which the power lines would be placed. The Plug Power Settlement Agreement clearly states that “the future easement to National Grid associated with the power line reroute on the STAMP Site” will be located partially “within the Restricted Protected Property Area.” The Settlement Agreement went so far as to acknowledge the terms and conditions of pesticide usage in connection with the Project. Moreover, by placing the powerlines along the course of the proposed reroute, there has been a significant expansion of the buffer area between the Nation and STAMP - in essence, everything west of the Powerline Reroute has now been designated as protected buffer area.

The Agency then prepared the Powerline IA to evaluate potential impacts to the Nation’s Territory as a TCP. As detailed therein (including the detailed visual analysis performed at the recommendation of NYSDEC), the Powerline Reroute will not result in any adverse impacts to hunting, fishing, or ceremonial activities conducted in the Big Woods, as no significant visual, audible, or water-related impacts will result from the Powerline Reroute. While the Nation has expressed its objection generally to the Powerline Reroute, the Nation has not alleged any specific adverse impacts that the Powerline Reroute could have on the Nation’s Territory, and the extensive Environmental Record demonstrates that the Powerline Reroute will not have any such adverse impacts.

Accordingly, it is not anticipated that the Project Infrastructure will create any significant adverse impacts to historical or archaeological resources that were not analyzed in the STAMP Environmental Record.

12. Impact on Open Space and Recreation. The Site does not comprise public open space nor is the Site or surrounding area currently used for public recreation. While the WWTF IA, Powerline IA, and Substation IA acknowledge that the Nation utilizes the Big Woods located to the west of the STAMP Site for certain hunting and cultural activities, the Project Infrastructure is not anticipated to have any impact on such activities for the reasons detailed above. Accordingly, the Project Infrastructure are not anticipated to create any significant impacts to open space or recreational resources that were not analyzed in the STAMP Environmental Record.
13. Impact on Critical Environmental Areas. The Project Infrastructure are not located in or substantially contiguous to any Critical Environmental Areas, including the off-Site component of the Force Main. As such, the Project Infrastructure are not anticipated to create any significant adverse impacts to Critical Environmental Areas that were not analyzed in the STAMP Environmental Record.
14. Impact on Transportation. In accordance with the GEIS and SEQR, as new projects are proposed at the Site, the traffic impacts of such projects are analyzed against the thresholds set forth in the GEIS. The Project Infrastructure do not involve any of the activities which would be associated with an increased demand for transportation, and the minor additional vehicle trips associated with construction and maintenance of the Project Infrastructure were previously analyzed in the GEIS. Accordingly, the Project Infrastructure are not anticipated to create any significant adverse impacts to transportation that were not analyzed in the STAMP Environmental Record.
15. Impact on Energy. As noted in the 2020 Amended Findings, the Project Infrastructure (specifically, the Substation) will enable an increase in the electrical capacity of the STAMP Site. As detailed in the Environmental Information, the Substation (together with associated improvements to existing powerlines) allows for an increase in the STAMP electrical demand threshold from 185MW to 535MW. The STAMP Environmental Record includes an analysis of the impacts of minor expansions of the STAMP Site as well as the impacts for the demand for energy for the Project, and potential infrastructure improvements relating to the same. As such, the Substation increases the energy capacity threshold for STAMP, and the Project Infrastructure will not create any significant adverse impacts to energy resources that were not analyzed in the STAMP Environmental Record.
16. Impact on Noise, Odor and Light. The Project Infrastructure are not expected to appreciably increase ambient noise or lighting levels or to create odors.



### Substation

The EAF explains that lighting fixtures servicing the Project Infrastructure will be limited to the vicinity of the Site for maintenance and emergency purposes, and that such lights will be Dark Sky Compliant.

The Substation Letter details that any noise associated with the Substation will fall well below the threshold set forth in the GEIS of 45 decibels. In fact, the Substation letter details that, at the point of the closest structure to the Substation's nearest transformer (a distance of approximately 715 feet), the sound pressure level will be only 28.914 decibels - well below existing ambient noise levels as detailed in the Environmental Record.

The Substation does not involve the types of activities that create significant noise. Any impacts to noise and/or odor from construction activities will be minor, and temporary in nature.

### WWTF

The EAF explains that lighting fixtures servicing the Project Infrastructure will be limited to the vicinity of the Site for maintenance and emergency purposes, and that such lights will be Dark Sky Compliant.

As detailed in the WWTF BODR, the Force Main will contain only treated effluent and treated process water. The treatment processes where odors are a concern are contained within buildings to mitigate odors. No odors are expected to be experienced outside of such structures as a part of the operations of the WWTF.

Similarly, as all treatment processes are contained within structures, the WWTF is not anticipated to appreciably increase noise levels. Further, the WWTF will be centrally located on the STAMP Site, immediately north of the location of Project Gateway.

### Force Main

The Force Main will be buried below ground and accordingly does not involve the types of activities that create significant noise, odors, or lighting. As detailed in the WWTF BODR, the Force Main will contain only treated effluent and treated process water. The treatment processes where odors are a concern are contained within buildings to mitigate odors. Any impacts to

noise and/or odor from construction activities will be minor, and temporary in nature.

#### Powerline Reroute

The Powerline Reroute does not involve the types of activities that create significant noise, odors, or lighting. Any impacts to noise and/or odor from construction activities will be minor, and temporary in nature.

Accordingly, the Project Infrastructure are not anticipated to create any significant adverse impacts to noise, odors or light that were not analyzed in the STAMP Environmental Record.

17. Impact on Public Health. The Project Infrastructure do not entail the types of activities or operations that are associated with a significant potential for affecting public health, such as storing large amounts of hazardous or toxic materials. As detailed in the 2020 Amended Findings, a portion of the Site is listed in the NYSDEC Spills Incidents Database (DEC ID 9607396), however, that incident was listed as "Closed" due to the successful remediation of soils in 2004.

#### Substation

As detailed in the Substation Letter, the Substation will follow all the safety parameters set forth by the New York State Public Service Commission, the New York Power Authority, and National Grid. The Substation itself will include a ground grid system that includes grounding of the fencing surrounding the Substation in order to ensure safety to those in the vicinity of the Substation, while those outside of the Substation perimeter will not be affected.

#### WWTF

The WWTF's design and operation are laid out extensively in the BODR, and will be necessary to service the STAMP Site in a safe, environmentally friendly manner. The WWTF BODR provides that local emergency management services will be trained for emergency safety and response at the WWTF. Emergency management services will further be taught the hazards of any chemicals stored onsite.

Chemicals stored on-Site will include alum for phosphorus precipitation and polymer for screw press dewatering. The alum will be stored in a chemical bulk storage area located in the headworks and control building. The

polymer will be stored in a chemical bulk storage area in the dewatering building. The chemical bulk storage areas will include spill prevention measures including double containment equal to the largest storage volume per NYSDEC bulk storage requirements.

#### Force Main

The Force Main itself does not entail the types of activities or operations that are associated with a significant potential for affecting public health. As detailed in the Force Main BODR, the Force Main will only carry flows of combined sanitary treated effluent and treated process water. No untreated effluent or process water will enter the Force Main at any point. Further, main line valves will be installed approximately every 1,000' along the Force Main to provide a means to isolate sections of the Force Main for testing and maintenance purposes. Flow rates will be monitored 24/7 south of and immediately north of the US Fish and Wildlife Refuge, and the SPDES Permit sets forth a rigid sampling regime to ensure compliance with all applicable discharge limits.

#### Powerline Reroute

The Powerline Reroute itself does not entail the types of activities or operations that are associated with a significant potential for affecting public health. The Powerline Reroute is located within a portion of the STAMP Site's western buffer area, the 100' wide "Restricted Property Area", as provided for in the Plug Power Settlement Agreement. The Powerline Reroute is buffered to the west by an additional 400' of STAMP Site designated as Permanently Protected Property pursuant to the Plug Power Settlement Agreement, and to the east by the remainder of the STAMP Site.

Accordingly, the Project Infrastructure are not anticipated to create any significant adverse impact to public health that were not analyzed in the STAMP Environmental Record.

18. Impact on Character of the Community, and Community Plans. The Project Infrastructure is in character with adjacent development and surrounding uses, including the industrial development of Plug Power. The Project Infrastructure itself does not include the type of development that would result in significant population growth or other typical drivers of impacts to Community Character and Community Plans. The GEIS analyzed the impacts from full build out of STAMP consisting of the rezoning the entire STAMP Site from agricultural/residential use to industrial/advanced manufacturing use, and with constructing and operating 6,130,000 square feet

of advanced technology manufacturing uses at full build-out, providing direct employment for over 9,000 people, whereas the Project Infrastructure are minor infrastructure projects. Accordingly, the Project Infrastructure are not anticipated to create any significant adverse impacts to the growth or character of the community that were not analyzed in the STAMP Environmental Record.

**Section 3.** Having considered the Environmental Information, STAMP Environmental Record, and having considered the relevant environmental impacts, facts and conclusions relied upon to meet the requirements of 6 N.Y.C.R.R. § 617.11, and having weighed and balanced the relevant impacts with social, economic and other considerations, the Agency recertifies that:

- (i) The requirements of 6 N.Y.C.R.R. Part 617 have been met; and
- (ii) Consistent with the social, economic and other essential considerations from among the reasonable alternatives available, the Project remains one which avoids or minimizes adverse environmental effects to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures which were identified as practicable.

**Section 4.** The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required and to execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

**Section 5.** This Resolution, which is adopted by a majority vote of the Agency, shall serve as the Negative Declaration (as defined in 6 N.Y.C.R.R. 617.2(y)) for the Land Transfer, and is issued by the Agency pursuant to and in accordance with SEQRA, shall take effect immediately.

**Section 6.** For further information on this Determination of Significance/Negative Declaration contact:

Mark Masse  
99 MedTech Drive, Suite 106  
Batavia, New York 14020

Phone: 585-343-4866  
Email: mmasse@gcedc.com

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The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

The foregoing Resolution was thereupon declared duly adopted.

### SEQR for STAMP for Proposed STAMP Property Transfer

**Discussion:** There is a 0.851-acre portion of STAMP property that includes two abandoned barns along Alleghany Road bordered to the north by a residential use, to the east across Alleghany Road by a lightly forested area containing an abandoned building, and to the west and south by STAMP; Mr. Baker intends to incorporate the property into his existing residence/property, and therefore the Land Transfer will not create a material conflict with an adopted land use plan or zoning. While much of the STAMP Site was rezoned from Agricultural-Residential (“AR”) to Technology District (“TD”), a 300-foot buffer around the TD zone was reserved as zone AR. This zone AR buffer includes the property where the barns are located.

**Fund Commitment:** None.

**Board Action Request:** Since the Land Transfer will not have a significant adverse impact on the environment, make the recommendation to the Board to approve a negative declaration (“Negative Declaration”) pursuant to SEQRA. The Negative Declaration has been prepared pursuant to and in accordance with the requirements of SEQRA. Recommend to the Board to transfer the property to Mr. Baker for no consideration.

RESOLUTION OF THE GENESEE COUNTY INDUSTRIAL  
DEVELOPMENT AGENCY D/B/A GENESEE COUNTY ECONOMIC  
DEVELOPMENT CENTER PURSUANT TO THE STATE ENVIRONMENTAL  
QUALITY REVIEW ACT CONCERNING THE PROPOSED SALE OF A  
PORTION OF THE WESTERN NEW YORK SCIENCE & TECHNOLOGY  
ADVANCED MANUFACTURING PARK

**Name of Project:** Land Transfer to Thomas Baker

**Location:** Alleghany Road, Town of Alabama, New York, and identified as a part of SBL No. 10.-1-15.11

**SEQR Status:** Unlisted

**Determination of Significance:** Negative Declaration

WHEREAS, the Genesee County Industrial Development Agency d/b/a the Genesee County Economic Development Center (“**GCEDC**” or “**Agency**”), in conjunction with the Genesee Gateway Local Development Corporation (“**GGLDC**”), the non-profit real estate affiliate of the GCEDC, have been working for more than a decade on the development of the Western New York Science & Technology Advanced Manufacturing Park (“**STAMP**” or the “**Project**”), an advanced manufacturing technology campus on approximately 1,262 acres located on the west side of New York State Route 63/77, approximately five miles north of the I-90/New York State Thruway (“**STAMP Site**”) in the Town of Alabama, New York (“**Town**”); and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Not-for-Profit Corporation Law of New York to, among other things, (i) acquire by purchase, lease, gift, bequest, devise or otherwise real or personal property or interests therein; (ii) to sell, convey, mortgage, lease, pledge, exchange or otherwise dispose of real property in such manner as the Agency shall determine; and (iii) acquire, construct, reconstruct and install one or more “projects” (as defined in the Act) or to cause said projects to be acquired, constructed, reconstructed and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, a 0.851-acre portion of STAMP includes two abandoned barns (“**Barns**”) along Alleghany Road (“**Land**”) bordered to the north by a residential use, to the east across Alleghany Road by a lightly forested area containing an abandoned building, and to the west and south by STAMP;

WHEREAS, THOMAS BAKER (“**Buyer**”) owns property adjacent to the Land at 6604 Alleghany Road;

WHEREAS, the Buyer has requested that the Agency convey its interest in the Land to the Buyer;



WHEREAS, the Agency intends to convey its interest in the Land to the Buyer;

WHEREAS, the Buyer desires to acquire fee title to the Land from the Agency in the Buyer's own name or in the name of such other entity(ies) as may be designated by the Buyer and agreed upon by the Agency and plans to incorporate the Land into Buyer's existing residence/property; and

WHEREAS, the Barns likely contain asbestos-containing material;

WHEREAS, the Buyer will likely retain the Barns and use them for storage, however, in the event the Buyer decides to demolish the Barns, the Buyer has agreed to demolish them in accordance with all applicable federal, state and local requirements for the removal, handling and transportation of the asbestos-containing material;

WHEREAS, the Agency now desires to authorize the sale and conveyance of fee title to the Land to the Buyer or such other entity(ies) as may be designated by the Buyer and agreed upon by the Agency ("**Land Transfer**"); and

WHEREAS, pursuant to Article 8 of the New York Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended (the "SEQR Act") and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York ("NYSDEC"), being 6 NYCRR Part 617, et. seq., as amended (the "Regulations" and collectively with the SEQR Act, "SEQRA"), the Agency must satisfy the requirements contained in SEQRA prior to making a final determination whether to undertake the Land Transfer; and

WHEREAS, pursuant to SEQRA, to aid the Agency in determining whether the Land Transfer may have a significant adverse impact upon the environment, the Agency has received and reviewed (1) Part 1 of a Short Environmental Assessment Form, ("**EAF**"); (2) NYSDEC's Environmental Resource Mapper ("**NYSDEC Mapper**"); (3) the New York State Cultural Resource Information System ("**CRIS**"); (4) a Generic Environmental Impact Statement for the STAMP Site (together with all amendments subsequent thereto, the "**GEIS**"); and (5) other relevant environmental information (collectively, 1-5 shall be referred to as the "**Environmental Information**"); and

WHEREAS, prior to making a recommendation about the potential environmental significance of the Land Transfer, the Agency has reviewed the Environmental Information, consulted various information sources, and considered the list of activities which are Type I Actions outlined in Section 617.4 of the SEQRA Regulations, the list of activities that are Type II Actions outlined in Section 617.5 of the SEQRA Regulations and the criteria for determining significance outlined in Section 617.7 of the SEQRA Regulations; and

WHEREAS, a thorough analysis of the Environmental Information and potential environmental impacts associated with the Land Transfer reveals that the Land Transfer will not have any potentially significant adverse environmental impacts; and

WHEREAS, it is appropriate that the Agency issue a negative declaration pursuant to SEQRA for the Land Transfer.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE GENESSEE COUNTY ECONOMIC DEVELOPMENT CENTER AS FOLLOWS:

**Section 1.** Based upon a thorough review and examination of the Land Transfer and Environmental Information, and upon the Agency's knowledge of the area surrounding the Land and such further investigation of the Land Transfer and its environmental effects as the Agency has deemed appropriate, the Agency makes the following findings with respect to the Land Transfer:

- (A) The Land Transfer is an Unlisted Action pursuant to SEQRA, as the Land Transfer involves the sale of less than 100 acres of land (involving less than 1 acre of land) and does not meet or exceed any threshold for a Type I Action;
- (B) The Agency, as Lead Agency, has undertaken an uncoordinated review of the Land Transfer in accordance with the requirements of SEQRA; and
- (C) No potentially significant adverse impacts on the environment are noted in the Environmental Information and none are known to the Agency.

**Section 2.** Based upon the Agency's review of the Environmental Information and investigations of the potential environmental impacts associated with the Land Transfer, considering both the magnitude and importance of each potential environmental impact indicated, and upon the Agency's knowledge of the Land and surrounding area and such further investigations of the Land Transfer and its environmental effects as the Agency has deemed appropriate, the Agency has determined that the Land Transfer will not have a significant adverse impact upon the environment. The reasons supporting this determination are as follows:

1. Impact on Land. The Buyer intends to incorporate the Land into Buyer's existing residence/property, and therefore the Land Transfer will not create a material conflict with an adopted land use plan or zoning. While much of the STAMP Site was rezoned from Agricultural-Residential ("AR") to Technology District ("TD"), a 300-foot buffer around the TD zone was reserved as zone AR. This zone AR buffer includes the Barns.

If the Buyer retains the Barns, there will be no resulting physical change to the land. In the event the Buyer demolishes the existing dilapidated Barns on the Land following acquisition, there will be a resulting physical change to the land. However, the Buyer will demolish the Barns in accordance with all applicable federal, state and local requirements, including those relating to the removal, handling and transportation of the asbestos-containing material. Overall, the Land Transfer will not result in a significant change to the use or intensity of use of the Land. Accordingly, there will be no adverse effects to Land.

2. Impact on Geological Features. The Land does not contain, and is not adjacent to, any unique geologic features or National Natural Landmarks. Accordingly, the Land Transfer will not create any potentially significant adverse impacts to geological features.

3. Impact on Surface Water. As the EAF and NYSDEC Mapper note, the Land does not contain any surface waters. While Whitney Creek is located on another STAMP parcel, the creek is not located on or near the Land. Further, while there may be some physical alteration of the Land in the event the Buyer demolishes the Barns, the Buyer will demolish the building in accordance with all applicable federal, state and local requirements for the removal, handling and transportation of the asbestos-containing material. Therefore, the Land Transfer has no potential to adversely affect any surface water.
4. Impact on Groundwater. As noted above, the Land Transfer does not result in any physical alteration of land, and, should the Buyer choose to demolish the Barns, because the Buyer will demolish the buildings in accordance with all applicable federal, state and local requirements for the removal, handling and transportation of the asbestos-containing material, the Land Transfer has no potential to adversely affect groundwater resources.
5. Impact on Flooding. The EAF states that the Land Transfer will not result in the development of lands which are located in a designated floodway and does not include the impoundment of water. The Land Transfer and subsequent usage of the Barns will not involve the type of physical alteration to the Land or any activities which would exacerbate existing conditions with respect to flooding. Accordingly, the Land Transfer is not anticipated to create any potentially significant adverse impacts to flooding.
6. Impact on Air. The Land Transfer does not entail the types of activities or operations that require the Agency or Buyer to acquire air registration permits or that are associated with a significant potential for air emissions. While the possible demolition of the Barns containing asbestos-containing materials has the potential to release asbestos particles into the air, should the Buyer choose to demolish the Barns, the Buyer will demolish them in accordance with all applicable federal, state and local requirements for the removal, handling and transportation of the asbestos-containing material. Accordingly, the Land Transfer is not anticipated to create any significant adverse impacts to air resources.
7. Impact on Plants and Animals. The EAF notes the potential presence of the northern harrier, a NYS threatened species. The potential presence of the short-eared owl, an endangered species, has been noted at a separate STAMP parcel, but is not noted in the NYSDEC Mapper for the Land. Despite the potential presence of the species generally, the Land is already developed with the Barns and is in close proximity to adjacent residences, and no threatened or endangered species have been observed on the Land itself. Accordingly, the Land Transfer is not anticipated to create any significant adverse impacts to plants or animals.
8. Impact on Agricultural Land Resources. Unlike the STAMP parcel to the west of Crosby Road, the Land is not located within an Agricultural District and is not currently used for farming. Based on the foregoing, the Land Transfer will not create any significant adverse impacts to agricultural land resources.

9. Impact on Aesthetic Resources. The Land Transfer will result in the reuse of existing vacant Barns, and does not include any new construction. Accordingly, the Land Transfer is not anticipated to create any significant adverse impacts to aesthetic resources.
10. Impact on Historic and Archaeological Resources. According to CRIS and the NYSDEC Mapper, the Land does not contain and is not near a building which is listed on the State or National Register of Historic Places. The Land is located in an area flagged as sensitive for archeological resources. However, a Phase 3 Data Recovery was conducted for the larger STAMP site, including the Land. In addition, the Land is not located near the Tonawanda Seneca Nation's Territory. Accordingly, the Land Transfer will not create any significant adverse impacts to historic or archaeological resources.
11. Impact on Open Space and Recreation. The Land Transfer and utilization of the Barns would increase open space. Accordingly, the Land Transfer will not create any significant adverse impacts to open space or recreational resources.
12. Impact on Critical Environmental Areas. The Land is not located in or substantially contiguous to any Critical Environmental Areas. As such, the Land Transfer will not create any significant adverse impacts to Critical Environmental Areas.
13. Impact on Transportation. The Land Transfer does not entail any changes to existing parking or traffic levels. As such, the Land Transfer is not anticipated to create any significant adverse impacts to transportation.
14. Impact on Energy. The Land Transfer will not result in any increase in the use of energy, and no energy infrastructure improvements are necessary to accommodate the Land Transfer. As such, the Land Transfer will not create any significant adverse impacts to energy resources.
15. Impact on Noise, Odor and Light. The Land Transfer and resulting usage of the Barns will not result in any appreciable increase in noise, lighting, or new odors. Accordingly, the Land Transfer is not anticipated to create any significant adverse impacts to noise or odors.
16. Impact on Public Health. The Land Transfer and possible demolition of the Barns has the potential to impact human health through exposure to asbestos-containing material. However, should the Buyer choose to demolish the Barns, the Buyer will demolish them in accordance with all applicable federal, state and local requirements for the removal, handling and transportation of the asbestos-containing material. Accordingly, the Land Transfer is not anticipated to create any significant adverse impact to public health.
17. Impact on Character of the Community, and Community Plans. The Land Transfer involves only the transfer of fee title to the Land itself and the Buyer intends to incorporate the Land into Buyer's existing residence/property. As

such, the Land Transfer will not result in any material development of the Land. Any demolition of the Barns would be minor in nature and consistent with surrounding land uses. Accordingly, the Land Transfer will not create any significant adverse impacts to the character of the community or community plans.

**Section 3.** Since the Land Transfer will not have a significant adverse impact on the environment, a negative declaration (“Negative Declaration”) pursuant to SEQRA is hereby issued. This Negative Declaration has been prepared pursuant to and in accordance with the requirements of SEQRA.

**Section 4.** The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required and to execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

**Section 5.** This Resolution, which is adopted by a majority vote of the Agency, shall serve as the Negative Declaration (as defined in 6 N.Y.C.R.R. 617.2(y)) for the Land Transfer, and is issued by the Agency pursuant to and in accordance with SEQRA, shall take effect immediately.

**Section 6.** For further information on this Determination of Significance/Negative Declaration contact:

Mark Masse  
99 MedTech Drive, Suite 106  
Batavia, New York 14020  
Phone: 585-343-4866  
Email: mmasse@gcedc.com

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The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

The foregoing Resolution was thereupon declared duly adopted.

Project: Land Transfer to Thomas Baker  
 Date: 7/1/2022

**Short Environmental Assessment Form**  
**Part 2 - Impact Assessment**

**Part 2 is to be completed by the Lead Agency.**

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

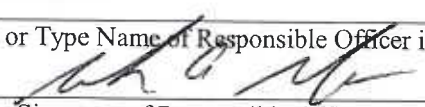
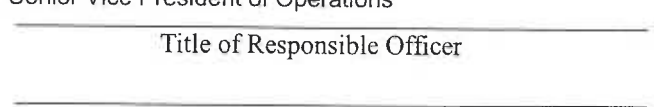
Project: Land Transfer to Thomas Bak

Date: 7/1/2022

### Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

See attached determination of significance.

<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.	
<input checked="" type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.	
Genesee County Industrial Development Agency	7/1/2022
Name of Lead Agency	Date
Mark A. Masse	Senior Vice President of Operations
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
	
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

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# Short Environmental Assessment Form

## Part 1 - Project Information

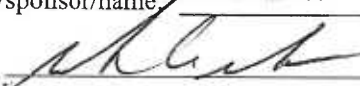
### Instructions for Completing

**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part I. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 – Project and Sponsor Information</b>				
Name of Action or Project: Land Transfer to Thomas Baker				
Project Location (describe, and attach a location map): Alleghany Road, Alabama, NY				
Brief Description of Proposed Action: The action involves a land transfer of an approximately 0.851-acre portion of the STAMP site to Thomas Baker, a neighbor of the STAMP site. The portion of land to be transferred contains a dilapidated barn which contains asbestos. It is likely that the Buyer will retain the barns on the Land and use them for storage following acquisition.				
Name of Applicant or Sponsor: Genesee County Economic Development Center		Telephone: 585-343-4866 E-Mail: mmasse@gcedc.com		
Address: 99 MedTech Drive, Suite 106				
City/PO: Batavia		State: New York	Zip Code: 14020	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ 0.851 acres b. Total acreage to be physically disturbed? _____ 0 acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 0.851 acres				
4. Check all land uses that occur on, are adjoining or near the proposed action: <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input checked="" type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input checked="" type="checkbox"/> Forest <input checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland				

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?			
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?			
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?			
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?			
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	<input type="checkbox"/>	<input type="checkbox"/>
_____		
_____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
_____		
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
_____		
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
_____		
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor/name: <u>Mark A. Masse</u>	Date: <u>7/1/2020</u>	
Signature: <u></u>	Title: <u>SR VP of Operations</u>	

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**PRINT FORM**

**Disclaimer:** The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.

Gamin, USGS, Intermap, INCREMENTP, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	No
Part 1 / Question 15 [Threatened or Endangered Animal]	Yes
Part 1 / Question 15 [Threatened or Endangered Animal - Name]	Northern Harrier
Part 1 / Question 16 [100 Year Flood Plain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
Part 1 / Question 20 [Remediation Site]	No

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