M E M O R A N D U M

TO: Mark A. Masse, CPA | President & CEO, GCEDC

FROM: STAMP Tech Team: Andrew Kosa, P.E. | Civil Engineer, CPL; Katlyn Hojnacki, Senior Ecologist, CC Environment

DATE: February 28, 2025

RE: State Environmental Quality Review Act Update for Project Double Reed at the Western New York Science & Technology Advanced Manufacturing Park

I. Introduction

Clark Patterson Lee ("CPL"), CC Environment ("CCE"), & Phillips Lytle, LLP (collectively, the "Tech Team"), have reviewed documentation relating to the potential environmental impacts resulting from the siting of one of three proposed data center operations at STAMP. Specifically, Potentia Holding, LLC ("Project Hydroscale"); Project Rampart, LLC ("Project Rampart"), and; Stream U.S. Data Centers, LLC ("Project Double Reed") (collectively, the "Data Centers"); all seek to locate a data center on the same general parcel within the STAMP Site located at 6840 Crosby Road. It is understood that GCEDC will select only one, if any, of the Data Centers for siting at STAMP.

Pursuant to the State Environmental Quality Review Act ("SEQRA"), GCEDC comprehensively analyzed the environmental impacts of the development of STAMP, resulting in a final Generic Environmental Impact Statement being accepted and the GCEDC Findings Statement being issued in 2012, and subsequently updated and amended through the 2012 STAMP Smart Growth Impact Statement ("SGIS"), 2016 Amended Findings, 2020 Amended Findings, 2021 SEQR Determination, 2022 Negative Declaration, 2022 Amended Negative Declaration, 2022 Second Amended Negative Declaration, 2023 Negative Declaration, and 2024 Negative Declaration (collectively, the "GEIS"). The STAMP GEIS analyzed and mitigated the environmental impact of a full buildout of STAMP totaling 6,130,000 sq. ft. of floor space and over 9,000 employees.

The GCEDC is now evaluating the Data Centers to determine whether the potential adverse environmental impacts associated with each are adequately addressed in the STAMP GEIS. This memorandum summarizes the analysis of the Tech Team relative to the potential impacts of the Data Centers and compares those potential impacts to the thresholds and analysis set forth in the STAMP GEIS to determine whether there are

any potentially significant adverse environmental impacts that were not addressed in the GEIS.

II. Data Center Project Descriptions

A. Project Hydroscale

Project Hydroscale proposes to develop approximately 40 acres of a site totaling 43 acres. The project would create approximately 25 acres of impervious surface. The proposed data center will consist of two, two story buildings, 60 ft. tall, 288 ft. wide, and 630 ft. long, totaling 900,000 sq. ft. Project Hydroscale proposes to manage stormwater with a single, 7.75 acre foot bio-retention area. The project will create an additional demand of 28,000 gallons of water per day and will create 2,500 gallons per day of sanitary wastewater. The project will require the storage of approximately 1,000,000 gallons of diesel fuel on site for 200 emergency power generators. Project Hydroscale will demand 195 MW of electric power to be supplied from the adjacent substation now under construction.

B. Project Rampart

Project Rampart proposes to develop approximately 35.7 acres of a site totaling 67 acres, and create 28 acres of impervious surface. The proposed data center will be one, single story building, 40 ft. tall, 400 ft. wide, and 1,875 ft. long, totaling 750,000 sq. ft. Stormwater will be managed with a single, 10,000 gallon infiltration basin (7.7 acres). Project Rampart will create an additional demand of 3,675 gallons of water per day and will create the same in wastewater. The project will require the storage of approximately 1,500,000 gallons of diesel fuel on site for 120 backup generators. Project Rampart will demand 200 MW of electric power.

C. Project Double Reed

Project Double Reed proposes to develop approximately 40 acres of a site totaling 60 acres, and create 40 acres of impervious surface. The proposed data center will consist of three, single story buildings, approximately 53 ft. tall, 450 ft. wide, and 850 ft. long, totaling 900,000 sq. ft. Project Double Reed proposes to manage stormwater with three stormwater retention ponds. The project will create an additional demand of 10,000 gallons of water per day and will create 10,000 gallons per day of sanitary wastewater. Project Double Reed will require the storage of approximately 60,000 gallons of diesel fuel for 6 backup generators. Project Double Reed will demand 250 MW of electric power the backup generators will supply power in the event of an emergency power outage.

III. GEIS Thresholds

The STAMP GEIS evaluated the potential environmental impact of a full buildout of STAMP totaling 6,130,000 sq. ft. of floor space of advanced technology manufacturing uses employing over 9,000 employees. The maximum buildable acreage analyzed in the

GEIS is 618.8 acres with potential impacts to wetlands within the STAMP Site limited to 9.54 acres.

A more detailed description of the STAMP GEIS, along with a table comparing the GEIS thresholds with the Data Centers is attached as **Exhibit B**.

IV. Environmental Impact Analysis

This section provides an analysis of the potential environmental impacts associated with the Data Centers based on the following information:

1) the GEIS;
2) transcripts of the public comments received regarding the Data Centers during public hearings held by GCEDC on February 3, 2025 ("Oral Comments");
3) written public comments received regarding the Data Centers ("Written Comments" and collectively with the Oral Comments, the "Public Comments");
4) a letter dated January 30, 2025 ("Nation Letter"), from the Tonawanda Seneca Nation ("Nation") providing comments detailing its environmental concerns regarding the Data Centers;
5) Project Hydroscale's Application, including:
    a. an EAF;
    b. site plans ("Hydroscale Site Plans");
    c. a noise study from the Adag Group ("Hydroscale Noise Study");
    d. a stormwater management report from the Adag Group ("Hydroscale Stormwater Report");
    e. a geotechnical report from Burns McDonnell ("Hydroscale Geotech Report");
    f. a GEIS air quality consistency analysis from the Adag Group dates ("Hydroscale Emissions Report");
    g. an example of a crisis management manual ("Hydroscale Crisis Manual");
    h. an example emergency recovery response plan ("Hydroscale Emergency Plan");
    i. a trip generation and distribution analysis from the Adag Group ("Hydroscale Traffic Study");
    j. simulated visual depictions of Project Hydroscale ("Hydroscale Visual Assessment");
    k. a Climate Leadership and Community Protection Act ("CLCPA") Consistency Analysis from the Adag Group ("Hydroscale CLCPA Study");
    l. A letter response to GCEDC's requests for additional information, ("Hydroscale February Letter"), and;
    m. all appendices, attachments, and supplements thereto;
6) Project Rampart's Application, including:
    a. an EAF;

b. a detailed project description for Project Rampart ("Project Description");
c. site plans ("Rampart Site Plans");
d. a noise report from Aurora Acoustical Consultants Inc. ("Aurora") (Rampart Noise Report");
e. a stormwater management report ("Rampart Stormwater Report");
f. a geotechnical letter summary from Foundation Design, PC ("Rampart Geotech Report");
g. a generator emissions report ("Rampart Emissions Report");
h. an emergency services report ("Rampart Emergency Services Report");
i. a traffic model update ("Rampart Traffic Report");
j. a visual assessment ("Rampart Visual Assessment");
k. a letter response to GCEDC's requests for additional information, ("Rampart February Letter"), and;
l. all appendices, attachments, and supplements thereto;

7) Project Double Reed's Application, including:
   a. a Full Environmental Assessment Form ("EAF");
   b. conceptual site plans ("Double Reed Site Plan");
   c. conceptual stormwater plans ("Double Reed Stormwater Plan");
   d. conceptual landscape plans ("Double Reed Landscape Plan");
   e. conceptual construction logistics plans ("Double Reed Construction Plan");
   f. conceptual noise mitigation plans ("Double Reed Noise Mitigation Plan");
   g. conceptual illumination plans ("Double Reed Illumination Plan");
   h. conceptual architectural drawings ("Double Reed Architectural Drawings");
   i. visual assessments ("Double Reed Visual Assessment");
   j. technical summary regarding utility power ("Double Reed Power Summary");
   k. technical summary regarding generator emissions ("Double Reed Emissions Summary");
   l. technical summary regarding traffic ("Double Reed Traffic Summary");
   m. technical summary regarding stormwater management ("Double Reed Stormwater Summary");
   n. technical summary and report from Ramboll regarding noise ("Double Reed Noise Report");
   o. technical summary regarding geotechnical data ("Double Reed Geotechnical Summary");
   p. technical summary regarding emergency services ("Double Reed Emergency Services Summary");
   q. technical summary regarding emergency response procedures ("Double Reed Emergency Response Summary");
   r. a letter response to GCEDC's requests for additional information, ("Double Reed February Letter"), and;

s. all appendices, attachments, and supplements thereto;

8) the Initial Assessments ("IA") prepared by KTA Preservation Specialists ("KTA") for Project Double Reed ("Double Reed IA");
9) the IA prepared by KTA for Project Rampart ("Rampart IA");
10) the IA prepared by KTA for Project Hydroscale ("Hydroscale IA");
11) the Air Report;
12) NYSDEC's Environmental Resource Mapper ("ERM");
13) a letter from the Town of Alabama detailing the capacity of the town's emergency response services in relation to the Data Centers, dated February 27, 2025 ("Alabama Letter");
14) The Village of Oakfield Wastewater Treatment Facility Proposed Connection of STAMP Force Main Basis of Design Report dated January 2025 ("Oakfield BODR") and;
15) other relevant environmental information (collectively, 1-15, 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").

A. Impact to Land

The Data Centers would not have any impact to land beyond that which was analyzed under the GEIS. None of the Data Centers propose mining, dredging, or significant excavation, and no project is expected to result in increased erosion. The maximum amount of developed land proposed is 67 acres for Project Rampart, whereas the total developed land expected under the GEIS is 618.8 acres. In addition to the already proposed projects being developed at STAMP, Edwards Vacuum ("Edwards") and Plug Power ("Plug"), which account for an additional 109 acres, the impacts to land from construction of one of the Data Centers will still be far below that analyzed under the GEIS. Similarly, the Data Centers propose a maximum of 900,000 sq. ft. of floor space, which when combined with the 750,500 sq. ft. of floor space proposed by Edward and Plug is far below the 6,130,000 sq. ft. assumed under the GEIS. Accordingly, the Data Centers would not have any significant adverse impacts on land that were not analyzed in the STAMP GEIS.

B. Impact on Geological Features

The STAMP Site does not contain, and is not adjacent to, any unique geologic features or National Natural Landmarks, nor will the additional construction of the Data Centers pass through or near any unique geologic features or National Natural Landmarks off-Site. Accordingly, the Data Centers would not create any potentially significant adverse impacts to geological features that were not analyzed in the STAMP GEIS.

C. Impact on Surface Water

The Data Centers each have proposed to locate on approximately the same location within the STAMP Site, but the parcel size and orientation differs between each. Directly adjacent to the proposed Data Centers are identified low to medium quality wetlands, the largest being approximately 2.5 acres and the other two being less than 1 acre each.

Surface Water Current Conditions:

There are no wetlands, streams, or tributaries directly within the development impact area associated with all three data centers. As defined in the GEIS and documented in the Land Management Plan and wetland delineation reports, current land use within and surrounding the proposed development area is primarily row cropping (corn and soybeans). It is relevant to note that this type of farming leads to several ongoing impacts to water quality primarily due to nutrient runoff, sedimentation, and herbicide/pesticide use. The development area is tilled frequently (including much of Trib 2 and the adjacent small wetland areas in dry years) resulting in exposure of soil to erosion by wind and water and direct disturbance to wetlands and tributaries. Sediment can enter tributaries, reducing water quality downstream. Fertilizers used in corn and soybean production can lead to excessive nitrogen and phosphorus entering both surface and groundwater. Agricultural use of herbicides and pesticides enter water bodies through runoff or leaching, impacting water quality and aquatic ecosystems. Any subsurface tile drainage in these fields accelerate movement of nutrients into ditches and tributaries.

Surface Water Impact Analysis (Construction and Operation)

Wetland impacts are avoided for construction and operation of all three proposed projects. Preliminary stormwater management reports indicate that there will be an increase in impervious area and will require both stormwater quality and quantity mitigation measures. These measures do not include stormwater discharge for Project Hydroscale as its design requires reuse of stormwater for operations. Preliminary stormwater designs for both Double Reed and Project Rampart adhere to the SPDES General Permit for Stormwater Discharges from Construction Activity and include a conceptual Stormwater Pollution Prevention Plan (SWPPP) to ensure projects control erosion, sediment, and pollutants in surface runoff during construction and after buildout. These regulations ensure best management practices are utilized, installed, and maintained for the life of the project including erosion and sediment control features during construction and bioretention basins, stormwater management ponds, and vegetated swales to filter pollutants and control flow thereafter. Green

infrastructure elements are indicated as well including rain gardens for roof drainage, infiltration trenches for parking areas, and vegetated buffers. Designs indicate that treated water will be discharged into Trib 2 directly (Project Rampart) or via use of a level spreader that will naturally sheet flow discharge following existing drainage patterns at the same flow rate (Double Reed). These designs ensure that water will continue to flow at the appropriate rate and quality into the large, forested wetland complex in the northwest corner of the site. This design addresses concerns about maintaining hydrological inputs into existing wetlands.

Converting active agricultural land to developed areas with effective stormwater management systems can reduce nutrient loading, sediment runoff, and agricultural pollutants. The proposed development and associated stormwater management designs could improve water quality over the current agricultural discharges into Trib 2 by reducing sediment, nutrient, and chemical inputs associated with ongoing tillage, pest control and fertilization.

D. Impact on Groundwater

The STAMP Site sources its water supply from existing water works rather than groundwater. Therefore, the increase in water demand from the Data Centers would not impact groundwater. Similarly, no project proposes on-site treatment of its wastewater. None of the Data Centers will utilize pesticides or store hazardous chemicals or waste beyond the on-site diesel storage referenced below. Furthermore, the site proposed for the Data Centers is not located above an aquifer.

Each Data Center proposes the use of emergency diesel generators for use in the event of an accidental power outage. To ensure that the generators are maintained in working order, they will require regular maintenance and testing. Project Hydroscale proposes 200 generators and Rampart proposes 120; whereas Project Double Reed will require only 6 generators. Consequently, Project Hydroscale, Rampart, and Double Reed will require the storage of 1,000,000 gal., 1,500,000 gal., and 60,000 gal. of diesel fuel, respectfully. Because the bulk storage of petroleum can pose risks to groundwater in the event of a spillage, all three Data Centers will be required to comply with federal Spill Prevention Control and Countermeasure regulations ("SPCC") rules and NYSDEC regulations for the bulk storage of petroleum. Protections required per these regulations include, among others, secondary containment, tank testing and standards, handling procedural requirements, and emergency response and recordkeeping requirements. These regulatory regimes comprehensively regulate the storage, transfer, and use of petroleum and are specifically implemented to prevent significant risk and harm from bulk petroleum storage.

The GEIS specifically contemplates such bulk storage of petroleum for emergency generators at STAMP, stating that compliance with SPCC and NYSDEC regulations will be required and will mitigate any potential impacts. Project Double Reed poses the lowest risk given it will store 940,000 gallons less than Project Hydroscale and 1,440,000 gallons less than Project Rampart. Notwithstanding, provided that compliance with federal and state regulations is adequate, the Data Centers would not have any adverse impact to groundwater that was not analyzed under the GEIS.

E. Impact on Flooding

The STAMP Site does not contain, and is not adjacent to, a designated floodway, a 100-year floodplain, or a 500-year floodplain. Accordingly, the Data Centers are not anticipated to create any potentially significant adverse impacts to flooding that were not analyzed in the STAMP GEIS. Additionally, the Data Centers include comprehensive stormwater management plans including construction of large infiltration basins, and the implementation of green infrastructure which would be designed to mitigate any potential flooding from stormwater flows. Based on these facts, the Data Centers would not have any significant adverse impacts on flooding that were not analyzed in the GEIS.

F. Impact on Air

The primary emissions from the Data Centers will be from operation of the emergency power generators proposed for each project. GCEDC's air consultant, C&S Companies ("C&S"), analyzed the information submitted by each of the Data Centers regarding potential air impacts and summarized the findings in the Air Report. The Air Report determined that based on each project's estimates, Project Hydroscale and Project Rampart would require a State Facility Air Permit, with Federally Enforceable Emission Caps. As to Project Double Reed, the Air Report determined that the project could qualify for the lesser Air Facility Registration, with Federally Enforceable Emission Caps, which is reserved for facilities that will emit less than 50% of the Title V Major Source Threshold for any regulated pollutant, although it will be up to the DEC to determine whether a State Facility permit or Air Facility Registration will be required.

As to quantity of emissions per facility, Project Hydroscale will have the highest emissions in general (except for Sulfur Dioxide), Project Rampart will have the second highest (and the highest Sulfur Dioxide emissions); and Project Double Reed will have the lowest emissions by far. For example, Nitrogen Oxide ("NOx") Emission for Project Hydroscale and Rampart will by 99.9 and 89 tons per year (tpy), respectively; whereas Project Double Reed will emit only 8.6 tpy.

The GEIS contemplated that no facility siting at STAMP would exceed Title V Air Permit thresholds. All three Data Centers are below these thresholds based upon actual

emissions, however Project Hydroscale is only 0.1% under such threshold for NOx based on its calculations. The GEIS also provides the estimated anticipated annual air pollutant emissions from any single facility locating at STAMP. Both Project Hydroscale and Project Rampart exceed several of these thresholds whereas Project Double Reed remains well below all thresholds. *See* Exhibit A. Accordingly, Project Double Reed will likely not have any adverse impacts beyond that which is analyzed in the GEIS and fully complies with the GEIS thresholds for single facility emissions at STAMP. Project Hydroscale and Project Rampart exceed at least one GEIS threshold and would require further analysis.

G. Impact on Plants and Animals

The site proposed for the Data Centers consists of largely undeveloped farmland and there are no significant natural habitats or natural communities. Wildlife species commonly occurring at the site include white-tailed deer, wild turkey, raccoons, red-tailed hawks, and songbirds. Most of these species utilize the edges of fields and hedgerows. The site is not currently used for hunting, trapping, fishing, or shell fishing.

Due to the documented use of the site by state-listed winter raptors, GCEDC has developed a Net Conservation Benefit Plan which includes permanent protection of sufficient acreage of suitable habitat for winter raptors for a sufficient period of time, with a NYSDEC-approved monitoring and habitat restoration plan. The Take Permit and Net Conservation Benefit Plan apply to the site proposed for the Data Centers, and the Data Centers do not propose any modifications or expansions of the same. As discussed above, the Data Centers will not have any direct impact on surface waters, or any habitats therein, within or outside of the STAMP Site due to the proposed stormwater controls and regulatory requirements applicable to the Data Centers.

However, as further detailed below, only Project Double Reed would have noise impacts within the thresholds established in the GEIS, whereas Project Hydroscale would exceed noise thresholds during normal operations and during operation of its emergency generators, including at the border of the Nation's territory ("Territory"). The Rampart Noise Report indicates the project would exceed the GEIS noise thresholdsduring maintenance of its emergency generators, but did not provide noise estimates during operation under an emergency power outage scenario. Accordingly, both Rampart and Hydroscale would require further analysis relative to these issues.

Specific concern has been expressed by the Nation that noise will negatively impact the following species: bald eagle, sandhill crane, tri-colored bat, salamander mussel, and hellbender. Within New York, eastern hellbenders are known to occur only within the Allegheny and Susquehanna River drainages, neither of which are within the vicinity of STAMP. This species requires swift running, well oxygenated, unpolluted streams with the presence of riffles and an abundance of large flat rocks, logs, or boards. It is possible

that a limited version of this habitat is available within Whitney Creek. However, the unlikelihood of suitable habitat combined with known locations of eastern hellbenders, makes it highly unlikely that this species is present within the STAMP site. Like hellbenders, salamander mussels also require rocky, swift-flowing streams, making Whitney Creek the only remotely suitable habitat on STAMP. Should salamander mussels occur in Whitney Creek, the nearest occurrence would be at the far southern end of the property, approximately 0.75 miles away from the proposed data centers, reducing noise levels close to those already existing. Bald eagles, a state-threatened species, have been documented flying over the STAMP site but have not been observed foraging or engaged in breeding behavior. To avoid impacts to this species, regulations state that all areas within 660 feet of a nest must be avoided. There are no known bald eagle nests within the STAMP site, nor are any known to exist within 660 feet of the STAMP boundary. Sandhill cranes, which are neither federally nor state listed nor a species of special concern within New York, have been documented infrequently foraging on STAMP during their migration season. As analyzed within the GEIS, sandhill crane, like other species that may be displaced from STAMP during full buildout, will continue to utilize the abundant agricultural fields that are present in the surrounding landscape. Tricolored bats have been proposed for federal listing but have not been formally listed as of February 2025. This species utilizes a variety of forest habitats, but also anthropogenic features such as culverts, barns, and houses for roosting. Foraging occurs primarily above water features and along forest edges. Studies have demonstrated that noise can disrupt foraging behavior, forcing bats to seeker quieter areas on and adjacent to the STAMP Site. These areas, which include more suitable habitat for the Tricolored bat, , are abundant outside of the Data Center site, allowing the bats continued access to essential habitat.

Given the lack of noise impacts resulting from Project Double Reed, it would not have any significant adverse impacts on plants or animals that were not analyzed in the STAMP GEIS. However, given the exceedance of the noise thresholds in the GEIS, Project Hydroscale and Project Rampart would require further analysis to determine whether they may impact animals outside of the STAMP Site beyond that which is analyzed under the GEIS.

Lighting from the proposed Data Centers would similarly not impact plants or animals outside of the STAMP Site based on the substantial dark sky compliant lighting plans proposed for each project. Furthermore, the proposed stormwater controls would ensure that the Data Centers would have no adverse impact on plants and animals surrounding the STAMP Site from stormwater flows.

H. Impact on Agricultural Land Resources

The GEIS contemplated that the full-build out of STAMP would result in the loss of agricultural lands, the impact from which would be far outweighed by the economic development spurred on by STAMP. As discussed above, the maximum amount of land considered for development by the Data Centers is 67 acres for Project Rampart, which combined with existing and proposed development by Edwards and Plug, remains well below the contemplated full build-out under the GEIS. Accordingly, The Data Centers would not have any significant adverse impacts on agricultural land resources that were not analyzed in the STAMP GEIS.

I. Impact on Aesthetic Resources

All three Data Centers will be substantially lower than the maximum height permitted for the TD-1 zoning district, which is limited to 110 ft. Project Hydroscale proposes a maximum height of 60 ft., Rampart proposes a maximum height of 40 ft., while Project Double Reed, with additional noise screening, proposes a maximum height of approximately 53 ft. All Data Centers will be set well back from adjacent uses, and will not reduce or minimize the substantial buffers proposed for the STAMP Site. All three Data Centers are located approximately 0.5 miles from the Nation's Territory, or greater. According to the visual assessment provided by the Data Centers, they are well screened by existing forestland within and outside of the STAMP Site and would have minimal intrusion on the horizon profile. All three Data Centers propose downward facing lighting resulting in minimal spillage of light on adjacent uses (see discussion of light impacts below). Additionally, Project Double Reed proposes to install substantial landscape screening, further buffering any potential visual impacts. Given that the GEIS specifically contemplated that the western portion of the STAMP Site where the Data Centers seek to locate would contain the largest, most intensive uses at STAMP, the Data Centers do not pose visual impacts beyond those expected under the GEIS.

J. Impact on Historic and Archeological Resources

The STAMP Site does not contain, nor is it adjacent to, a building, or district which is listed on, or that has been nominated to the State or National Register of Historic Places. GCEDC has coordinated extensively with the New York State Office of Parks, Recreation and Historic Preservation State Historic Preservation Office ("SHPO") on the development of the STAMP Site, with such coordination continuing for the Data Centers. Impacts to historic and archaeological resources are analyzed extensively in the GEIS; and the programmatic agreement ("Programmatic Agreement") entered into between GCEDC and the U.S. Army Corps of Engineers ("USACE") comprehensively cleared the STAMP Site of archaeological resources. Further, as required by the letter of resolution ("LOR") that was negotiated between NYSDEC, GCEDC, SHPO, and the Nation, GCEDC has prepared IAs for each of the Data Centers in order to evaluate whether they will have any adverse impact upon the Nation's Territory as a property of religious and cultural significance based on the National Register Criteria for eligibility.

The Nation has been working with SHPO over the course of several years to nominate of the Nation's Territory as a Traditional Cultural Property ("TCP") for listing on the National Register as a property of religious and cultural significance, but has not yet provided the necessary information for such a nomination to proceed. We understand that the Nation has worked with the SHPO most recently on a draft determination of eligibility document, however, that document has not been completed or released to GCEDC for review in its draft form. Notwithstanding, for the purpose of SEQRA review and review under the Programmatic Agreement and LOR, GCEDC assumes that the Nation's Territory would be eligible for listing on the National Register of Historic Places.

As required by the GEIS, a Phase 1-3 Cultural Resource Investigation has been undertaken at the portion of the STAMP Site relevant to the Data Centers. The Cultural Resource Investigation documents that the area proposed for development by the Data Centers is not near or contains an archeological site or district which is listed on the national or state register of historic places or that has been determined by the commissioner SHPO to be eligible for listing on the state register of historic places. Further, as detailed in the IA for Double Reed, the project would not result in significant adverse impacts to the Nation's Territory, for the reasons described both in the IA and herein. Project Rampart and Project Hydroscale would require additional further analysis to determine whether they would have impacts resulting from their noise emissions.

Based on these facts, the Double Reed project would not have any significant adverse impacts on Historic or Archaeological resources.

K. Impact on Open Space and Recreation

The STAMP Site is not currently used for hunting, fishing, trapping, or shell fishing. In terms of off-Site recreational resources, the closest is the Iroquois National Wildlife Refuge (federal) and the John White Wildlife Management Area (New York State) which are both over .5 mile away and will be unaffected by the Data Centers.

Although there is hunting that takes place directly to the west of the STAMP Site on the Nation's Territory, there will not be significant impacts to this area due to the significant boundary buffer and setbacks, landscape screening, and lack of odor, and light impacts as discussed below. However, as further detailed below, only Project Double Reed would have noise impacts within the thresholdsoutlined in the GEIS, whereas Project Hydroscale would exceed noise thresholdsduring normal operations and during operation of its emergency generators, including at the border of the Nation's Territory. Project Rampart would exceed the GEIS noise thresholdsduring maintenance of its emergency generators, but did not provide noise estimates during operation under an emergency power outage scenario. Notwithstanding, Project

Rampart's noise impacts at the Nation's Territory would not exceed GEIS thresholds when operating its generators for testing and maintenance.

The STAMP Site is not open to the public or utilized by the public for any outdoor activities. Given the lack of noise impacts resulting from Project Double Reed, it would not have any significant adverse impacts on open spaces and recreation that were not analyzed in the STAMP GEIS. However, given the exceedance of the contemplated noise thresholdsin the GEIS, Project Hydroscale and Project Rampart would require additional analysis to determine whether they may impact hunting and other outdoor recreation outside of the STAMP Site beyond that which is analyzed under the GEIS.

L. Impact on Critical Environmental Areas

There are no Critical Environmental Areas as described in subdivision 6 NYCRR 617.14(g) on the STAMP Site, or in proximity to the STAMP Site. Accordingly, the Data Centers would not have significant adverse impacts upon Critical Environmental Areas that were not analyzed in the STAMP GEIS.

M. Impact on Transportation

Given the nature of data center operations, while the Data Centers propose construction of relatively large facilities by floor space, they will require relatively minimal staffing. As a result, vehicle trips to and from the Data Centers would also be relatively low. Project Hydroscale estimates that it will create 475 trips during peak PM hour in the worst case scenario. Project Rampart did not provide estimated vehicle trips to and from its facility, but it can be assumed as a worst case scenario that all 108 proposed employees would exit and enter the facility during PM peak hour. Project Double Reed estimates that at worst, it will create an additional 81 vehicle trips during PM peak hour.

The GEIS Traffic Impact Study ("TIS") analyzed the traffic impacts from STAMP on surrounding roads up to full development which includes 6,130,000 sq. ft. of floor space with over 9,000 employees. The GEIS contemplates that at 70% of build out, STAMP would generate 1,424 new AM peak hour trips and 1,924 PM peak hour trips. The STAMP GEIS sets forth specific clear numeric thresholds which must be exceeded to trigger traffic improvements as well as updates to the GEIS traffic analysis. Specifically, the STAMP GEIS provides that no additional traffic study need be prepared until the development of the STAMP Site has resulted in over 1,925 trips during the peak PM hour.

Edwards is anticipated to have a total of 620 vehicle trips per day, while Plug is anticipated to have a maximum of 36 vehicle trips per day. Under a worst case scenario, assuming all 656 trips occur during the PM peak hour, when added with the

highest estimate for the Data Centers (475-Hydroscale), total vehicle trips will still be well under the 1,924 trip threshold and do not trigger any further analysis under the GEIS.

Comparing the original TIS volumes and historical NYSDOT data identifies that traffic volumes are largely consistent over a year-to-year basis. While there are minor fluctuations in traffic volumes over time, the data indicates that overall traffic levels have remained stable over the past decade. In general, the turning movement volumes counted in 2010 and used in the traffic study align well with current traffic conditions, and the GEIS traffic analysis remains a reliable basis to evaluate the impacts of development at STAMP on the surrounding roadway network.

Accordingly, the Data Centers would not have a significant adverse impact upon Transportation that was not analyzed in the STAMP GEIS.

N. Impact on Energy

The new electric substation located adjacent to the site proposed for the Data Centers, is currently under construction and will have an ultimate capacity of 600 MW. The source of the power will be the New York Power Authority which will be delivered by National Grid and will be generated by clean hydroelectric power stations.

The GEIS analyzed the use of approximately 185 MW which has since been updated to 600 MW after the construction of the STAMP substation in subsequent updates to the GEIS. Project Double Reed, with the largest demand of the Data Centers, is estimated to consume approximately 250 MW of energy. Plug anticipates the need for 265 MW and Edwards anticipates a demand at full build out of 7 MW. When added to Project Double Reed, total energy demand would be 522 MW, which is well below the GEIS threshold of 600 MW. Accordingly, given the maximum energy demand from the Data Centers is 250 MW, none would have significant adverse impacts upon energy that were not analyzed in the STAMP GEIS.

Additional analysis regarding the economics of data center electrical demand is included in a separate report, and reference is made to the same to address those considerations.

O. Impact on Noise, Odor and Light

The operation of any of the Data Centers will create noise impacts from data center cooling equipment and operation of the emergency power generators. There are no specific noise controls in place for the STAMP Site. However, the GEIS contemplated that projects at STAMP would not cause noise impacts beyond the STAMP Site

boundary which exceed the NYSDEC noise guidelines of 65 dBa during daytime and 45 dBa at night.

The Data Centers each provided noise studies modeling estimated noise impacts at surrounding receptors within and beyond the STAMP Site. The Hydroscale Noise Study indicates that operation of Hydroscale's data center would result in noise levels of 49 dBa at the border of the Nation's Territory. This exceeds the GEIS guidelines of 45 dBa during the nighttime. Similarly, the Hydroscale Noise Study indicates that noise levels at the nearest residential receptors outside the STAMP Site would be 71 dBa during operation of its emergency generators, exceeding both daytime and nighttime GEIS thresholds.

Sound levels associated with the Project Rampart during operation of backup generators ranges from 82 dBa at the Project's southern property line to 50 dBa at the northern boundary of the STAMP Site, adjacent to residential receptors. While the noise study provided did not provide information regarding the boundary of the Nation's Territory for all noise conditions, it appears likely that noise levels would continue to exceed the 45 dBa nighttime limitation.

Project Double Reed estimates its maximum unmitigated noise impacts to the nearest residential receptor outside the STAMP Site to be 47 dBa during any operation scenario. However, Project Double Reed proposes mitigation to reduce sound impacts through the addition of rooftop sound barriers approximately 14-20 ft. in height and a 10 ft. tall barrier wall along the northern and eastern border of its proposed site. According to the Double Reed Noise Summary, mitigated maximum impacts to the nearest residential receptor would be 45 dBa. Mitigated maximum noise impacts at the STAMP border with Nation's Territory would be 34 dBa.

Accordingly, per the results of the noise studies for the Data Centers, Project Hydroscale and Project Rampart would exceed the GEIS noise thresholds during normal operation of its data center, whereas Double Reed would be below both day and nighttime thresholds under all conditions.

With regard to odor, the Data Centers will not have an impact within or beyond the STAMP Site because they do not include any processes or substances that would result in odors migrating off the site. Operation of the emergency generators will not have any significant odor impacts because it will be intermittent, and will be well set back from any surrounding uses.

With regard to light, all three Data Centers propose downward facing and dark sky compliant lighting as required under the GEIS. Project Rampart provided updated information regarding lighting indicating it would utilize the following lighting controls:

- Dark Sky Compliance - designed to eliminate uplight, thereby reducing skyglow and minimizing light pollution to preserve nighttime visibility and environmental quality
- Property Line Cutoff Controls - utilizing backlight shields and precision-engineered directional LED optics to prevent light spillover beyond the site boundaries
- Glare Reduction and Light Pollution Mitigation - limiting height of lighting fixtures, including pole based lighting, to a maximum of 28 ft.
- High Performance Fixtures - energy-efficient, high-quality LED fixtures designed for durability, longevity, and optimal photometric performance

However, only Project Double Read provided documentation through its Conceptual Illumination Plan, demonstrating that it would have minimum light spillage off-site. Project Double Reed has provided a photometric plan which confirms that Double Reed will not result in light spillage across its proposed property lines. As Project Double Reed is located approximately three quarters of a mile away from the Nation's Territory, the photometric plan confirms that no light associated with the Project will impact the Nation's Territory or species on or around the STAMP Site.

Notwithstanding, all project propose dark-sky compliant lighting and as discussed above, any potential light impact would be fully mitigated by the substantial setbacks and landscape screening in place for the STAMP Site. Accordingly, none of the Data Centers would have impacts from light not analyzed under the GEIS.

P. Impact on Public Health

With the exception of diesel fuel, none of the Data Centers propose to produce or store any hazardous waste or chemicals, nor do they propose the use of pesticides. Construction of any of the Data Centers would occur within the STAMP Site and therefore, the general public's exposure to any hazards would be limited. Furthermore, during construction and operation, the ultimate Data Center which locates at STAMP (if any) would be required to comply with all OSHA and New York State Labor Law requirements, further minimizing risks.

Project Hydroscale and Project Double Reed provided proposed emergency management plans and procedures designed to minimize or eliminate potential impacts in the event of an unforeseen emergency. Furthermore, these emergency response plans are specifically tailored to operation of a data center. As required under the GEIS, Project Rampart and Project Double Reed each prepared emergency service reports detailing expected impacts on emergency service providers from the respective project, based on feedback from the emergency services providers. In sum, these reports indicate that emergency service providers do not anticipate any impacts to their services from the Data Centers. While Project Hydroscale did not provide such a report, it can

be assumed that based on its similar size and operation to Project Rampart and Double Reed, it would similarly have no impact on emergency services.

As explained in response to comments in the Nation Letter regarding the risk of fire from Data Center operations, the Data Centers do not seek to locate in unsafe low-tech environments, in previously unused warehouses, or old industrial sites. Rather, the Data Centers seek to construct state of the art, purpose designed and built facilities with all modern safety systems included. Additionally, electric service to the Data Centers would be provided through a brand new upgraded electrical substation designed specifically to handle enough capacity to power the entire STAMP Site, including the Data Centers.

Furthermore, the Alabama Letter provides confirmation from the Town of Alabama, from which emergency services would be provided, the Town owns and operates specialty firefighting equipment, including a foam suppression truck, specifically to address risks associated with bulk storage of fuel. The Town owns and operates this equipment in connection with the Town's role in providing fire protection services to the Nation and the seven gas stations located on the Nation's Territory (as well as the gasoline tanker trucks that service the same).

Finally, as discussed above in the analysis of impacts to groundwater, given the significant volume of diesel fuel storage required for each project, any impacts from the same are expected to be fully mitigated through compliance with federal SPCC and NYSDEC regulations for bulk petroleum storage, which provides strict regulatory oversight to ensure that the risk of spills and fires are appropriately mitigated, as required by the GEIS. Accordingly, the Data Centers would not have a significant adverse impact upon public health that was not analyzed in the STAMP GEIS.

Q. Impact on Community Character and Plans

The Data Centers are in line with the Genesee County Smart Growth Plan and SGIS. Furthermore, the land use plan for the STAMP Site contemplates advanced manufacturing, industrial and commercial development such as the construction of one of the Data Centers. The parcel where the Data Centers propose to locate is zoned as TD-1, and the projects are consistent with the underlying zoning designation. Further, as detailed above, the Data Centers are not anticipated to be appreciably seen or smelled from neighboring properties.

However, as further detailed above, only Project Double Reed would have noise impacts within the thresholds outlined in the GEIS (including at the border of the Nation's Territory, beyond which the Nation requires quiet conditions for ceremonial activities), whereas Project Hydroscale would exceed noise thresholds during normal operations and during operation of its emergency generators, including at the border of

the Nation's Territory. Project Rampart would exceed the GEIS noise thresholds operation under an emergency power outage scenario. .

Given the lack of noise impacts resulting from Project Double Reed, it would not have any significant adverse impacts on community character or plans that were not analyzed in the STAMP GEIS. However, given the exceedance of the contemplated noise thresholds in the GEIS, Project Hydroscale and Project Rampart require further study to determine whether those projects wouldimpact the community outside of the STAMP Site beyond that which is analyzed under the GEIS.

R. Impact on Disadvantaged Communities

New York's Climate Justice Working Group ("CJWG"), in its map of Disadvantaged Communities ("DACs"), has identified the Nation's Territory (Census Tract 36037940100) and large portions of Genesee County, including the Town of Alabama, (Census Tract 36037950300) as DACs.[1] As early as 2012, the GCEDC Findings Statement which followed the issuance of the GEIS included a detailed explanation of the public need and benefit achieved through the development of STAMP. As detailed in the 2012 Findings Statement:

The Project's central purpose is to play a significant role in reversing a trend of economic stagnation that has affected the Western New York region in recent years. The need for reversing this trend may be seen locally in 2010 US Census figures indicating declines in population for both the Town of Alabama and Genesee County over the past ten (10) years. STAMP will result in a number of benefits that have the potential to mitigate this trend in a substantial way.

All mitigative measures associated with STAMP are inherently geared towards achieving the benefits of STAMP while reducing any potential adverse impacts on surrounding DACs to the maximum extent practicable. Development of one of the Data Centers at STAMP supports the economic development goals in the GEIS by providing jobs, revenue, and demand for supportive community services.

While STAMP is exempt from the New York Environmental Justice Law ("EJL"), requirement that agencies must consider whether actions would result in a disproportionate pollution burden on a DAC due to its issuance of a Draft GEIS prior to the adoption of the EJL, such analysis has nevertheless been undertaken here. Consideration here takes into account the unique burdens and stressors applicable to the Nation, including its reliance on the Big Woods adjacent to STAMP for hunting,

[1] GCEDC recognizes and respects the Nation's disagreement of the use of the term "disadvantaged community" in reference to the Nation, as explained in the Nation Letter. GCEDC uses it only with regard to the classification pursuant to the Environmental Conservation Law.

ceremony, and medicine preparation, as well as its reliance on well-water. As discussed above, any project seeking to locate at STAMP would be required to comply with the limitations and conditions provided in the GEIS, and would undergo additional comprehensive review if it exceeded any such thresholds.

The GEIS determined that potential air impacts resulting from the technology manufacturing facilities sited at STAMP will be avoided, minimized, and/or mitigated to the maximum extent possible through the requirement to adhere to strict air permitting requirements and the expectation that no project would exceed Title V Major Source thresholds. The Data Centers and their use of emergency diesel generators are specifically contemplated uses under the GEIS. The Air Report explains that the potential to emit ("PTE") for each of the Data Centers exceeds Title V Major Source thresholds because PTE is calculated based on the theoretical continuous operation of the backup generators for 24 hours per day, 365 days per year. However, because the Data Centers propose to operate their emergency generators for only a fraction of that time, the actual estimated air emissions for each of the Data Centers are below the Title V Major Source thresholds and the same would be accepted as enforceable caps by NYSDEC.

Project Double Reed would be the only project which would specifically meet the contemplated air emissions for a single facility under the GEIS, with such emissions not contributing to any Furthermore, prevailing winds are from the westerly direction, meaning emissions from the STAMP Site would generally not impact the Nation's. Accordingly, construction of one of the Data Centers would not have a disproportionate pollution burden on any surrounding DACs. Notwithstanding, of the three proposed projects, Project Double Reed would result in the least pollution impacts to any DAC given the low air emissions estimated for the project. Reference is also made to Project Double Reed's lower levels of diesel storage and lower noise emissions, as analyzed above.

V. Conclusion

The expected impacts of the Data Centers are generally within those impacts and thresholds contemplated under the GEIS except as to noise impacts and air impacts for Projects Hydroscale and Rampart. In that regard, only Project Double Reed would be in compliance with the noise limitations set out in the GEIS. Project Double Reed does not include any significant adverse environmental impacts not already analyzed and studied under the GEIS.

Conversely, because Project Hydroscale and Project Rampart both exceed the noise thresholds and emissions estimates laid out in the GEIS, further analysis is necessary to determine whether they may have impacts beyond that which is analyzed in the GEIS.

Exhibit A
Emissions Report

Exhibit B
STAMP GEIS Summary

The STAMP GEIS assumes that no individual project sited at STAMP would require a Title V Air Permit. The GEIS also provides estimated annual emissions for a single representative facility and total expected emissions for all facilities sited at STAMP. A table comparing estimated emissions of each project with estimated emissions contemplated in the GEIS is attached to the report prepared by C&S analyzing the emissions estimates for the Data Centers, dated February 27, 2025 ("Air Report"), attached as **Exhibit A**.

With regard to plants and animals, the GEIS determined that STAMP development would have relatively minimal impacts to the same, with the exception to a limited number of bird species which may utilize the STAMP Site on occasion. The New York State Department of Environmental Conservation ("NYSDEC") issued an Incidental Take Permit pursuant to Part 182 of the Endangered Species Act ("Take Permit") the latest of which was issued on July 17, 2023. The Take Permit authorizes the incidental take of certain species ("Winter Raptors") at the STAMP Site subject to the implementation of a Net Conservation Benefit Plan which has since been implemented.

The storage of potentially hazardous chemicals and petroleum products is also expected under the GEIS, the risks from which would be mitigated through compliance with applicable federal and state regulations. The GEIS also analyzed impacts from increases in traffic up to 1,925 trips during the PM peak hour (~70% of total peak PM traffic at full build), after which additional studies would be required. With regard to utilities, the GEIS and subsequent updates to the same contemplate water usage and sewer to be approximately 6 million gallons per day (gpd). Subsequent updates to the GEIS also contemplate electricity demand would increase to 600 MW.

The STAMP GEIS also assumes that large buffers (up to 1,600 ft. in some areas) surrounding the STAMP Site would be maintained. The buffers were specifically developed through direct input with the Nation in the context of the settlement agreement entered into between the Nation and GCEDC during litigation regarding Plug Power. Such large buffers are expected to mitigate any potential impacts to surrounding off-site receptors from noise, odor and lighting. Furthermore, noise from any STAMP project is expected to remain below NYSDEC guidelines for non-industrial areas of 45 dBa at night and 65 dBa in the day as measured from the STAMP Site boundary.

With regard to potential impacts to Historic and Archeological resources, a Phase 1-3 Cultural Resource Investigation was undertaken at the STAMP Site, generally clearing it of any potential resources which may be impacted.

Finally, the GEIS included a list of thresholds to compare against any proposed project for STAMP. Any project which does not exceed these thresholds will have impacts which have already been studied and expected under the GEIS and do not need additional SEQRA analysis, whereas exceedance of any threshold may require additional SEQRA review.