

Comment Summaries and Responses for Data Center Comments
Received at the Public Hearings on February 3, 2025

1. Public Comments Specific to Project Rampart

Summary: Inquiry about Retention Pond

The new application states that the project does not need water for cooling and references a closed loop system but includes an 8-acre retention pond. The retention pond is probably for cooling instead of storm water retention which may contaminate the environment.

Response: Inquiry about Retention Pond

- *The retention pond for Rampart is not for cooling water. Because Rampart involves the disturbance of more than one acre of land and the creation of impervious surfaces, they have proposed to handle stormwater flows through the development of comprehensive stormwater systems in accordance with New York State Department of Environmental Conservation (“NYSDEC”) guidance and requirements. While Rampart’s stormwater facilities are still in the conceptual design phase, they will be sized to adequately accommodate stormwater flows necessary to handle 100 year flood scenarios and will result in stormwater flows leaving their site which are equal or less than volumes currently existing while simultaneously treating for the quality of stormwater discharge (something that does not happen currently), resulting in no adverse impacts to downstream flows.*

2. Public Comments Specific to Project Hydroscale

Summary: Site Plan Inquiry

The site plan shows water tanks holding nearly 2 million gallons of water that would be required to serve the facility. What are the tanks for?

Response: Site Plan Inquiry

- *Project Hydroscale, if selected, proposes the construction of 6 water tanks on site with a capacity of 300,000 gallons each, which it proposes to use to store stormwater for closed loop liquid adiabatic cooling.*

Summary: Concerns regarding Jones Lang and LaSalle, LLC

Public money should not be directed to Jones Lang and LaSalle, LLC (“JLL”) who is working on Project Potentia because they are “crooks” and were recently fined in the fall of 2024 for money laundering.

Response: Concerns regarding Jones Lang and LaSalle, LLC

- *JLL is not the applicant for Potentia, they are the site selector/commercial real estate brokerage firm assisting Potentia. If Potentia is chosen, JLL would not receive any proposed incentives. Nonetheless, GCEDC acknowledges that JLL was given an administrative fine by the Canadian government for certain limited record keeping and*

training violations related to Canada's Proceeds of Crime and Terrorist Financing Act and associated Regulations.

Summary: Project Area Inquiry

The square footage of Potentia was described as 892,000 square feet, but the EAF states that the square footage is 1.8 million square feet.

Response: Project Area Inquiry

- *By way of clarification, Project Hydroscale proposes to develop two, 2-story buildings, with each footprint totaling approximately 223,000 sq. ft., for a total of approximately 446,000 sq. ft. of footprint. Each building will have a second story, raising the total area requiring heating and cooling to approximately 892,000 sq. ft. The earliest versions of the project included buildings totaling 892,000 footprint, with two stories each - those numbers were subsequently reduced, as accurately described in the latest versions of documents and the public notice.*

3. Public Comment Specific to Project Double Reed

Summary: Online Project Information

The website formerly had language that stated a commitment to environmental sustainability, social responsibility, long-term stewardship and aligning with the UN sustainable development goals, which was no longer on the website from around January 20, 2025. Therefore, it is questionable whether the developer is actually committed to such goals.

Response: Online Project Information

- *As of GCEDC's review in February 2025, the website for the applicant for Project Double Reed, Stream U.S. Data Centers, LLC ("Stream"), contains a detailed description of a myriad of sustainability and social responsibility commitments, including alignment with several United Nations Sustainable Development Goals. The website also contains links to several articles and reports on Stream's sustainability efforts and goals.*

4. Public Comments for All Projects (Rampart, Hydroscale, Double Reed)

Summary: Opposition to Financial Incentives

Some commenters, including some from the Tonawanda Seneca Nation, opposed any financial incentives for the projects. A number of commenters expressed the view that public funds should not be used for these projects because their benefits are uncertain.

Response: Opposition to Financial Incentives

- *No public funds would be provided to any of the Data Centers if selected to locate at STAMP. All of the proposed incentives are not payments made to the Data Centers, they are abatements of taxes that are required by NYS. The Data Centers are requesting limited sales and mortgage recording tax abatements, and in turn, the selected project would be providing GCEDC with payments in lieu of taxes ("PILOTs") which will provide substantial funding to local governments in exchange for little by way service demands. The PILOT payments will also provide funding to pursue other economic*

development projects in Genesee County. It is important to remember that the STAMP Site, including the parcel proposed for a data center project, has historically been utilized as farmland which, in general, provides limited property tax revenue. If selected, any one of the Data Centers has committed to over \$1 billion in investment in Genesee County, and, in exchange for limited tax abatements, will provide significant funding for local governments and critical infrastructure upgrades benefitting the region, and creating well-paying jobs for those who are employed by the chosen data center.

Summary: Self-Funding Inquiry

Why aren't the companies self-funding their substations? The developers must prevent local residents from subsidizing the cost of the projects.

Response: Self-Funding Inquiry

- *The Data Centers are not requesting or proposing that local residents subsidize the construction and operation of any of the projects. Each of the proposed Data Centers would be responsible for fully funding all costs associated with constructing and operating their projects, including a significant contribution toward the cost of development the substation servicing the STAMP Site. Instead, as explained above, the Data Centers are requesting limited sales and mortgage recording tax abatements, and in turn, the selected project would be providing GCEDC with PILOT payments which will provide substantial funding to local governments in exchange for little by way service demands.*

Summary: Job Inquiry

How many permanent jobs will be created and what will the salary range be?

Response: Job Inquiry

- *Each of the Data Centers proposes varying job and salary figures. However, the number of jobs proposed range from 105-200 full time jobs; and proposed salaries range from \$40,000.00-\$150,000.00.*

Summary: Adverse Environmental Impact

The projects will have adverse environmental impacts including increasing and emitting large amounts of air pollution by burning fossil fuels, disrupting wildlife and aquatic life, destroying surrounding bodies of water and wetlands, contaminating state endangered plants located downstream of the projects' runoff and drainage, detrimentally impact the hydrology of the region, and greatly increasing the consumption of electricity and water. The projects will be located in an ecological corridor and will threaten their surrounding ecosystems. The projects will also have a large visual impact which has not been addressed. The projects post environmental risks without expressing clear commitments to environmental preservation from the developers which may result in negative environmental consequences without local benefits.

Response: Adverse Environmental Impact

- *The STAMP Generic Environmental Impacts Statement ("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 with over 9,000 employees. The maximum buildable acreage contemplated in the GEIS is 618.8 acres with potential impacts to wetlands within the STAMP Site limited to 9.54 acres. At this time, only a small portion of STAMP has been developed, and the environmental impacts from the development of a data center at STAMP were specifically contemplated in the limits and thresholds established in the GEIS for development at STAMP. None of the proposed Data Centers propose to impact any wetlands or surface waters, and are specifically designed to have no impacts on wildlife beyond the bounds of the STAMP Site. All three Data Centers are within the bulk building limits for the underlying zoning district, Technology District - 1, and are specifically proposed for the area of STAMP reserved for the largest uses under the GEIS. Any Data Center which ultimately locates at STAMP would also benefit from substantial setbacks built into the STAMP Site design, which extend up to 1,600 ft. from the STAMP border in some locations, further minimizing any impacts to surrounding uses. Finally, any project which seeks to locate at STAMP, would be required to comply with all environmental and safety regulations, including federal and state regulations under the Clean Water Act, Clean Air Act, and the Endangered Species Act. STAMP has been designed and developed to maintain critical ecological health in the area through the avoidance of impacts to any high-quality wetlands and surface waters, as well as the retention of significant open space and natural communities.

Summary: Noise Study Request

The datacenters will create a disruptive amount of noise and increase noise pollution which may cause harm to the public. A new noise study should be completed by a qualified, independent third-party expert.

Response: Noise Study Request

- *The operation of any of the Data Centers will create noise impacts from data center cooling equipment and operation of the emergency power generators. 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. Each of the Data Centers provided detailed noise studies modeling estimated noise impacts at surrounding receptors within and beyond the STAMP Site, including under normal operations scenarios, under scenarios when they are operating proposed back up power generators for testing/maintenance, and under emergency power outage conditions. Additionally, various sound mitigation methods have been proposed by each of the Data Centers to further reduce any potential noise impacts to surrounding users. Environmental review is ongoing at this time, but any Data Center which may be selected to be located at STAMP would be required to meet the noise limits detailed in the GEIS or else face additional environmental review.*

Summary: Improper Facility

Datacenters are not a good fit for STAMP since they have high energy use, heavy environmental impact, are incompatible with the rural nature of the surrounding community and do not create jobs that pay well.

Response: Improper Facility

- *The environmental impacts of high technology manufacturing uses locating at STAMP has been thoroughly analyzed and mitigated or avoided to the maximum extent practicable through the GEIS, wherein data centers were specifically contemplated as potential industries to locate at the STAMP Site. Any of the Data Centers selected to locate at STAMP would be required to comply with the limits and thresholds laid out in the GEIS. The energy use proposed by the Data Centers has been expressly contemplated through the environmental review of STAMP, including the construction of a 600 MW substation servicing the Site and the utility providers servicing the STAMP Site have ample capacity. Location of one of the Data Centers at the STAMP Site is appropriate given the ample setbacks available from surrounding uses, the limited amount of overall STAMP acreage proposed to be utilized, and the availability of low-cost, renewable energy servicing the Site. Finally, all three Data Centers propose to add between 100 and 200 well paying, full-time jobs which currently do not exist.*

Summary: Impact to Local Residents

The projects have had little local input and will decrease the quality of life for nearby residents and will not economically benefit them. Local residents' personal electrical and water bills will increase as a result of the development of the project.

Response: Impact to Local Residents

- *Development of STAMP as a high-tech manufacturing campus has been publicly discussed and planned for almost two decades with substantial public input throughout that time period - particularly in connection with the preparation of the GEIS (2010 to 2012) and the rezoning of the STAMP Site to advanced manufacturing by the Alabama Town Board (2012-2013).*
- *The public need and benefits of the project are well documented - In 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.*
- *In addition to providing over 100 (and up to 200) well paying full time jobs, the construction of one of the Data Centers would create substantial demand for local construction workers. Additionally, the Data Centers would provide over \$1 billion dollars in investment in the area as well as PILOT payments which will provide substantial funding to local governments in exchange for little by way service demands.*
- *Finally, development of one of the Data Centers would not result in any cost increases to local residents' utility bills. Data centers can help offset costs associated with the State's implementation of various initiatives such as the Climate Leadership and Community Protection Act, thus helping to reduce rate hikes in the future. The construction of the electric substation servicing the STAMP Site is being borne solely by GCEDC and its*

tenants, and no cost is being passed on to rate payers. All utilities servicing the STAMP Site and surrounding residents have ample capacity. Any upgrades to local utilities which would be required as a result of development of STAMP in the future would be funded entirely from the proposed developer and would not be passed to local ratepayers.

Summary: AI and Technology Concerns

Datacenters are used to power AI which will threaten jobs and make the world a worse place locally and globally. The projects may not boost local employment because data centers typically offer limited job opportunities compared to other industries. AI is predicted to result in job loss for blue color workers, which would mean that the incentives would harm taxpayers and reduce jobs. The facilities may be obsolete in a few years.

Response: AI and Technology Concerns

- The alleged harms referenced in this comment are based upon alleged global trends rather than the specific proposals under consideration by GCEDC. Siting of one of the Data Centers would result in the creation of over 100 (and up to 200) well paying full time jobs, and the construction of one of the Data Centers would create substantial demand for local construction workers. These jobs do not currently exist and would not exist otherwise. The Data Centers propose to invest over \$1 billion dollars in Genesee County over the next several decades.*

Summary: Regulatory Compliance

The projects must comply with the CLCPA, Environmental Justice Siting Law, General Municipal Law. The proposals were not aligned with New York State's or international commitments to environmental sustainability, social responsibility or long term stewardship.

Response: Regulatory Compliance

- All projects sited at STAMP are done so in full accordance with all applicable statutory and regulatory requirements. GCEDC is not a "State Agency" for the purposes of the CLCPA; nevertheless, it endeavors to ensure it is contributing to New York's climate and sustainability goals to the maximum extent practicable, including insuring it has a reliable source of renewable energy serving the STAMP Site through the construction of a new electrical substation that could deliver hydropower generated at Niagara Falls. GCEDC has fully complied with the requirements of the General Municipal law in connection with its review of the projects. While the Environmental Justice Siting Law's provisions relating to permitting are not applicable to GCEDC (as they apply to NYSDEC as a permitting agency) and the Law's provisions relating to SEQRA do not apply to STAMP (as the Draft GEIS for STAMP was accepted over a decade ago), GCEDC is nevertheless carefully analyzing these issues.*

Summary: Adverse Impact to Indigenous Life

The projects will detrimentally impact the Tonawanda Seneca Nation by harming their lands and ecosystem and increasing noise and light pollution. A review should be completed of the impact of the data centers on the Tonawanda Seneca Nation, residents of the Great Lakes bio region and the environment.

Response: Adverse Impact to Indigenous Life

- *The siting of one of the Data Centers at STAMP would not detrimentally impact the Nation, nor would GCEDC permit any project seeking to locate at STAMP to have such adverse impact upon the Nation. A comprehensive environmental review of the development of STAMP was specifically undertaken, resulting in the acceptance of the GEIS, which determined that as proposed, STAMP would avoid, minimize, and/or mitigate any significant environmental impacts to the maximum extent practicable. GCEDC is carefully evaluating the proposed Data Centers to ensure that a selected project would comply with the GEIS limits and thresholds, which would ensure that the project is not appreciable seen, heard, or smelled from the Nation's territory. Further, pursuant to an agreement between GCEDC, NYSDEC, and SHPO, the impacts of every development at STAMP are carefully analyzed to ensure that there are no significant adverse impacts upon the Nation or its Territory.*

Summary: Inappropriate Siting

The location of the datacenters is inappropriate because it is within one of New York State's DEC5 grassland Bird Conservation centers and the projects require large amounts of energy that are not available in the region.

Response: Inappropriate Siting

- *The impact of development of the STAMP Site, including the parcel proposed by the Data Centers, has been specifically analyzed through the GEIS and subsequent reviews. Prior to STAMP, the project area was subject to intensive agricultural practices which reduced the quality of available habitat. The STAMP Site has been specifically planned to minimize impacts to animals as much as practicable by reserving low quality habitat areas for development and preserving other areas for habitat preservation. The existing habitat onsite is currently low-quality agricultural land that is actively farmed and not afforded any protections for species. All projects that build at the STAMP Site are required to construct their facilities using bird safe windows.*
- *Notwithstanding the low quality nature of the actively-farmed fields, GCEDC applied for and NYSDEC has issued an Incidental Take Permit pursuant to Part 182 of the Endangered Species Act which authorizes the incidental take of certain bird species at the STAMP Site subject to a Net Conservation Benefit Plan which has since been implemented.*
- *With regards to energy, the STAMP Site lies within the Niagara Hydro Power Zone which provides abundant low-cost renewable energy to projects locating at the STAMP Site through a program administered by the New York Power Authority. Through the construction of a new electrical substation currently under way, STAMP tenants will have access to 600 MW of renewable energy, which is more than adequate to supply one of the Data Centers and the other current STAMP tenants simultaneously. The GCEDC spent 5 years working through the appropriate studies required by the New York Independent System Operator (NYISO) to ensure that the utilization of 600 MW at STAMP had no adverse impacts on the overall electrical grid.*

Summary: EAF Concerns

Some commenters submitted comments and questions regarding the data center project EAFs. For instance:

1. The revised EAF contains internal contradictions. The new version is different from the old version.

2. The original EAF states that air permits would be required, but the revised one does not. Will air permits be required?

3. The project EAF states that there will be no impoundments, but the site shows a storm water retention pond totaling 20 acres therefore it appears that there will be impoundments. Further, the EAF claims that the pond would discharge from west to east, but the natural flow is from east to west. Which direction will the water discharge in?

4. The EAF does not state how many diesel fuel generators will be a part of the project. How many will there be?

5. The EAF does not outline a plan for waste disposal.

Response: EAF Concerns

- *The design proposals for the Data Centers have evolved over the course of the initial outreach to GCEDC. To the extent documents have undergone changes or revisions since initial submission to GCEDC and dissemination by same, GCEDC will be basing its ultimate SEQRA determination on the most current and final documents and information provided by the Data Centers. Any material inconsistencies identified in the EAF's have been requested to be addressed by the Data Center applicants as a condition for continued consideration of their respective project.*
- *GCEDC has requested that the applicants provide revised EAFs with all air emissions data updated to accurately reflect emissions from proposed backup power generators for each project, which are the primary emissions sources for the projects. In addition, GCEDC has requested that each Data Center applicant provide a detailed emission report detailing the emissions from each project against federal Clean Air Act standards. GCEDC has engaged a third-party expert consultant to review and analyze the emissions data for each Data Center in accordance with the expectations and analysis contained in the GEIS. The GEIS in turn expressly contemplates that all projects seeking to be sited at STAMP would be below the Title V Major Source thresholds and sets forth facility specific limitations on emissions for individual tenants of the site.*
- *With respect to stormwater design, all applicants have proposed designs in full compliance with NYSDEC's regulations and guidance as to quality, volume, and direction of flow.*
- *Project Double Reed proposes 6 back-up power generators; Project Rampart proposes 120 back-up power generators, and; Project Hydroscale proposes 200 back-up power generators.*
- *The operation of any one of the Data Centers are not anticipated to generate any substantial volume of waste. Solid waste from the Data Centers would be disposed at local landfills, or recycled. Any sanitary sewer discharge would be sent to the Village of Oakfield WWTF for treatment via forcemain.*

5. Public Comments for STAMP

Summary: Financial Incentives

The financial incentives offered to the projects will not benefit the local community. STAMP seeks financial incentives without providing clear commitments to funding their own infrastructure, protecting local resources or ensuring that operations will not increase costs to Western New York.

Response: Financial Incentives

- *STAMP was developed in close coordination with the local community including the Town of Alabama, including an incentive zoning agreement which provided for the development of STAMP resulting in direct benefits to residents. For example, GCEDC has funded the installation of public water to most of the Town of Alabama as a result of STAMP development, and has included water lines leading to the Nation's Territory should the Nation wish to seek access to public water in the future. Proceeds from land sales at STAMP are also allocated to a Town account for public improvements pursuant to the incentive zoning agreement.*
- *The Data Centers are requesting limited sales and mortgage recording tax abatements, and in turn the selected project would be providing GCEDC, the County, the Town, and the school district with significant payments to fund local government services and to pursue other economic development in Genesee County. Important to remember is that the STAMP Site, including the parcel proposed for a data center project, was previously utilized as farmland, and provided limited real property tax revenue to local governments. If selected, any one of the Data Centers has committed to more than \$1billion in investment in Genesee County, funding critical infrastructure upgrades benefitting the region, and providing well-paying careers, none of which previously existed or would exist otherwise. Any additional costs for utility/road upgrades as a result of any project sited at STAMP, including the Data Centers, would be borne by the proposed project, with no cost increases to local residents. Furthermore, development of any project at STAMP undergoes extensive environmental review in accordance with SEQRA to ensure any potential impacts are avoided or mitigated within the limits of the GEIS.*

Summary: Transparency of Development

The development of the projects have not been transparent enough. Full details of the projects must be disclosed if public funds or taxpayer dollars are being used to subsidize the facility.

Response: Transparency of Development

- *The financial incentive applications for each project along with the current plans and environmental review documents were made publicly available in conjunction with the notice for the February 3, 2025 public hearings on the Data Centers. The Data Centers are requesting limited tax abatements, or no tax abatements, and in turn the selected project would be providing significant payments to local governments as described above.*

Summary: Improper Siting

The STAMP site was ranked as the worst in the state for a mega industrial manufacturing center in a 2013 study, so it does not make sense financially. Further, STAMP is incompatible with the

rural nature of the community it is located in as it is located in a wildlife management and refuge area and is near the Tonawanda Seneca Nation.

Response: Improper Siting

- *The STAMP Site was selected after a comprehensive review of alternatives, including a feasibility study that confirmed that the Site was well-suited for the proposed development. Various factors favor the Site, including the availability of abundant, low cost renewable energy, the close proximity to higher education institutions and populations, make STAMP an extremely attractive venue for locating cutting edge, well financed high tech manufacturing operations. This is evidenced by the hundreds of millions of dollars already invested at the STAMP Site by its current tenants, as well as the competitive proposals of the three Data Centers seeking to locate and invest over billions of dollars at STAMP.*
- *The STAMP Site has been carefully selected and designed to mitigate all potential significant adverse impacts to the environment and adjacent land uses, including a significant buffer surrounding the developable portions of the STAMP Site. The STAMP GEIS took a hard look at all potential adverse impacts relating to the development of the STAMP Site, including with respect to land use, wastewater, stormwater discharge, air emissions, health and safety, lighting, noise, archaeological resources, and traffic. As detailed in the STAMP GEIS, the STAMP Site offers the optimal combination of factors in terms of manageable environmental impact, and surrounding wildlife areas will in fact benefit from the development of STAMP's regulated stormwater discharge (currently consisting of untreated agricultural runoff exempt from the Clean Water Act) as well as the addition of 33 acres to the John White WMA resulting from the Part 182 Take Permit. The Nation's Territory is also well buffered from the development of STAMP through the maintenance of setback which ranges between 400-1,600 ft.*

Summary: Concerns about Indigenous Engagement

The development of STAMP does not sufficiently address Native American rights and is harmful to the Tonawanda Seneca Nation. The STAMP site is on land that was stolen from the Tonawanda Seneca Nation. It should not be located on or near Tonawanda Seneca Nation land. The STAMP site threatens the existence and way of life of the Tonawanda Seneca Nation. GCEDC has exhibited disregard for meaningfully engaging with the Tonawanda Seneca Nation and should strengthen tribal protections and have formal consultations with the tribes. The Tonawanda Seneca Nation was not consulted in regard to the project which violates the Treaty of Canandaigua. GCEDC should also ensure that construction does not disrupt indigenous ways of life and heritage. The Tonawanda Seneca Nation and Iroquois National Wildlife Refuge must be protected.

Response: Concerns about Indigenous Engagement

- *In regards to the comment that the STAMP site is on land that was stolen from the Tonawanda Seneca Nation, we would note that all land in western New York was once owned by indigenous nations, including the STAMP Site, the agricultural fields adjacent to it, and the residences and businesses in the surrounding area. GCEDC is sensitive to the historical strife the Nation has faced, and has at all times endeavored to be a good*

neighbor in its development of STAMP. GCEDC firmly believes that development of STAMP will have positive economic and environmental impacts on the Nation. The environmental review of the Development of the STAMP Site culminated in 2012 with the GEIS, which ensured impacts would be avoided, minimized, and/or mitigated to the maximum extent practicable. Surrounding lands and wildlife areas will in fact benefit from the development of STAMP's regulated stormwater discharge, which currently consists of untreated agricultural runoff which is exempt from Clean Water Act regulation. Furthermore, STAMP development has resulted in permanent conservation of high quality wetlands and habitat as well as the addition of 33 acres to the John White WMA resulting from the Part 182 Take Permit.

- GCEDC has and continues to make tireless efforts to consult with the Nation on all development at STAMP. GCEDC provides weekly email updates to the Nation and has monthly calls regularly scheduled with the Nation, DEC Region 8 and US Army Corps. or Engineers (USACE) staff to ensure that any questions the Nation may have regarding STAMP are answered. GCEDC also provides the Nation a detailed notice of all projects proposed for STAMP at least 60 days prior to taking any action on the same. GCEDC also entered into a Programmatic Agreement with U.S. Army Corps of Engineers ("USACE") regarding analysis of impacts to historic and archaeological resources outside the STAMP Site, and a Letter of Resolution with NYSDEC and the New York State Historic Preservation Office ("SHPO") for the same purpose and requested the Nation to join as an invited signatory, but the Nation has declined.*
- GCEDC did provide the Nation with all environmental and design documents for the Data Centers and requested comment on the same. The Nation, by letter dated January 31, 2025, provided extensive comments, which GCEDC utilized in requesting additional information from the applicants. While GCEDC has engaged in continued outreach and consultation efforts with the Nation on all projects at STAMP and will continue to do so, consultation is not a condition of the 1794 Treaty of Canandaigua, which protects the Nation's free use and enjoyment of its treaty protected lands. Notwithstanding, siting of any one of the Data Centers would be expected to be in accordance with the GEIS limits and thresholds, which would ensure that the project is not appreciable seen, heard, or smelled from the Nation's territory, and therefore would not violate any applicable Treaty provisions.*

Summary: Beneficial Agreement Request

GCEDC must require the datacenter developers to enter into agreements that provide tangible benefits, job training, environmental restoration and funding for local infrastructure. GCEDC must also require power purchase agreements that incentivize renewables and efficiency measures.

Response: Beneficial Agreement Request

- If GCEDC determines to select one of the Data Centers, and grant its application for financial assistance, it would enter into concrete enforceable agreements requiring the project developer to provide substantial economic benefits in the form of promised jobs, salaries, payments for land, and additional payments which GCEDC will use to pursue economic development goals throughout Genesee County. Any utility or infrastructure*

upgrades required as a result of the chosen project would be required to be funded by the developer. As discussed above, STAMP's development has already resulted in significant utility upgrades in the Town of Alabama.

- *STAMP tenants contract with the energy utility, National Grid, which services the STAMP Site and provides renewable energy to tenants.*

Summary: Reporting Request

GCEDC should require facility owners to report quarterly on their water and energy use and conduct environmental assessments. Third-party audits of electricity, water use, and environmental compliance should be completed. A noise study should also be completed.

Response: Reporting Request

- *Utility usage is monitored by the respective utility providers and will be paid for by the project developer. Should any utility usage from the selected Data Center rise above that which was contemplated under the environmental review of the same, additional review will be undertaken to ensure that the usage is in accordance with the expectation of the GEIS. If usage exceeds that which is contemplated under the GEIS, supplemental analysis will be completed to determine if there are significant adverse impacts from the same, and if so, what mitigation would be required to minimize them to the maximum extent practicable.*
- *The Data Centers each provided detailed noise studies modeling noise impacts at surrounding receptors within and beyond the STAMP Site, including under normal operations scenarios, under scenarios when it is operating its proposed generators for testing/maintenance, and under emergency power outage conditions. Additionally, various sound mitigation has been proposed by the Data Centers to further reduce any potential noise impacts to surrounding users. Environmental review is ongoing at this time, but any Data Center which may be selected to be located at STAMP would be required to meet all noise limits detailed in the GEIS.*

Summary: Environmental Concerns

The STAMP project poses environmental concerns including noise and air pollution, high water use, and threats to endangered and threatened species. Noise and air pollution may travel to surrounding areas, and high water use threatens waterways and increases the danger of toxic spills. Construction on a wetland may contaminate water and wildlife.

Response: Environmental Concerns

- *The environmental impacts of high technology manufacturing industrial uses locating at STAMP has been thoroughly analyzed and mitigated or avoided to the maximum extent practicable through the GEIS. Prior to STAMP, the project area was subject to intensive agricultural practices which reduced the quality of available habitat. The STAMP Site has been specifically planned to minimize impacts to animals as much as practicable by reserving low quality habitat areas for development and preserving other areas for habitat preservation. In addition, NYSDEC has issued an Incidental Take Permit pursuant to Part 182 of the Endangered Species Act which authorizes the incidental take of certain bird species at the STAMP Site subject to a Net Conservation Benefit Plan which has since been implemented. Any project which seeks to locate at STAMP, would be required*

to comply with all environmental and safety regulations, including federal and state regulations under the Clean Water Act, Clean Air Act, and the Endangered Species Act. STAMP has been designed and developed to maintain critical ecological health in the area through the avoidance of high-quality wetlands and surface waters, as well as the retention of significant open space and natural communities.

Summary: Regulatory Compliance

GCEDC should follow the Environmental Justice Siting Law and CLCPA which would result in GCEDC not approving any of the three projects.

Response: Regulatory Compliance

- *All projects sited at STAMP are done so in full accordance with all applicable statutory and regulatory requirements. GCEDC is not a “State Agency” for the purposes of the CLCPA; nevertheless, it endeavors to ensure it is contributing to New York’s climate and sustainability goals to the maximum extent practicable, including ensuring it has a reliable source of renewable energy serving the STAMP Site through the construction of a new electrical substation. With regards to New York’s Environmental Justice Siting Law, NYSDEC has released draft regulations regarding SEQRA review of impacts on disadvantaged communities (“DAC”). Under these regulations, an analysis would be required regarding the extent to which an action may cause or increase a disproportionate pollution burden on any DAC directly or significantly affected by the action for projects where a Draft EIS has not yet been completed. As a Draft GEIS for STAMP has been completed, the statute (and future regulations) do not, and will not, apply. Nevertheless, analysis regarding the same is being conducted by GCEDC.*
- *While the environmental review remains ongoing, selection of one of the Data Centers at STAMP would in turn further the goals of the GCEDC to reverse economic stagnation in Genesee County through critical investment and job creation.*

Summary: Previous Environmental Review

The environmental review completed in 2012 was inappropriate and did not include the input of the Tonawanda Seneca Nation.

Response: Previous Environmental Review

- *The Nation was specifically included in the development of the GEIS as an interested agency during which GCEDC conducted significant outreach to the Nation as part of the community input process and SEQRA review process. The Nation generally declined to participate in the SEQRA review of STAMP. The Nation did not send a representative to any of the public hearings held during the SEQR process, and the GCEDC received no comments on STAMP from the Nation on the Draft GEIS.*
- *With respect to the Data Centers, GCEDC continues its outreach to the Nation regarding each of the Projects. GCEDC has offered meetings with the Nation to discuss the projects dating back to September of 2024. GCEDC is pleased that the Nation*

recently accepted GCEDC's offer to meet to discuss the projects, and looks forward to continued dialogue with the Nation on the development of STAMP.

- *Further, GCEDC, as lead agency for the review of STAMP since 2010, has undertaken an extensive analysis of potential environmental impacts relating to the development of STAMP, including the completion of the GEIS. The SEQRA process included two years' worth of public meetings on the development of STAMP, with feedback received from local stakeholders. The GEIS evaluated an extremely broad range of potential impacts associated with 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. The GEIS analyzed impacts to geology and topography, water resources, air resources, terrestrial and aquatic ecology, technology industry health and safety, traffic and transportation, land use and zoning, utilities (including water, wastewater, electric power, natural gas, telecommunications, and renewable energy), community facilities, community character, demography, historic and archaeological resources, and agricultural resources. Alternative sites were analyzed with a focus on each of the above issues. GCEDC has continuously updated the GEIS since the issuance of a Final GEIS in 2012, including updates in 2016, 2020, 2022, 2023, and 2024 as the Project Sponsor and the agency best-suited to identify and mitigate any potential adverse impacts relating to the development, utilizing a team of expert consultants.*