



March 30, 2021

Chief Roger Hill
Council of Chiefs
Tonawanda Seneca Nation
7027 Meadville Road
Basom, NY 14013

Re: Plug Power Project

Dear Chief Hill:

On behalf of the Genesee County Economic Development Center (GCEDC), we extend our heartfelt wishes that the men, women and children of the Tonawanda Seneca Nation are enjoying good health and prosperity. We are thankful to call you our neighbors.

I write in response to your letter dated March 23, 2021, in which you asked that the GCEDC rescind its determination for the Plug Power project issued pursuant to the State Environmental Quality Review Act ("SEQR") because of a lack of input from the Nation. While we sincerely appreciate and respect the Nation's request, legally, we do not believe that we are able to rescind this determination. Moreover, as we have for the last ten years, and as we will in the future, we continue to make every effort to coordinate with the Nation on this project but, of course, we realize that the Nation has many other concerns and priorities for its people. In addition, separate and apart from the SEQR process, there will be an evaluation of the Plug Power project and whether it will have an adverse impact to the Nation's territory as a property of religious and cultural significance. As you know, we have been working with the Nation and its Counsel, the New York State Department of Environmental Conservation ("NYSDEC") and the New York State Office of Parks, Recreation and Historic Preservation ("SHPO") since 2019 to develop a letter of resolution ("LOR"), which provides a clear and specific consultation processes that will be employed with the Nation for projects at STAMP and that process has yet to occur.

In terms of our efforts to seek Nation input on the Plug Power project, I sent an email to the Nation on December 29, 2020, informing the Nation that we were close to having a

new tenant commit to STAMP and asking for a meeting with the Nation to discuss the new project and its operations. I received a response on December 31, 2020 that the Nation would get back to us with dates for such a meeting. We did not hear back from the Nation with potential meeting dates until January 26, 2021. In the meantime, we received a formal application to purchase land at STAMP from Plug Power. As required by SEQR after receiving Plug Power's application, we moved promptly to re-establish ourselves as the SEQR lead agency (SEQR requires that agencies carry out its terms and requirements with minimum administrative and procedural delay).

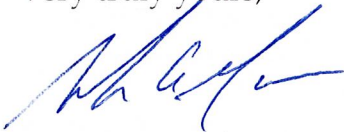
After initiating the agency coordination process, we made additional attempts to engage the Nation on the Plug Power project. On a conference call with the Nation, NYSDEC and SHPO to discuss finalizing the LOR, I provided the Nation with an overview of the Plug Power project and again encouraged the Nation to provide dates for a meeting. In late January, the Nation requested copies of the GCEDC's SEQR lead agency packages, which I promptly provided. A meeting was finally held on February 5, 2021, where the STAMP project team and I provided a detailed overview of the Plug Power project and answered questions about the project from the Council of Chiefs. As we discussed on that call, Plug Power is a green energy company and will be using hydropower from Niagara Falls to produce hydrogen for use in fuel cells, a green energy source. The project will also provide needed job opportunities in Genesee County including job opportunities for members of the Nation. As requested on that call, I thereafter provided the Nation with extensive additional information about the project that we had received from Plug Power.

In terms of the issuance of our SEQR determination, SEQR requires a lead agency to issue a determination of significance within 20 days of becoming lead agency and/or receiving all necessary information. Thus, the GCEDC was legally obligated to proceed with the SEQR determination for Plug Power. We included our assessment of potential impacts to the Nation because SEQR requires that we take a hard look at all potential adverse impacts associated with an action and provide a reasoned explanation of our determination. However, separate and apart from the SEQR process, the Nation, NYSDEC, SHPO and the GCEDC have now finalized the LOR. As you know, the LOR requires the GCEDC to undertake an assessment of each project at STAMP that requires any permitting from NYSDEC for potential impacts to the Nation. (We have a separate Programmatic Agreement for projects which require permitting from the Army Corps of Engineers ("ACOE") but the Plug Power project will not impact any wetlands or streams and therefore, will not require any permits from the ACOE). The LOR process includes extensive opportunity for Nation input on such assessments. Now that the LOR is finally complete, we anticipate preparing work on the Plug Power assessment shortly. If the Nation has any particular issues or concerns about the Plug Power project based on the extensive information that we have already provided, please just let us know so we can be sure such issues are appropriately addressed in the LOR assessment/consultation process.

We look forward to continued outreach and coordination with the Nation on projects at STAMP as development at STAMP continues to move forward. At our meeting about the LOR on January 14, 2021, the Nation had agreed to set a regular monthly meeting with the GCEDC so that we can keep the Nation up-to-date and ensure the Nation's input on developments at STAMP. The Nation has yet to provide us with a date and time that can work each month. Thus, I would like to reiterate my suggestion that we establish such regular meetings.

Thank you again for your letter. We are truly glad to have you as our neighbors at STAMP and look forward to continued consultation, coordination and outreach.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Mark Masse', written over a light blue horizontal line.

Mark Masse
SR VP of Operations
Genesee County Economic
Development Center

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