



CC Environment & Planning

Sheila S. Hess
Principal Ecologist/CEO

March 18, 2022

Ms. Kimberly Merchant
Deputy Regional Permit Administrator
Division of Environmental Permits
NYS Department of Environmental Conservation

Via Email: [Merchant, Kimberly \(DEC\) <kimberly.merchant@dec.ny.gov>](mailto:Merchant, Kimberly (DEC) <kimberly.merchant@dec.ny.gov>)

Re: Request for Determination (6 CRR-NY 182.9) – WNY STAMP Small infrastructure Projects, Genesee County, New York

Dear Ms. Merchant:

Genesee County Economic Development Center (GCEDC) is proposing to construct the Western New York Science and Technology Advanced Manufacturing Park (STAMP) on approximately 1,263 acres in the Town of Alabama in Genesee County, New York (Attachment A). Several infrastructure projects are slated to begin after April 1, 2022 and will be completed prior to November 1, 2022, including the hold and haul septic tank, the on-site water main installation, and the reconstruction of Crosby Road. This request for determination is in relation to these projects only.

The hold and haul is a 16,000 gallon in-ground septic tank that will collect wastewater produced at the Plug Power facility. Installation of the tank will disturb 0.16 acres within an approximately 2.6-acre fallow field located directly east, across Crosby Road, from the Plug Power facility (Attachment B). After installation, 0.11 acres of this disturbed area will be re-seeded and mulched. The remaining 0.05 acres of permanent disturbance includes the access hatches, riser pipes, and the driveway to access the tank for occasional pumping.

The on-site water main involves the installation of a 12-inch HDPE and PVC transmission main from the existing Town water line on Route 63/77 to the Plug Power facility (Attachment B). The water main will traverse the north side of STAMP Drive, cross Crosby Road, before following Crosby Road to the Plug Power site. The water main installation will occur within the road right-of-way. The water main will be installed by open cut method for upland areas and by horizontal directional drilling (HDD) methods under the two streams present along the route. Total ground disturbance for the project will be 1.31 acres, with 1.28 acres of this being temporary. All disturbed ground will immediately be re-seeded and mulched after installation is complete.

Permanent impacts (0.03 acres) include hydrants, an access hatch, and stone ditch crossings for access to the hydrants.

The Crosby Road reconstruction project includes a slight widening of approximately 0.4 miles of Crosby Road from just north of STAMP Drive to Plug Power, and the replacement of a deteriorating culvert along Tributary 5, immediately north of the Plug Power site (Attachment B). The reconstruction project will expand Crosby Road from two 10-foot-wide lanes to two 12-foot-wide lanes. The culvert will be replaced in-kind with a new pipe that will allow for increased flow rates. The total area of disturbance for this project is 3.65 acres, of which 1.28 acres will remain permanently disturbed, including 0.85 acres which is the current road surface and 0.43 acres of new impacts due to the widening of the road. The remaining 2.37 acres will be re-seeded and mulched immediately after construction is complete.

This determination request is based upon recent observations of short-eared owl (*Asio flammeus*) and northern harrier (*Circus hudsonius*) within the STAMP site. Attachment C shows foraging areas used by short-eared owls and northern harriers during surveys conducted by CC Environment & Planning in December 2021 through March 2022. While these species have been documented within the larger STAMP site, they have not been observed within the immediate vicinity of any of these projects. Additionally, these infrastructure projects will be occurring within or adjacent to previously disturbed areas, including the publicly utilized Crosby Road and STAMP Drive and the active construction at the Plug Power facility. Lastly, all construction activities for these projects will occur outside of the wintering period for these species, eliminating potential disturbance to the birds' foraging and roosting behaviors. Due to these combined circumstances, it is our opinion that these projects will not have a significant negative impact on short-eared owls and northern harriers and should not require a Part 182 permit for project implementation.

If you have any questions or need additional information, please contact me directly at 716-560-1768 or shess@ccenvironment.com. We are willing to accompany DEC staff on a site investigation, if necessary.

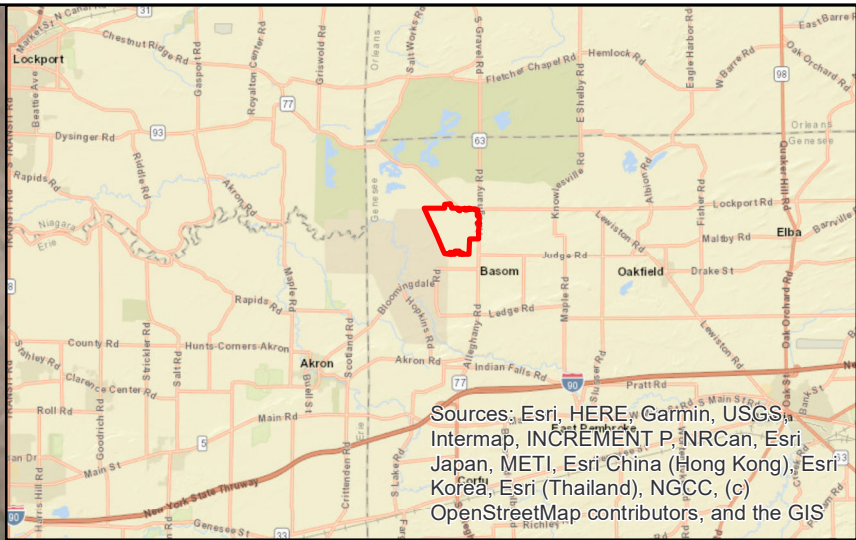
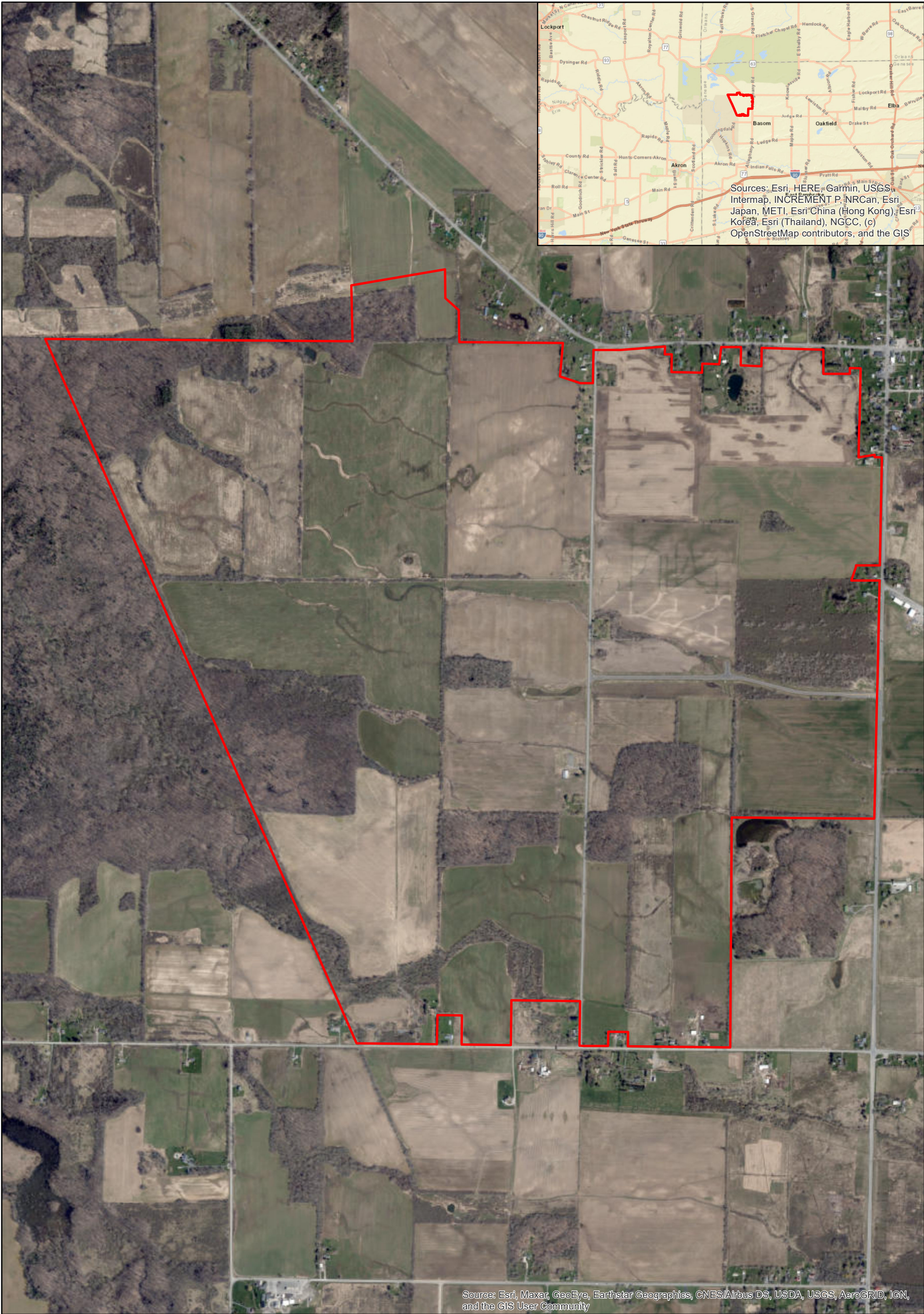
Sincerely,



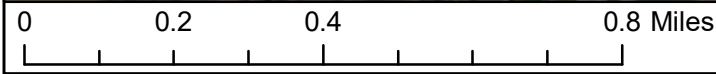
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Attachment A – STAMP Overview Map
Attachment B – Upcoming Infrastructure Projects
Attachment C – SEOW/NOHA Use Areas

Cc: Mike Wasilco – NYSDEC
Heidi Kennedy – NYSDEC
Jenny Landry – NYSDEC
Steve Miller – NYSDEC
Lisa Schwartz – NYSDEC
Mark Masse – GCEDC
Adam Walters – Phillips Lytle
Matthew Fitzgerald – Phillips Lytle
Kaytee Hojnacki – CC Environment & Planning



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

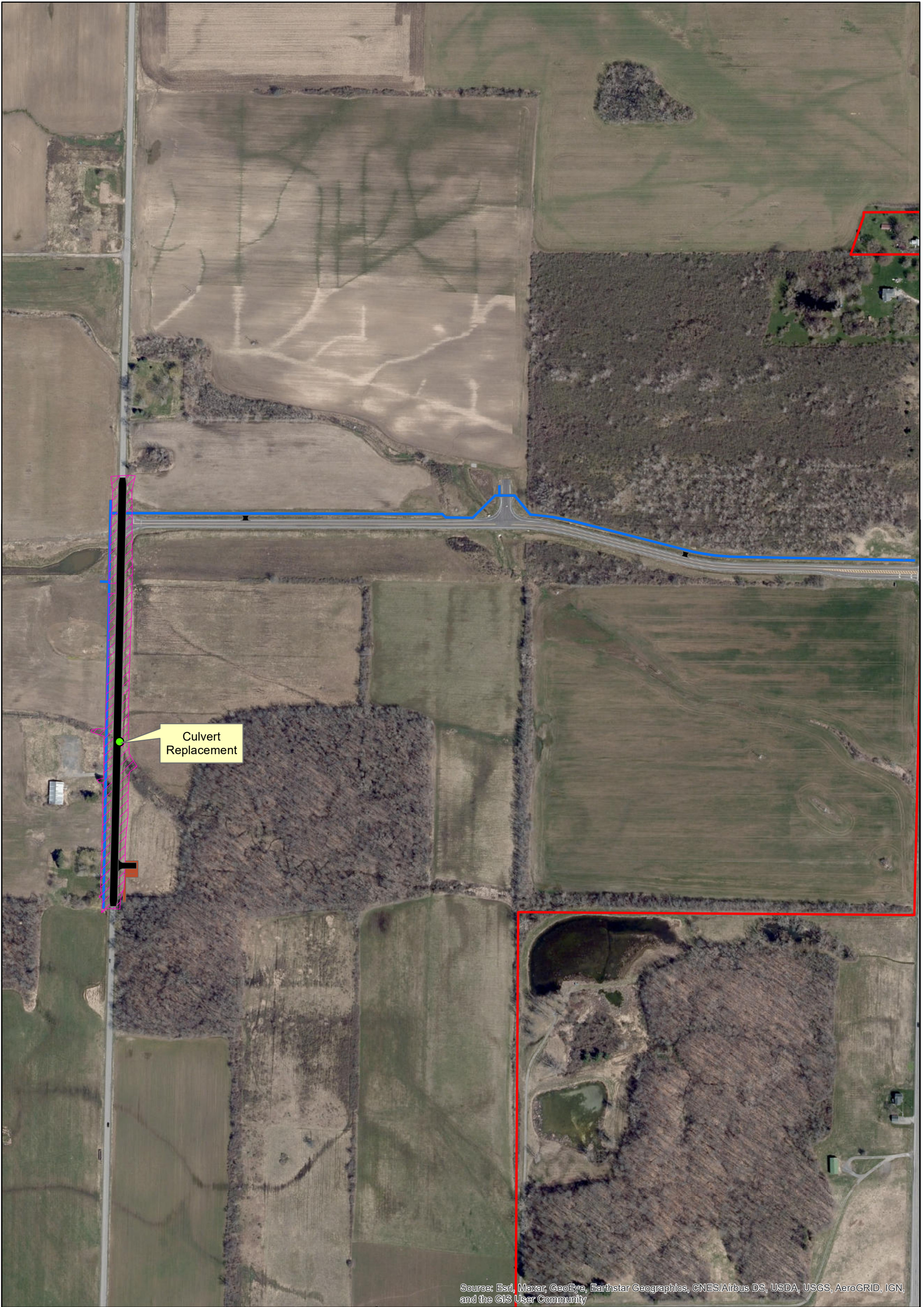


STAMP Overview Map

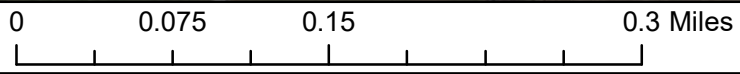
Science and Technology Advanced Manufacturing Park
Town of Alabama, Genesee County, New York

 STAMP Boundary

K. Hojnacki, Date: 3/17/2022



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

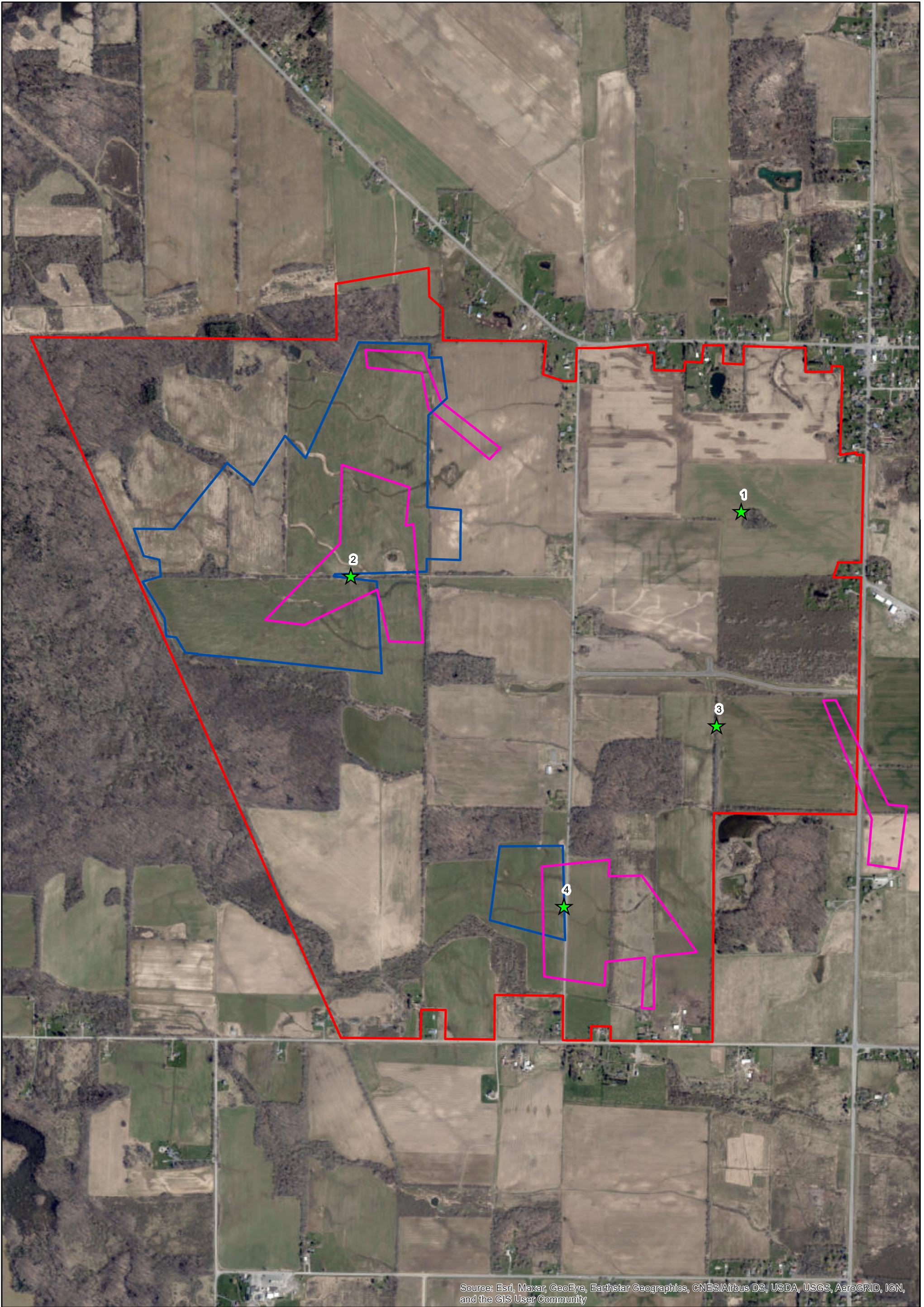


Upcoming Infrastructure Projects
 Science and Technology Advanced Manufacturing Park
 Town of Alabama, Genesee County, New York

K. Hojnacki, Date: 3/17/2022

- Permanent Impacts
- STAMP Boundary

- Limits of Disturbance**
- Water Line
 - Hold and Haul
 - Road Reconstruction



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

0 0.2 0.4 0.8 Miles



SEOW/NOHA Use Areas

Science and Technology Advanced Manufacturing Park
Town of Alabama, Genesee County, New York

K. Hojnacki, Date: 3/17/2022

- SEOW
- NOHA
- ★ Winter Raptor Surveys
- STAMP Boundary