

June 17, 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: STAMP Part 182 Take Permit Additional Information**

Dear Kimberly:

This letter is a follow-up to the Part 182 Permit Application submitted on June 7, 2022 on behalf of Genesee County Economic Development Center (GCEDC) for impacts related to the substation and wastewater treatment facility at Western New York Science and Technology Manufacturing Park (STAMP). NYSDEC reached out to our team requesting additional information and clarification, which we provide here.

Concern was expressed that our proposed mitigation action was not sufficient to ensure conversion of the mitigation field from shrubland to grassland. Thus, we propose the following actions to ensure successful conversion of habitat:

1. Mowing/brush-hogging of the mitigation area in late August 2022.
2. Late Spring 2023, after sufficient regrowth, a broad-leaf specific herbicide will be applied to resprouting woody vegetation by a licensed applicator contracted by GCEDC.
3. Immediately following herbicide treatment, areas of bare ground previously covered by dense shrubs will be seeded with a native grass and forb mix.
4. If necessary, annual mowing will occur in August for the first few years to suppress growth of woody vegetation and allow grass and forb species to establish. Monitoring in early summer will determine if mowing is necessary later that summer.

In addition, we understand that NYSDEC has inquired as to the ownership of the relevant STAMP parcels. The substation parcels and the utility area where the wastewater treatment facility will be located are owned by GCEDC. The proposed mitigation parcel is owned by Genesee Gateway Local Development Corporation (GGLDC). GGLDC is a not-for-profit entity created by GCEDC. GGLDC Board of Directors is appointed by GCEDC, and the mitigation parcel is included in the overall STAMP site. Ownership of the mitigation parcel will remain under GCEDC control, either

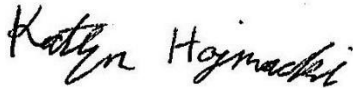
## STAMP Breeding Grassland Bird Survey Update

directly or through GGLDC. If NYSDEC determines that a deed restriction on the mitigation parcel will be necessary (we understand this will depend on the length of the permit which has not yet been determined by NYSDEC), then GCEDC will work with GGLDC to provide an appropriate recordable instrument.

We also understand that the NYSDEC asked that we confirm that the mitigation parcel is not located within the area covered as either Permanently Protected Property or Restricted Protected Property pursuant to the Stipulation of Settlement and Order entered into between GCEDC and the Tonawanda Seneca Nation. As detailed in the Application, the mitigation parcel is not located in either the Permanently Protected Property or Restricted Protected Property.

Accordingly, we understand that all of NYSDEC's comments and questions with respect to the application have been resolved. Please let me know if you require additional information.

Sincerely,



Katlyn Hojnacki, Senior Ecologist/Operations Manager  
CC Environment & Planning

Cc: Heidi Kennedy – NYSDEC  
Mike Wasilco – NYSDEC  
Lisa Schwartz – NYSDEC  
Mark Masse – GCEDC  
Steve Hyde – GCEDC  
Adam Walters – Phillips Lytle  
Matthew Fitzgerald – Phillips Lytle  
Sheila Hess – CC Environment & Planning