



**PERMIT**  
**Under the Environmental Conservation Law (ECL)**

**Permittee and Facility Information**

**Permit Issued To:**

GENESEE COUNTY IDA  
d/b/a GENESEE COUNTY ECONOMIC  
DEVELOPMENT CENTER  
99 MED TECH DR STE 106  
BATAVIA, NY 14020  
(585) 343-4866

**Facility:**

GCEDC - STAMP 182 Sites  
W of ST RTE 77/63 (ALLEGHANY RD)|S OF  
LEWISTON RD and N of JUDGE RD  
Alabama, NY 14013

**Facility Location:** in ALABAMA in GENESEE COUNTY

**Facility Principal Reference Point:** NYTM-E: 223.24      NYTM-N: 4775.648  
Latitude: 43°04'58.9"      Longitude: 78°23'59.7"

**Project Location:** STAMP Site located west of State Route 77/63, south of State Route 77 **Authorized Activity:** This Environmental Conservation Law (ECL) Article 11/6NYCRR Part 182 permit ("the permit") authorizing the take of winter foraging habitat used by the State-Listed Endangered short eared owl and the State-Listed Threatened northern harrier on the STAMP site (Western New York Science & Technology Advanced Manufacturing Park) being developed by GCEDC in Genesee County, located west of State Route 77/63, south of State Route 77, and north of Judge Road in the Town of Alabama.

The taking of occupied habitat and associated mitigation addresses the full development of the STAMP site for future tenants, with the exception of the areas that are covered by existing Part 182 permits and areas designated to remain undeveloped (as shown in attached Areas to be Mitigated - Figure 4) . This permit authorizes impacts to 665 acres of permanent impacts to open habitat which have been deemed occupied habitat by the Endangered and Threatened species referenced above. Additionally, the taking of habitat authorized under this permit specific to the species listed above.

A 1:1 replacement of the impacted habitat at the STAMP site is authorized through the implementation of the approved Net Conservation Benefit Plan, consisting of the use of two fields, a 25-acre parcel in the southeastern portion of the site that is currently being used for mitigation for 8 years for previous impacts to endangered and threatened species, and the use of 33 acres of the parcel located just north of the John White Wildlife Management Area.

The 25-acre mitigation field shall be maintained in grassland habitat for a period of 45 years (accounting for nine 5-year cycles), along with a permanent conservation easement to the recently formed not-for-



profit, New York Green, Inc., within the next five years (accounting for two 5-year cycles); therefore, the plan will mitigate 275 acres of occupied habitat removal (eleven 5- year cycles of 25 acres).

The 33 acres shall be converted from row crop to grassland, including hedgerow removal to increase connectivity, and maintained in grassland habitat for a period of 30 years (accounting for six 5-year cycles, totaling 198 acres of mitigation) and deeding the land over to NYSDEC, accounting for six 5-year cycles, totaling 198 acres of mitigation), providing 396 acres of habitat mitigation.

### Permit Authorizations

#### Endangered/Threatened Species (Incidental Take) - Under Article 11

Permit ID 8-1820-00032/00003

(DEC ID 8-1820-00032)

New Permit

Effective Date: 7/17/2023

Expiration Date: 8/15/2077

### NYSDEC Approval

**By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this permit.**

Permit Administrator: THOMAS P HALEY, Regional Permit Administrator

Address: NYSDEC Region 8 Headquarters  
6274 E Avon-Lima Rd  
Avon, NY 14414

Authorized Signature: \_\_\_\_\_

Date: 07/17/2023

### Permit Components

NATURAL RESOURCE PERMIT CONDITIONS

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

Permit Exhibits A-E

#### **NATURAL RESOURCE PERMIT CONDITIONS - Apply to the Following Permits: ENDANGERED/THREATENED SPECIES (INCIDENTAL TAKE)**

**1. Conformance With Plans** All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or applicant's agent as part of the permit application. Such approved plans were prepared by the applicant and or their consultant as listed in Natural Resource Condition 2, which supersedes this condition.



**2. Conformance With Plans** All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or applicant's agent as part of the permit application. Such approved plans include:

- Western New York STAMP Endangered & Threatened Species of Fish & Wildlife- Full Campus Incidental Take Application dated February 2023, prepared by CC Environment & Planning, on behalf of GCEDC and received by NYSDEC on February 17, 2023 (this document supersedes another dated February 2023 that DEC received prior to February 12, 2023).
- May 5, 2023, STAMP Part 182 Full Campus Permit Implementation Agreement, prepared by CC Environment and Planning. (See Exhibit "C")
- June 22, 2023, STAMP Part 182 Permit Implementation Agreement - Additional Details, prepared by CC Environment & Planning. (See Exhibit "D")

To the extent there is a conflict or inconsistency between the information/requirement within the documents referenced above, the information/requirements of the later document supersede those of the earlier documents. Additionally, to the extent there is a conflict or inconsistency between the information/requirements referenced above and any conditions of this permit, the conditions of this permit supersede the referenced information/requirements.

**3. Prior Approval of Changes** If the Permittee desires to make any changes in construction techniques, species to be planted, the site plan, any mitigation plan, scheduling or staging of construction, or any other aspect of this project, the Permittee shall submit a written request to the Regional Permit Administrator to make such proposed changes and shall not make such changes unless authorized in writing by the Department.

**4. Notice of Intent to Commence Work** The permittee shall submit a Notice of Intent to Commence Work to Regional Wildlife Manager, Fish and Wildlife at least 48 hours in advance of the time of commencement and shall also notify them promptly in writing of the completion of work.

**5. Implementation Agreement** The Mitigation Plan will be implemented by permittee and Owner according to the Implementation Agreement(s) and pursuant to 6 NYCRR Section 182.11(e).

The specific measures required by this Mitigation Plan (STAMP Full Campus Incidental Take Permit Application plus Implementation Plan) will include:

- Baseline assessment of the mitigation area;
- Initial field preparation and planting;
- Initial management (mowing) of the mitigation area;
- Annual management of the mitigation area to maintain area as grassland habitat;
- Monitoring of the use of area by wintering raptors in accordance with Table 1;
- Monitoring of vegetation and habitat characteristics in accordance with Table 1;
- Reporting of monitoring results annually.

The NYSDEC personnel, at their discretion, may conduct monitoring of vegetation characteristics and wintering raptor use of the mitigation area. With prior coordination with the permittee, DEC personnel would be authorized to access the mitigation area for purposes of conducting monitoring activities. NYSDEC will be notified prior to the baseline assessment so that NYSDEC can attend and participate in this site visit. Upon observation of issues requiring corrections, the Department will notify applicant and representative in writing. Permittee will correct, or employ contact to correct, issues with Mitigation Site requiring corrective action.



**6. Mitigation Acreage Summary** As mitigation for permanent impacts to 665 acres of winter foraging habitat for short-eared owls and northern harriers, the Permittee shall provide a total of 671 acres of winter foraging habitat for short-eared owls and northern harriers, as described below and in the plans referenced in this permit:

Mitigation Acreage Equivalent	Mitigation Method
225 acres	Active management of the 25-acre site to maintain grassland habitat for nine, five-year cycles (45 years)
50 acres	Establishment of a permanent conservation easement on the 25-acre site, credited as two, five-year cycles
198 acres	Active management of the 33-acre site to maintain grassland habitat for six, five-year cycles (30 years)
198 acres	Transfer of the 33-acre site to the Department to become part of the John White Wildlife Management Area, credited as six, five-year cycles, or alternative mitigation

**7. Financial Assurance** Financial Assurance.

- a. The Permittee shall fulfill financial assurance requirements by complying with this subparagraph (a). Permittee shall continuously maintain and comply with these requirements throughout the effective period of the permit until Permittee demonstrates it has completed implementation of each permit plan and condition and such demonstration has been approved in writing by the Department. The purpose is to ensure timely compliance with the provisions, terms and conditions of this permit, New York State Environmental Conservation Law (ECL) Article 11, and the regulations promulgated thereunder at 6 NYCRR Part 182, and to assure that appropriate mitigation measures will be implemented and maintained to replace the loss of STAMP-site winter foraging occupied habitat for short-eared owls and northern harriers, two State-listed threatened and endangered species.
  - (i) The Permittee shall immediately establish and maintain a restricted bank account with an initial amount of Five Hundred and Sixty-Four Thousand U.S. Dollars (\$564,000 US), which may only be used to implement the requirements of the permit. An initial accounting, including documentation that the restricted account has been established, shall be provided to the Department within forty-five (45) days of permit issuance. Permittee shall then provide an accounting of the restricted account to the Department on an annual basis from the date of issuance of the permit. If the Department determines at any time that additional funds are required to implement the mitigation, the Department may require the applicant to deposit additional funds in the restricted account in an amount that is necessary to



implement the mitigation.

(ii) The Permittee shall certify on an annual basis (from the date of issuance of the permit) that it is able to fulfill the financial obligations associated with the requirements of the permit. An initial certification shall be provided to the Department within forty-five (45) days of permit issuance. The Permittee's Chief Financial Officer (CFO) shall certify the following:

1. The Permittee has current rating of A, Aaa, Aa, or Baa, as issued by Moody's, or AAA or AAA, AA, A, or BBB, as issued by Standard and Poor's on all general obligation bonds; **OR**
2. The Permittee, based on its most recent audited annual financial statement, has a ratio of cash plus marketable securities to total expenditures greater than or equal to 0.05; AND a ratio of annual debt service to total expenditures less than or equal to 0.20.

The Permittee shall prepare its financial statements in conformity with generally accepted accounting principles and have its financial statements audited by an independent certified public accountant.

(iii) Genesee County shall provide to the Department, within forty-five (45) days of permit issuance, a guarantee that it will implement all requirements of the permit as set forth in the schedule therein upon receiving written notice from the Department that the Permittee has failed to comply with the permit plans or conditions. Genesee County's guarantee shall be in a form acceptable to the Department and, at a minimum, be a written enforceable document (between Genesee County and the Department), unconditional and irrevocable, and include the certification requirement set forth in subparagraph (iv) immediately below.

(iv) Genesee County shall certify on an annual basis (from the date of issuance of the permit) that it is able to fulfill the financial obligations associated with implementing all requirements of the permit if the Permittee fails to comply with the permit plans or conditions. An initial certification shall be provided to the Department within forty-five (45) days of permit issuance. Genesee County's CFO (or equivalent) shall certify the following:

1. Genesee County has current rating of A, Aaa, Aa, or Baa, as issued by Moody's, or AAA or AAA, AA, A, or BBB, as issued by Standard and Poor's on all general obligation bonds; **OR**
2. Genesee County, based on its most recent audited annual financial statement, has both a ratio of cash plus marketable securities to total expenditures greater than or equal to 0.05; AND a ratio of annual debt service to total expenditures less than or equal to 0.20.

Genesee County shall prepare its financial statements in conformity with generally accepted accounting principles and have its financial statements audited by an



independent certified public accountant.

- b. If at any time the Permittee or Genesee County fails to fulfill any of the obligations or requirements set forth in subparagraph (a) of this condition as determined by the Department, the Permittee shall provide financial assurance as specified in this subparagraph (b) within ninety (90) days.
- (i) The Permittee shall establish with the Department financial assurance in a form acceptable to the Department issued by an entity licensed to do business in the State of New York in the amount of up to Five Hundred and Sixty-Four Thousand U.S. Dollars (\$564,000 US), as determined by the Department, within ninety (90) days.
  - (ii) The instruments which Permittee provides as financial assurance shall be issued by a third-party entity which is authorized under State or Federal law to issue the financial instrument and whose financial assurance instrument operations are regulated by the State or Federal government. Further, the financial assurance shall be in one of the following three formats: an irrevocable payment bond together with an agreement for an associated standby trust which remains empty unless/until the Department requires the funds covered by the bond; an irrevocable letter of credit with an agreement for an associated standby trust which remains empty unless/until the Department requires the funds covered by the letter of credit; or an agreement for a funded trust in formats substantially the same as the formats in 6 NYCRR Part 360. A bond or letter of credit may be issued by different entities which otherwise comply with this condition.
  - (iii) This financial assurance shall be forfeited to the Department if, at any time, the Permittee fails to comply with a condition of this permit. The Department may thereafter use the forfeited funds to implement the permit plans and conditions. Forfeiture shall in no way prejudice the right of the Department to institute further action necessary to ensure full compliance with the terms of this permit and the Environmental Conservation Law.
  - (iv) The Department may draw upon the financial assurance if at any time the Permittee fails to comply with the permit plans or conditions. If, prior to the complete implementation of the activities described in the permit plans and conditions being approved by the Department, the Department receives a notice from the institution which issued the financial assurance stating that the financial assurance will expire by a date certain, and within thirty days after the Department's receipt of such notice, Permittee does not establish alternative financial assurance in a form acceptable to the Department issued by a company licensed to do business with the State of New York in the amount of up to Five Hundred and Sixty-Four Thousand U.S. Dollars (\$564,000 US), as determined by the Department, and all the requirements of this condition number 6(b), "Financial Assurance", and which otherwise complies with any Department requirements, and does not obtain written approval of the alternate financial assurance from the Department, it shall be considered failure to continuously maintain financial assurance required by the Department and a violation of Environmental



Conservation Law Article 11, 6 NYCRR Part 182, and this permit, and the Department may draw on the financial assurance. The Department may delay the drawing if the institution which issued the financial assurance grants an extension of the financial assurance, but the Department is not required to do so. During the last thirty days of any such extension by the institution which issued the financial assurance, the Department will draw on the financial assurance if the Permittee has failed to provide alternate financial assurance in accordance with all the Department's requirements, and to obtain written approval of such alternate financial assurance from the Department.

- (v) Permittee shall continuously maintain the full amount of the financial assurance throughout the effective period of the permit until Permittee demonstrates it has completed implementation of each permit plan and condition and such demonstration has been approved in writing by the Department except that no earlier than ten years after providing the financial assurance, and every ten years after that, the Permittee may request that a specified portion of the amount of the financial assurance be released to Permittee upon detailed documentation evidencing the remaining financial assurance would be sufficient for the Department to complete the unfulfilled activities described by the permit plans and conditions if the Permittee fails to do so; and the Department has provided written approval of the Permittee's demonstration and written consent to the release of the specific amount of funds from the financial assurance. Upon the Department's own initiative, the Department may release a portion of the amount of the financial assurance if the Department determines that the remaining amount would be sufficient for the full implementation of the remainder of activities required by the permit plans and conditions. The full financial assurance shall only be released to the Permittee provided that the Permittee has complied, as determined by the Department, with all the terms and conditions of the permit and has made written request to the Department for such release.

## 8. Permanent Conservation Easement for 25-Acre Property

a. Permittee must prepare the hereby required draft and final permanent conservation easement instruments and grant, execute, record, and index the hereby required final permanent conservation easement instrument in accordance with the requirements of Environmental Conservation Law (ECL) Article 49, Title 3, "Conservation Easements." **The Permittee must also designate the Department as having a third-party enforcement right to enforce any of the terms of the easement pursuant to ECL Article 49, Title 3 (sections 49-0303.4 and 49-0305.5).** Additionally, Permittee must only grant the hereby required permanent conservation easement to an entity which meets the requirements of ECL Article 49, Title 3, for a conservation easement holder." (emphasis added)

b. Within two months after issuance of this permit, Permittee must provide the Department a complete draft of an instrument to create and convey a permanent conservation easement upon the 25-acre property located north of Judge Road, west of Alleghany Road, East of Crosby Road and South of STAMP Drive, Town of Alabama, County of Genesee, State of New York ("the 25-acre property"), being a portion of the real property known on June 29, 2023 as Tax Map Parcel 18200010.-1-36.11 and approximately indicated on the map attached to this permit as Exhibit A on permit page 13. The draft instrument Permittee submits must reflect that for the period from April 1, 2030 until forty-five years from that date, on April 1, 2075, the Permittee must implement



the requirements of this permit (i.e., the required active mitigation management) upon this 25-acre property; and must reflect that after that forty-five year period of active vegetation management concludes in 2075, any construction or development upon the 25-acre property is prohibited. Permittee must revise the draft in accordance with any written comments provided by the Department.

c. Within two months after issuance of this permit, Permittee must provide the Department with documentation evidencing that the entity Permittee intends to be the grantee and that the holder of the permanent conservation easement meets the requirements of ECL Article 49, Title 3.

d. Within four months after issuance of this permit, Permittee must properly execute, as grantor, the final permanent conservation easement instrument as approved by the Department and insure that an appropriate conservation easement holder also properly execute it; record and index the executed permanent conservation easement instrument as a conservation easement in the office of the County Clerk of Genesee County; and provide the Department with documentation evidencing the time and date of recording together with a complete copy of the recorded permanent conservation easement instrument. Permittee may make written request to the Department to extend this date to a date certain upon Permittee's demonstration of good cause for the delay.

**9. Property Transfer to John White Wildlife Management Area** a. Within a year of the date this permit's issuance date, Permittee must commence the process to timely transfer, *via* full covenant warranty deed, fee title for all of Permittee's right, title, and interest in the following real property to the Department with the intention that that real property become part of the State John White Wildlife Management Area. Permittee must commence this process by executing a transfer agreement approved by the New York State Office of the Attorney General (OAG). The real property to be conveyed is approximately 33± acres located [west of Alleghany Road (Rte 63), between, Judge Road and Stamp Drive], in the Town of Alabama, County of Genesee, State of New York,; is a portion of the real property known on June 29, 2023 as Tax Map Parcel 18200010.-1-32.12; and also is approximately indicated on the map attached to this permit as Exhibit A on permit page \_\_\_\_ ("the 33-acre property"). If Permittee desires to subdivide the property, Permittee must complete the subdivision process within 8 months of permit issuance. Permittee must make good faith efforts to work with and assist the Department and the OAG and provide information which may be requested and execute documents as directed by the Department and OAG, to facilitate this property transfer and to complete the transfer in accordance with the requirements of the Department and OAG.

b. Permittee must complete transfer of the property as described by this condition, "Property Transfer for the John White WMA," (hereinafter, "transfer") by no later than two years after the permit issuance date except that the Department may in its discretion extend the date and Permittee may make written request to the Department to extend this date to a date certain upon Permittee's demonstration of good cause for delay.

c. Prior to completion of the 33-acre property transfer, if the Department notifies Permittee in writing that the Department has determined not to acquire the 33-acre property by transfer of a deed or otherwise, Permittee must provide alternative mitigation as set forth herein. Within one (1) year of receiving the aforementioned written notice from the Department, the Permittee must submit an alternative mitigation plan for Department review and approval. The Department may extend this deadline in writing for good cause which shall be determined at DEC's sole discretion. The alternative mitigation plan must be in a format acceptable to the Department and in a format that the Department determines is equivalent to 198 acres of winter foraging habitat for short-eared owls and northern harriers. If approved by the Department, the alternative mitigation plan will be incorporated into and an enforceable part of this Permit. without further modification. This requirement for alternative mitigation



does not remove or change the permit requirement for Permittee to actively manage the 33-acre property for 30 years (six 5-year cycles).

**10. Bird Survey Requirements** Surveys to assess use of the 25 and 33-acre mitigation areas (shown on the attached Part 182 Proposed Mitigation Figure #5) by wintering raptors are to be completed at least monthly in the winter season (November-March) following approved survey protocols, with a summary report to DEC by June 1 annually. Wintering grassland raptors may stay on their wintering grounds into April, and there is also a small possibility that either or both species may stay to nest. Before any management including spring mowing occurs (which must only occur between April 1 and April 23), additional surveys are required in April if Short-eared Owl and/or Northern Harrier are present at the mitigation site or vicinity during March. Surveys must be done weekly in April until it is determined that birds have left the wintering grounds, by two consecutive survey periods failing to document continued presence of either species.

If birds of either species are still being observed through or beyond April 23, no habitat management (mowing) can be done until after August 15 of that year, and surveys must continue and switch to using DEC approved grassland bird breeding protocols to document any breeding behaviors. Breeding season surveys, if dictated by continuing presence, must continue until two consecutive survey periods fail to document continued presence of either species.

**11. Prohibition of Sale or Transfer** This permit prohibits sale or transfer of the land upon which the 25-acre mitigation parcel is located for the duration of the Net Conservation project described in the authorized activities section, which must be a minimum of 45 years from the date this permit is issued, and until the project is completed to the satisfaction of the Department; or unless the Department modifies this permit to allow otherwise.

**12. Time of Year Restriction for Tree Cutting** Any tree cutting must occur during the winter timeframe between November 1 and March 31, in any given year, in order to avoid adverse impacts to NYS endangered/threatened bat species.

**13. Invasive Species (Non-native Vegetation)** To prevent the unintentional introduction or spread of invasive species, the permittee must ensure that all construction and maintenance equipment be cleaned of mud, seeds, vegetation and other debris before entering any approved construction areas.

**14. Site Development Mitigation Practices** The following practices shall be used in the development of the STAMP site to minimize impacts to bird species:

- Rodenticides shall not be used on the STAMP parcels located adjacent to the Part 182 mitigation sites authorized under this permit
- Downward facing lighting shall be used in the development of STAMP parcels
- Bird-safe windows shall be installed in accordance with the Bird-Safe Buildings Act of 2019. (see: <https://www.congress.gov/bill/116th-congress/house-bill/919/text>)

**15. Mitigation Management Practices** To ensure successful conversion of habitat, Permittee(s) must do the following:



1. A baseline assessment of habitat and vegetative data shall be completed at each assessment plot within the mitigation area. The baseline assessment includes dominant plant species and their percent aerial coverage, percent bare ground coverage, litter/thatch depth, mean vegetation height and presence and percent aerial cover of invasive plant species. NYSDEC staff will participate in this baseline vegetation assessment site visit.
2. Invasive Species Management Plan shall be prepared.
3. Initial seeding of mitigation area with a NYSDEC approved seed mix shall be undertaken as specified in WNY STAMP Full Campus Incidental Take Application (See Condition No. 1 and No. 2).
4. After initial grass planting is established, annual mowing of approximately 1/3 of the total 58 acres (25 + 33 acres) of the existing field area within the proposed mitigation area shall be completed between August 15 and September 30th to possibly allow some regrowth before the winter. If after initial planting of the mitigation site with the specified grass and forb mix, competing weeds are taller than the planted vegetation the entirety of the mitigation area may need to be mowed. Mowed vegetation will be left in place to provide thatch as small mammal habitat. No haying will be conducted within the habitat mitigation area. The mitigation area will be maintained as suitable habitat for the required mitigation period with monitoring and reporting activities conducted throughout the permit term.
5. Grass should be mowed to an approximate height of six (6) to twelve (12) inches.
6. Prohibit mechanized disturbance within the managed area during the wintering and nesting seasons throughout the applicable 30-45-year mitigation term (45-year term for 25 acre parcel and 30-year term for 33 acre parcel).
7. Conduct annual late summer/fall mowing of 1/3 of the mitigation areas throughout the applicable 30-45-year required mitigation term. Mowing shall be completed between August 15th and September 30th.
8. Winter raptor monitoring surveys will be conducted annually for the first 15 years of the required mitigation period in accordance with Table 1 (Exhibit C) of the referenced implementation agreement. The surveys will be completed in accordance with the NYSDEC Survey Protocol for State-listed Wintering Grassland Raptor Species (August 2021).
9. Vegetative and habitat condition monitoring will be conducted at specified intervals, as noted in **Table 1**. During the monitoring, an assessment of field conditions and vegetative characteristics will be taken at the sampling plots determined in the baseline assessment. Prior to mowing, dominant plant species and species compositions will be documented at each sample plot. After mowing, the assessment will document vegetation density and composition as well as the thickness and percent coverage of thatch within the sample plots. Invasive species coverage will be documented before and after mowing and compared against the baseline assessments.
10. Vegetative monitoring reports will be submitted to NYSDEC at the intervals specified in **Table 1** (Exhibit C), of the referenced Implementation Agreement, and include the results of the winter raptor survey when specified. The Vegetation Monitoring and Winter Raptor survey report shall be submitted by June 1st of each monitoring year.

**16. Monitoring Activities** Prior to any management activities beginning, the boundaries of the mitigation areas will be surveyed and marked in the field. A baseline assessment will be performed within the mitigation area. The assessment will include:



1. Establishment of monitoring locations prior to the initiation of management activities. These locations will be vegetation assessment plots in open field portions of the mitigation area and will be revisited for each monitoring event.
2. Collection of baseline habitat and vegetation data at each sample plot. The data will include dominant plant species, percent aerial cover for each dominant species, percent bare ground, litter/thatch depth, mean vegetation height and presence and percent aerial cover of invasive plant species. NYSDEC will participate in the baseline vegetation assessment.
3. Photographs documenting baseline field conditions will be taken at each sample plot location to document growing season and non-growing season conditions.
4. Development of an Invasive Species Management Plan in consultation with NYSDEC staff that is appropriate for the site.
5. Submittal of a report describing baseline habitat and vegetation conditions to the NYSDEC by June 1st of 2024.

The permittee shall prepare and submit a report describing baseline habitat and vegetation conditions of the 33-acre site to the NYSDEC. Once baseline conditions have been established, the mitigation area will be planted with the seed mix specified the STAMP Full Campus Incidental Take Permit application, during the month of May and mitigation monitoring will be performed annually for the 30-45-year required mitigation term to ensure that the mitigation areas are meeting net conservation benefit goals. Ensure proper field preparation and appropriate equipment for warm season grass planting. Proposed monitoring activities shall include:

- Assessment of field condition and vegetation characteristics at each sampling plot prior to mowing and after mowing during for the 30-45-year permit term. Prior to mowing, dominant plant species and species composition will be documented at each plot. The vegetation assessment conducted after each mowing will document vegetation density and composition as well as the thickness and percent coverage of thatch within those vegetation sampling plots where mowing has occurred. The presence, percent aerial cover, and extent of invasive species will also be documented before and after mowing and compared against the baseline assessment.
- Photo documentation of the mitigation area from the sample plots prior to mowing in and during the winter season after mowing (between November 15 and March 31). Photographs documenting field conditions will be included in each monitoring report submitted to DEC.
- Monitoring of winter raptor species (northern harrier) use of the mitigation area during the winter season (between November 15 and March 31) will be conducted in accordance with Table 1. Methods to be used will be consistent with those used by NYSDEC in their ongoing surveys of winter raptor use. Access to the mitigation area will be provided to the DEC (if they also wish to conduct on-site surveys).
- A monitoring report describing mitigation area management activities and monitoring results will be prepared and submitted annually following the baseline assessment. The report (2 copies) will be submitted by June 1 of each monitoring year. Each monitoring report will include:
  1. A summary of all monitoring data collected the previous monitoring year(s);
  2. A comparison of monitoring results to the baseline information and previous monitoring results;
  3. Maps displaying the sampling plot locations,
  4. Photographs of the mitigation area;
  5. An assessment of the mitigation success in relation to the performance standards and functional objectives identified in this CMP; and



6. A discussion of any maintenance measures or corrective actions need based on the monitoring
7. Results and the Invasive Species Management Plan developed after the baseline assessment.
  - If success criteria have not been met by Year 5, a meeting with the NYSDEC will be held to determine future management and monitoring requirements.
  - If monitoring activities indicate a problem with grassland habitat conditions within the mitigation area, corrective actions will be implemented in consultation with NYSDEC. If invasive species are found to be expanding in prevalence such that they are becoming dominant component of the vegetation cover, corrective actions such as mowing, treatment and removal will be implemented according to the Invasive Species Management Plan developed for the site.

#### **17. Inspections and Corrective Actions**

Department staff are authorized to inspect the mitigation site. Upon observation of issues requiring corrections, the Department will notify applicant and representative. Applicant will correct, or employ contact to correct, issues with Mitigation Site requiring corrective action.

**18. Precautions Against Contamination of Waters** All necessary precautions shall be taken to preclude contamination of any wetland or waterway by suspended solids, sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate or any other environmentally deleterious materials associated with the project.

**19. State Not Liable for Damage** The State of New York shall in no case be liable for any damage or injury to the structure or work herein authorized which may be caused by or result from future operations undertaken by the State for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.

**20. State May Require Site Restoration** If upon the expiration or revocation of this permit, the project hereby authorized has not been completed, the applicant shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may lawfully require, remove all or any portion of the uncompleted structure or fill and restore the site to its former condition. No claim shall be made against the State of New York on account of any such removal or alteration.

**21. State May Order Removal or Alteration of Work** If future operations by the State of New York require an alteration in the position of the structure or work herein authorized, or if, in the opinion of the Department of Environmental Conservation it shall cause unreasonable obstruction to the free navigation of said waters or flood flows or endanger the health, safety or welfare of the people of the State, or cause loss or destruction of the natural resources of the State, the owner may be ordered by the Department to remove or alter the structural work, obstructions, or hazards caused thereby without expense to the State, and if, upon the expiration or revocation of this permit, the structure, fill, excavation, or other modification of the watercourse hereby authorized shall not be completed, the owners, shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore to its former condition the navigable and flood capacity of the watercourse. No claim shall be made against the State of New York on account of any such removal or alteration.



**GENERAL CONDITIONS - Apply to ALL Authorized Permits:**

**1. Facility Inspection by The Department** The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71- 0301 and SAPA 401(3).

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

**2. Relationship of this Permit to Other Department Orders and Determinations** Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

**3. Applications For Permit Renewals, Modifications or Transfers** The permittee must submit a separate written application to the Department for permit renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing. Submission of applications for permit renewal, modification or transfer are to be submitted to:

Regional Permit Administrator  
NYSDEC Region 8 Headquarters  
6274 E Avon-Lima Rd  
Avon, NY14414

**4. Submission of Renewal Application** The permittee must submit a renewal application at least 30 days before permit expiration for the following permit authorizations: Endangered/Threatened Species (Incidental Take).

**5. Permit Modifications, Suspensions and Revocations by the Department** The Department reserves the right to exercise all available authority to modify, suspend or revoke this permit. The grounds for modification, suspension or revocation include:

- a. materially false or inaccurate statements in the permit application or supporting papers;
- b. failure by the permittee to comply with any terms or conditions of the permit;
- c. exceeding the scope of the project as described in the permit application;
- d. newly discovered material information or a material change in environmental conditions, relevant



technology or applicable law or regulations since the issuance of the existing permit;

- e. noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

**6. Permit Transfer** Permits are transferrable unless specifically prohibited by statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.

## NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

### **Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification**

The permittee, excepting state or federal agencies, expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under Article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

### **Item B: Permittee's Contractors to Comply with Permit**

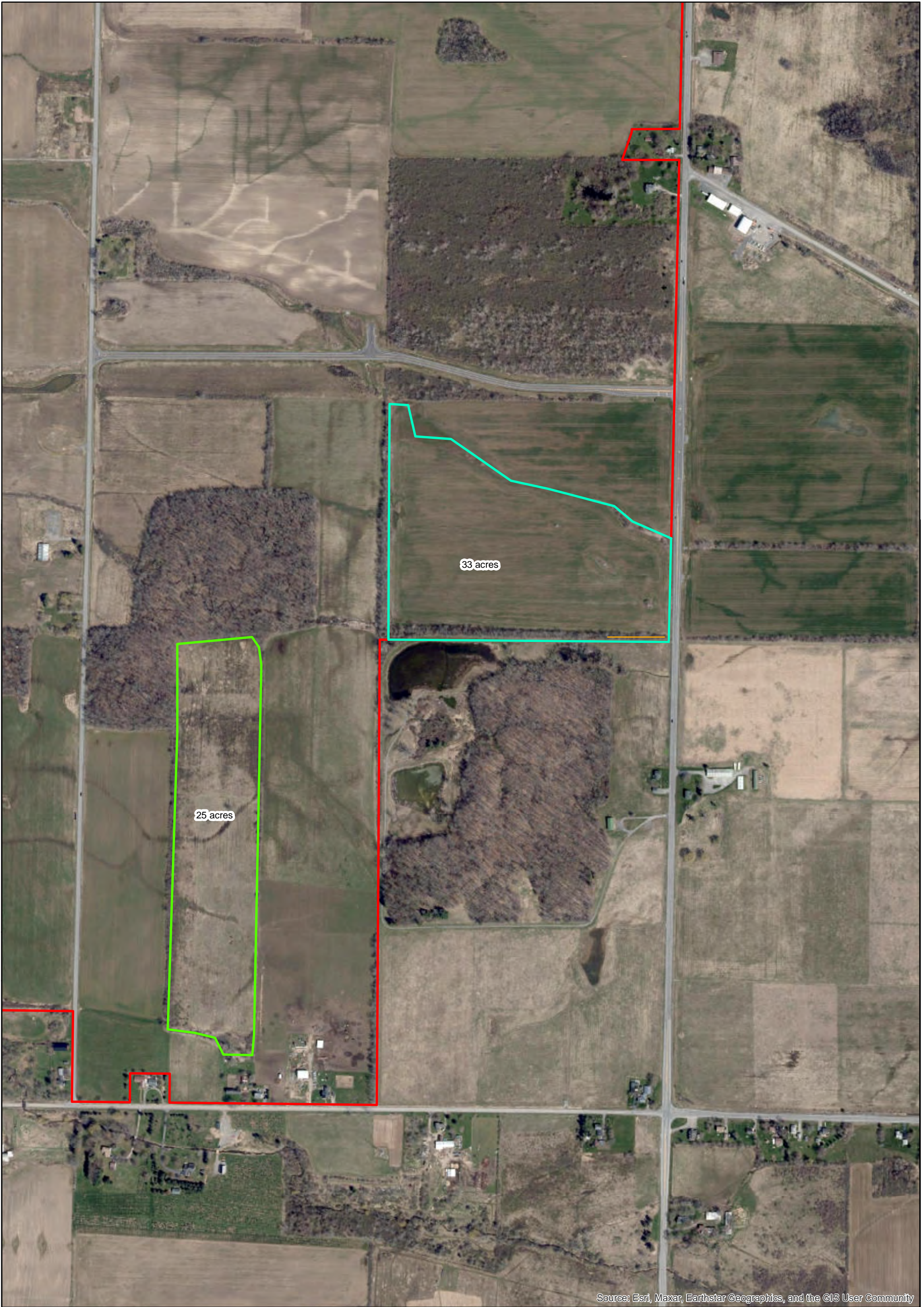
The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

### **Item C: Permittee Responsible for Obtaining Other Required Permits**

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.




### **Item D: No Right to Trespass or Interfere with Riparian Rights**

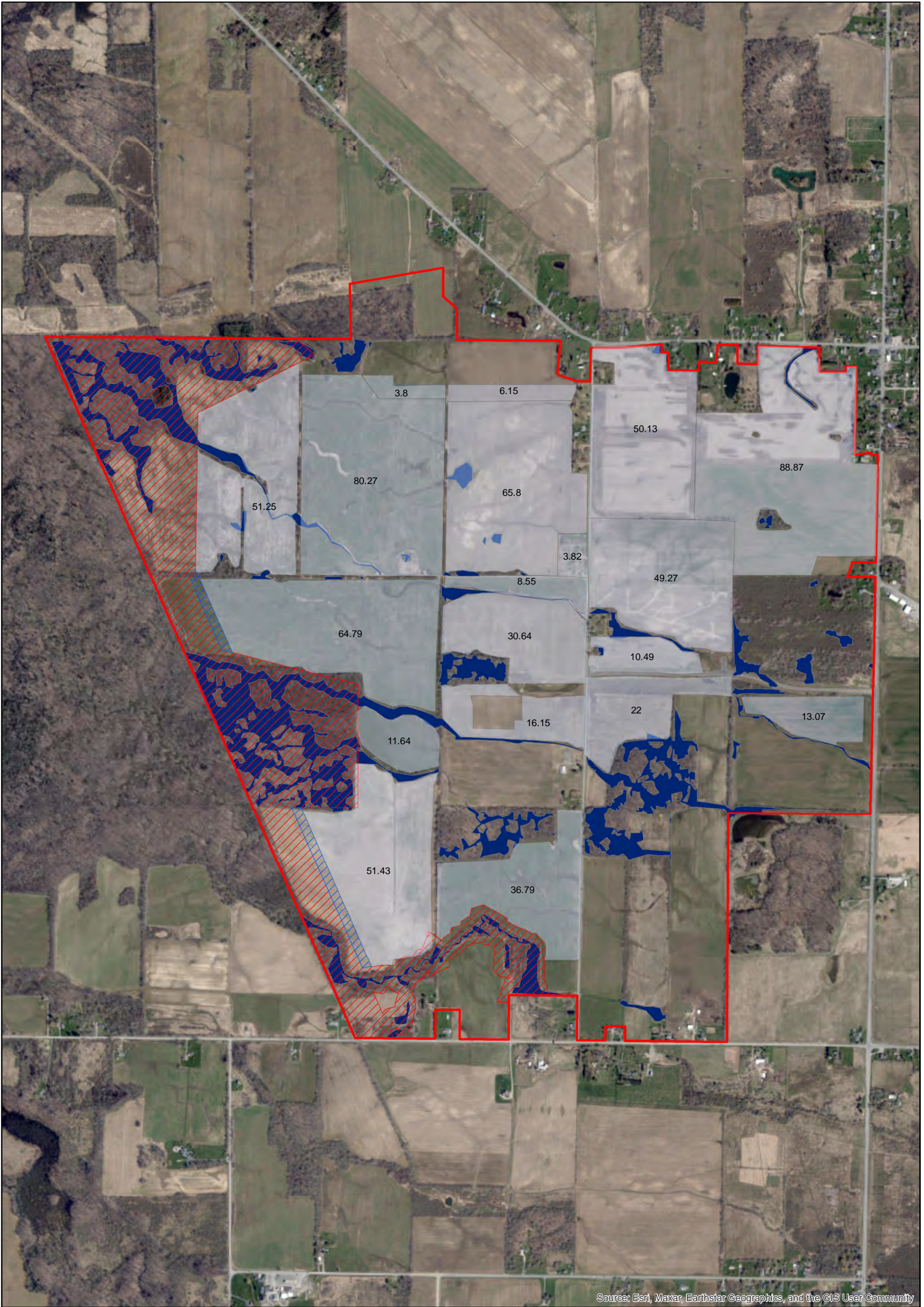
This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

**Exhibit "A" - Mitigation Parcels**  
**DEC Permit Id. 8-1820-00032**  
**Issued to Genesee County IDA d/b/a Genesee**  
**County Economic Development Center**

-  Conservation Easement
-  Transfer to DEC
-  STAMP Boundary



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

0 0.2 0.4 0.8 Miles



**Areas to be Mitigated**  
 Science and Technology Advanced Manufacturing Park  
 Town of Alabama, Genesee County, New York

K. Hojnacki, Date: 2/2/2023

- Need Mitigation
- Permanently Protected
- Restricted Protected
- STAMP Boundary

Exhibit "B" - Mitigation Parcels  
 DEC Permit Id. 8-1820-00032  
 Issued to Genesee County IDA d/b/a Genesee  
 County Economic Development Center

Exhibit "C" Part 182 Application  
DEC Permit ID. 8-1820-00032  
Issued to Genesee County IDA d/b/a  
Genesee Economic Development Center

# Western New York Science & Technology Advanced Manufacturing Park (STAMP)

## Endangered and Threatened Species of Fish and Wildlife **Full Campus Incidental Take Permit**

**SUBMITTED TO:**  
NYS Department of Environmental Conservation  
Region 8  
6274 East Avon-Lima Road  
Avon, NY 14414

February 2023

Received by NYSDEC on  
2/17/2023

## Table of Contents

List of Figures ..... i

List of Appendices ..... i

1.0 Introduction ..... 1

2.0 Project Information ..... 1

    2.1 Project Location and Description ..... 1

3.0 Listed Species Review ..... 2

    3.1 Agency Database Review and Consultation ..... 2

    3.2 NYSDEC Part 182 Determination ..... 2

4.0 Species Background and Site Presence ..... 3

    4.1 Habitat and Natural History ..... 3

        4.1.1 Short-eared Owl ..... 3

        4.1.2 Northern Harrier ..... 5

    4.2 Habitat Suitability and Species Presence ..... 6

        4.2.1 2021 – 2022 Survey Results ..... 6

        4.2.2 2022 – 2023 Survey Results ..... 7

5.0 Potential Impacts ..... 7

6.0 Avoidance, Minimization, and Mitigation ..... 7

    6.1 Avoidance and Minimization Strategy ..... 7

    6.2 Mitigation ..... 8

        6.2.1 Net Conservation Benefit ..... 8

        6.2.2 Proposed Mitigation Plan ..... 8

    6.3 Commitment to Fund and Execute ..... 10

7.0 References ..... 11

## List of Figures

- Figure 1 – Project Location
- Figure 2 – SEOW/NOHA Foraging Areas, 2021 - 2022
- Figure 3 – Northern Harrier Foraging Areas, 2022 - 2023
- Figure 4 – Areas Requiring Mitigation
- Figure 5 – Proposed Mitigation Areas

## List of Appendices

- Appendix A – Joint Permit Application Form
- Appendix B – Results of Agency Consultation and Database Review

## 1.0 Introduction

The Genesee County Industrial Development Agency d/b/a the Genesee County Economic Development Center (GCEDC), in conjunction with the Genesee Gateway Local Development Corporation (GGLDC), the non-profit real estate affiliate of the GCEDC, has been working on the development of the Western New York Science & Technology Advanced Manufacturing Park (STAMP), an advanced manufacturing technology campus on approximately 1,263 acres in the Town of Alabama, New York (Figure 1). Construction of the first tenant facility, Plug Power, began in September 2021. Multiple infrastructure projects commenced construction in 2022, including Plug Power's hold and haul tank, the electrical substation, on-site water lines, and the powerline relocation. The second tenant, Edwards Vacuum, committed to begin construction in 2023, with discussions on-going with other possible tenants. To permit construction of new facilities and necessary associated site infrastructure, GCEDC is seeking an Incidental Take Permit to cover all currently developable land within STAMP (the "Project"; Figure 1).

On behalf of GCEDC, CC Environment & Planning completed desktop review and field investigations to evaluate the potential impacts from construction of the Project on any protected species that may occur within the Site. Based on consultation with the New York State Department of Environmental Conservation (NYSDEC) the construction of the Project may result in potential impacts (incidental take) to the state-listed short-eared owl (*Asio flammeus*) and northern harrier (*Circus hudsonius*). This permit application has been prepared in accordance with the requirements of the State Endangered Species Act (Environmental Conservation Law §11-0535 [ECL Article 11]) and its implementing regulations at 6 New York Codes, Rules, and Regulations (NYCRR) Part 182. A Joint Application Form can be found in Appendix A.

## 2.0 Project Information

### 2.1 Project Location and Description

The STAMP Site is located west of State Route 77/63, south of State Route 77, and north of Judge Road (approximate midpoint 43.087837, -78.405019; Figure 1). The STAMP Site Master Plan as presented in the Final Generic Environmental Impact Statement (GEIS; January 2012) provided for the development of a high technology campus accommodating over 6 million square feet of advanced technology manufacturing space and related uses providing direct employment of over 9,000 people. The Project targets green-technology and advanced manufacturing companies involved in developing and manufacturing clean technology, such as semiconductor products. The Site Master Plan continues to evolve as tenants commit and design their facilities.

Most developable land at STAMP lies within open fields that are currently under agricultural production, or have recently ceased production. Construction of tenant facilities will occur progressively over the next several years as companies commit to developing at STAMP. Site infrastructure will follow suit, constructing on an as-needed-basis to support the new development until full build out has been reached.

It is anticipated that there will be some level of construction occurring within the STAMP site year-round for the next several years.

## 3.0 Listed Species Review

### 3.1 Agency Database Review and Consultation

Based on the results of agency database review and consultation (NY Natural Heritage Program, NYSDEC, US Fish and Wildlife Service), the state-listed endangered short-eared owl and the state-listed threatened northern harrier have been identified as potentially occurring within the STAMP Site, and therefore has the potential for incidental take as a result of Project construction. Monarch butterfly (*Danaus plexippus*), a candidate species for federal listing, was also noted by United States Fish and Wildlife Service (USFWS). As it is not currently listed, impacts to the monarch butterfly do not need to be formally evaluated, although GCEDC has already developed and will continue to develop additional pollinator areas on-site. See consultation documentation in Appendix B.

Due to STAMP's location within a state-significant Raptor Winter Concentration Area and known occurrence of short-eared owl and northern harrier on nearby state and federal lands, NYSDEC requested updated winter raptor survey data. Previous surveys were conducted in the 2010 – 2011 wintering season. CC Environment & Planning initiated an updated investigation on December 20, 2021. The winter raptor survey design was approved by NYSDEC staff. Surveys were conducted every other week through the end of April 2022 at four survey points, providing views of the developable acreage within the STAMP Site. To obtain additional information, surveys were again initiated at the beginning of November 2022 following the same protocol as the previous winter (survey plan approved by DEC).

### 3.2 NYSDEC Part 182 Determination

Short-eared owl and northern harrier were both documented utilizing the STAMP Site for foraging starting on December 20, 2021. NYSDEC was provided with the survey data on February 7, 2022, after which they expanded the area mapped as "occupied habitat" for both species (Appendix B). Any open fields greater than 25 acres within these mapped occupied habitat boundaries are now considered occupied habitat by NYSDEC. Although a final map documenting occupied habitat within the STAMP Site has not been issued, it has been concluded after discussions with NYSDEC staff that occupied habitat will extend to all open fields within STAMP based on survey data collected after the maps included in Appendix B were issued.

Part 182 defines occupied habitat as:

*Occupied habitat means a geographic area in New York within which a species listed as endangered or threatened in [6 NYCRR Part 182] has been determined by the department [i.e., NYSDEC] to exhibit one or more essential behaviors. Once identified as occupied habitat, the department will continue to consider that area as occupied habitat until the area is no longer*

*suitable habitat for that species or monitoring has indicated that reoccupation by that species is unlikely.*

Due to occupied habitat occurring within the Site, NYSDEC has determined that development of STAMP will result in adverse impacts to the species and that “take” is likely to occur due to the “adverse modification of habitat”. Part 182 defines take as:

*Take or taking means the pursuing, shooting, hunting, killing, capturing, trapping, snaring and netting of any species listed as endangered or threatened in this Part, and all lesser acts such as disturbing, harrying or worrying. Lesser acts means, for the purposes of this Part, harassing, harming, maiming, wounding or collecting any species listed as endangered or threatened in section 182.5 of this Part, any act which is likely to cause the death of or injury to any individual member(s) of a species listed as endangered or threatened in section 182.5 of this Part, any adverse modification of habitat of any species listed as endangered or threatened in section 182.5 of this Part, and any interference with or impairment of an essential behavior of a species listed as endangered or threatened in section 182.5 of this Part.*

Therefore, the Regulations require GCEDC to develop a mitigation plan that demonstrates an overall net conservation benefit for the affected species. A net benefit is achieved when adverse impacts of a proposed activity on a protected species or its occupied habitat are outweighed by positive impacts anticipated from the proposed mitigation measures. This Net Conservation Plan includes a summary of the Project’s impact, avoidance, and minimization efforts as well as a mitigation plan, developed to ensure that construction of the Project results in a net conservation benefit for short-eared owl and northern harrier.

## **4.0 Species Background and Site Presence**

The New York Natural Heritage Program identified the STAMP Site as occurring within a Winter Raptor Concentration Area, with known wintering occurring by short-eared owl and northern harrier on surrounding state and federal lands. This section provides a summary of the two species as well as additional details regarding their occurrence within STAMP.

### **4.1 Habitat and Natural History**

#### **4.1.1 *Short-eared Owl***

The short-eared owl is one of the world’s most widely distributed owls occurring on every continent except Australia and Antarctica. Within the United States, they have been documented in all 50 states, with larger populations occurring in the western and central portions of the country than the east. The short-eared owl is listed an endangered in New York State due to declining populations related to loss of habitat.

Short-eared owls occupy large open areas with low vegetation such as prairies, coastal grasslands, heathlands, shrub-steppe, tundra, marshes, meadows, and agricultural areas (Wiggins et al. 2020). Wintering habitat is similar to breeding habitat, with birds migrating southward to areas of minimal snow cover that allows them continued access to their preferred food source. Their primary prey is small mammals, especially meadow voles (*Microtus pennsylvanicus*), although they have also been known to consume birds and some insects (Wiggins et al. 2020). Short-eared owls forage mainly on the wing. In winter this occurs primarily in the low-light conditions near sunset (Clark 1975, Swengel and Swengel 2002).

New York State is at the southern edge of the short-eared owl breeding range, with breeding rare within the state and limited to the St. Lawrence and Lake Champlain Valleys, the Great Lakes plains, and the marshes of Long Island's south shore (NYNHP 2022a). Wintering owls are more numerous in the state, with significant numbers occurring within the Finger Lakes, Lake Ontario plains, the Hudson Valley, and Long Island (NYNHP 2022a). The date of arrival to the wintering grounds varies each year, generally occurring within October or November. Birds may occupy a single wintering area for the full season, departing in late March or early April, or they may only remain for part of the season, likely dependent upon food resources and snow depth. Short-eared owls are considered a nomadic species, moving in relation to the cyclic nature of vole populations, thus they may not occupy the same breeding or wintering areas from year to year (Wiggins et al. 2020).

Short-eared owl populations are difficult to estimate with certainty due to their nomadic behavior, tendency to occupy remote areas, and the lack of standardized data collection for the species (Booms et al. 2014). With the data that is available, the species appears to be experiencing a decline throughout North America over the past half century. Breeding Bird Survey (BBS) data collected since 1966 show a decline of 1.7% through 2019, although the data was considered "quite imprecise" as this species isn't well suited to the BBS methodology as they are not very vocal and tend to be active outside of the daily survey timeframe (Sauer et al. 2019). Christmas Bird Count (CBC) data from the United States and Canada between 1966 and 2010 showed a statistically significant decline in the number of owls counted per survey party-hour, with an approximately 50% decline in the number of owls counted per party hour in the United States and an 80% decline in Canada (Booms et al. 2014). Like the BBS, the CBC results must be interpreted cautiously because the survey is not well-matched to the crepuscular activity cycles of short-eared owls and has inherent limitations and biases (Bart et al. 1995, Sauer et al. 2012). However, the CBC covers more of the winter range of short-eared owls than the BBS does of the breeding range, thus it likely monitors a larger percentage of the continent's owl population (Booms et al. 2014).

In New York State, the population seems to have declined significantly between 1914 and 1974 (NYNHP 2022a). More recent data from the two completed Breeding Bird Atlases also show a decline. The first Atlas (1980-95) documented occupancy in 36 survey blocks statewide whereas the second (2000-05) documented occupancy in 24, a 33% decrease (NYDEC 2014a). The third Atlas is currently underway (2020-25), with no confirmed breeding records through May 2022 and records of probable breeding in

only two blocks (Cornell Lab 2022). There is no published data on wintering populations within the state besides those collected during the Christmas Bird Count, thus the trend for this population is not fully known.

The main threat to the species is grassland habitat loss and fragmentation, as the birds require large, intact tracts of grassland for both breeding and wintering (Wiggins et al. 2020). In the United States, native grasslands have declined by 97% of their historical extent causing grassland birds to incur some of the largest declines throughout the country (North American Bird Conservation Initiative 2011). Secondary declines associated with this habitat alteration include increased nest predation and human disturbance (Wiggins et al. 2020). Being ground nesters, short-eared owls are highly susceptible to disturbance and predation at the nest site. In New York, the majority of grassland habitats are privately owned, typically agricultural fields (Morgan and Burger 2008). Loss or degradation of these habitats has been caused by changes in farming practices, including conversion to row crops or more frequent mowing, abandonment of farming leading to succession to shrublands and forests, development, and wildfire suppression (Post 2005).

#### ***4.1.2 Northern Harrier***

Northern harriers are a state-threatened species with a broad distribution across North America. They occupy large, undisturbed tracts of wetlands and grasslands with low, thick vegetation. Breeding occurs in freshwater and brackish marshes, lightly grazed meadows, old fields, tundra, prairies, shrub-steeps, and riverside woodlands (Smith et al. 2011). They utilize a range of open habitats during winter, including deserts, coastal sand dunes, pasturelands, croplands, dry plains, grasslands, old fields, estuaries, open floodplains, and marshes (Smith et al. 2011). Birds from northern breeding areas migrate south while other birds remain in the same location year-round, likely dependent upon snow cover and access to food resources. Like the short-eared owl, northern harriers forage on the wing. Small mammals and birds comprise the majority of their diet, with consumption of meadow voles occurring almost exclusively by those wintering in the northern part of the range (Smith et al. 2011).

Breeding northern harriers are more common than short-eared owls and are more widespread within New York, but they are still an uncommon species. Confirmed breeding in the state include the western Great Lakes plain, open habitats in the Adirondacks, the western Finger Lakes, Long Island, and the Hudson, Saint Lawrence, and Lake Champlain Valleys (NYNHP 2022b). The winter range is similar. Along with these two seasons, the northern harrier is a fairly common to common fall migrant and a very common spring migrant (NYSDEC 2014b). As with the short-eared owl, northern harriers are nomadic, moving in relation to prey availability.

While northern harriers remain fairly common across North America, their populations are declining. From 1966 to 2019, the North American Breeding Bird Survey records a steady decline of over 1% per year, resulting in a cumulative loss of about 34% throughout the United States and Canada (Sauer et al. 2019). Within New York, the species was considered a common breeder until the 1950s, when the

population began to decline (Levine 1998). The population has appeared to stabilize in recent decades, with no change in occupancy between the two completed Breeding Bird Atlases, although shifts in occupied areas were noted (NYSDEC 2014b). Christmas Bird Count data shows an increasing trend from 1950 to 2010 for New York's wintering population and for wintering populations in states adjacent to New York (NYSDEC 2014b).

Threats to this species are the same as for short-eared owl, mainly the loss and fragmentation of large grasslands. Additionally, due to their proclivity to nest within wetlands, loss and degradation of these habitats through draining, dredging, and filling has also negatively impacted harrier populations (Evers 1992). New York has lost over half of its wetlands since colonization (Tiner 1984).

## **4.2 Habitat Suitability and Species Presence**

Short-eared owls and northern harriers have adapted to utilize agricultural areas as native grasslands have decreased. While these species have been documented foraging within row crop fields, they primarily use grass-dominated areas, including hay fields, pastures, fallow fields, and fresh and salt marshes, where meadow vole populations are the highest. Though some agricultural activities, such as haying and grazing, are good management tools for grassland habitats when completed at appropriate times and intervals, typical agricultural activities such as frequent disturbance and fertilizer/pesticide application are all generally undertaken without respect to grassland bird populations, and thus decrease the value of the habitat for these species.

### ***4.2.1 2021 – 2022 Survey Results***

Winter raptor surveys were conducted from December 20, 2021, through April 28, 2022, following NYSDEC's *Survey Protocol for State-listed Wintering Grassland Raptor Species August 2021* (NYSDEC 2021), with an approved modification of conducting surveys every other week at each of the four survey points.

Short-eared owls were observed foraging at the STAMP Site during each survey period except the final one, in late April. They were primarily observed from Point 2, within the northwest corner of the Site, utilizing several large hay/fallow fields (Figure 2). On December 21, 2021, two owls were observed foraging within the large hay field in the southern portion of the Site, along Crosby Road, but were not observed in this location after this date (Figure 2). A high count of four birds was observed on January 11, 2022, although typically two birds were observed at Point 2 during each survey. In total, 26 observations of foraging short-eared owls were documented during 11 surveys.

Northern harrier habitat was more varied during the 2021 – 2022 survey season than short-eared owls (Figure 2). As with the short-eared owl, they primarily utilized the large fields in the northwest portion of the Site. They also utilized the hay/fallow fields in the southern portion of the Site on numerous occasions. On December 20, 2021, a pair of harriers was observed foraging along the edge of a cut corn field on their way to John White Wildlife Management Area. A single harrier was also observed briefly foraging within

a wheat field in the northern portion of the Site, just east of Crosby Road. More harriers were observed flying over the Site (27) than were seen foraging within the Site (23).

#### **4.2.2 2022 – 2023 Survey Results**

A second survey of winter raptor surveys was begun on November 1, 2022 and is still on-going. Surveys are being conducted using the same protocol as the previous winter, with slight modifications to point locations. Substantial changes in habitat occurred during the summer of 2022 due to regular agricultural crop rotations (converting the two largest hay fields to row crop fields), so the current surveys are meant to document if any changes in habitat use by wintering raptors occurred or whether the birds would still utilize STAMP. After six rounds of surveys (5 survey points each), only a single northern harrier was documented foraging within STAMP. This was seen on December 12, 2022 foraging mainly within the northwest field that is currently partly plowed and partly fallow (Figure 3). No short-eared owls have been documented on STAMP this winter.

## **5.0 Potential Impacts**

As noted in Section 3.2, potential impacts to short-eared owl and northern harrier are related to the adverse modification of habitat. Given that both species share wintering habitat requirements and have similar threats to species recovery (habitat modification and loss), impacts on these species are assumed to be similar.

Most developable land within STAMP is currently considered occupied habitat for these two species. Excluding areas not slated for development and those already mitigated for under the previous incidental take permit (ID 8-1820-00032/00001), a total of 665 acres of open habitat are currently slated for development (Figure 4). This includes approximately 505 acres of row crop, 57 acres of hay fields, and 103 acres of fallow fields.

## **6.0 Avoidance, Minimization, and Mitigation**

### **6.1 Avoidance and Minimization Strategy**

For over 10 years, GCEDC has worked to design the STAMP campus in such a way to avoid and minimize impacts to natural resources. Buffers and setbacks have been put into place to reduce impacts to sensitive features and preserve the rural character, as much as possible. By avoiding forested area, which contain wetlands, development has been placed within open areas, which may be used by short-eared owl and northern harrier. Staggered construction of the campus has and will continue to allow the birds to utilize portions of STAMP that provide adequate open habitat. Agricultural activities will continue up until the time of construction, which will ensure these fields remain open and accessible to wintering raptors. Open buffers along the edges of STAMP, adjacent to neighboring open fields, may continue to provide habitat even after development either as direct foraging areas or as a source populations of prey species.

## 6.2 Mitigation

### 6.2.1 Net Conservation Benefit

According to 6 NYCRR Part 182.2, the term “net conservation benefit” is defined as follows:

*Net conservation benefit means a successful enhancement of the species' subject population, successful enhancement of the species' overall population or a contribution to the recovery of the species within New York. To be classified as a net conservation benefit, the enhancement or contribution must benefit the affected species listed as endangered or threatened in this Part or its habitat to a greater degree than if the applicant's proposed activity were not undertaken.*

Though the avoidance and minimization measures described in Section 6.1 will reduce take as a result of construction of the Project, mitigation will be required to offset unavoidable habitat impacts. The proposed mitigation must provide a net conservation benefit to the affected listed species as defined above.

### 6.2.2 Proposed Mitigation Plan

NYSDEC has stated that to achieve a net conservation benefit for wintering grassland birds, a 1:1 (new/improved: impacted) ratio of quality habitat must be created or enhanced. Following extensive discussions with NYSDEC, the Applicant proposes to accomplish this on-site by utilizing two fields, a 25-acre parcel in the southeastern portion of the Site that is currently being used for mitigation and 33 acres of the parcel located just north of John White Wildlife Management Area for a total of 58 acres of grassland habitat (Figure 5). Efforts were made to locate suitable fields off-site that could be used for mitigation with no success. GCEDC had discussions with local farmers about utilizing their hay fields, but the strict mowing restrictions (no mowing during breeding season) required of a mitigation field eliminates the possibility of harvesting palatable hay, thus they were not interested in leasing their land for mitigation purposes. Genesee County, as well as other counties in the region, have faced significant pressure in the last few years regarding the use of land for agricultural purposes and for large scale solar projects. There are two large scale projects in Genesee County alone that are proposing to use 4,000 acres in total. This pressure coupled with the need for additional housing has caused the leaders of the agricultural community and the leadership of Genesee County to take a more active role in voicing their concerns and support for land remaining in agricultural production. All of these factors, which have accelerated over the last four years, make it extremely difficult, and cost ineffective, for the GCEDC to find off-site land to utilize as mitigation. Furthermore, The Town of Alabama currently has approximately 50% of its land owned by tax exempt entities, whose properties are not on the tax roll. Since that land is owned by government/tribal entities, it would not be available as potential mitigation sites, further limiting the ability of the GCEDC to use nearby off-site land.

Mitigation will occur within 5-year cycles (e.g., mitigating the 25-acre field for 20 years would account for 100 total acres of mitigation). The lengthy timeframe proposed for mitigation is justified by the

successional nature of Site development as it will be several years until full buildout, meaning that habitat will remain on the landscape in the meantime.

The 25-acre field was historically farmed, although the cessation of farming has allowed natural succession to occur. In October 2022, the tall, dense shrubs within this field were mowed as the first step toward restoration of grassland habitat to satisfy mitigation requirements. Additional restoration strategies will be implemented in 2023 to further encourage grassland establishment. See Permit ID 8-1820-00032/00001 for details. Once the grassland has established, mowing will occur on a rotational basis, with one-third of the field mowed each year between August 15 and September 30.

GCEDC proposes to utilize this field as grassland mitigation for winter raptors for a total of 55 years (11 5-year cycles, totaling 275 acres of mitigation), beginning in 2030 after the completion of mitigation required by the existing permit. In order to ensure a net conservation benefit throughout this entire period and beyond, GCEDC would grant a permanent conservation easement for this field to a not-for-profit environmental group, New York Green, Inc., within the next five years. Pursuant to conversations with DEC, we understand that placing the parcel within a conservation easement will count as two mitigation cycles worth of credit, such that the field will be actively managed for the first 45 of the 55 years, with the land left fallow for the remaining 10 years.

The second area proposed for mitigation lies adjacent to the state-owned John White Wildlife Management Area. The 33-acres proposed for mitigation is part of a larger 46-acre row crop field, with all land south of the tributary (including the tributary) going towards mitigation. As this mitigation field is currently under agricultural production, conversion to grassland will require less effort than the other field. Presently, the field is planted in winter wheat, so conversion to grassland will begin in late July – early August 2023, after the farmer has harvested the wheat. As this timeframe is not ideal for establishing warm season grasses, the field will be planted with a grass-like cover crop (such as rye or oats) until May 2024. In May 2024, the field will be plowed then heavily seeded with a mix of native grasses (both warm and cool season) and forbs. Extra mowing may be needed during the first two years after planting to help establish the desired grass species. Breeding bird surveys will be done to check for listed species prior to mowing during the breeding season. If listed species are present, then mowing will be postponed until August 15. After establishment, mowing will occur on a rotational basis, with one-third of the field mowed each year between August 15 and September 30.

To increase the quality of habitat in this field for winter raptors, approximately 325 feet of hedgerow will be removed between this field and the grassland at John White WMA to allow for habitat connectivity (Figure 5). This will occur prior to November 1, 2023. Ownership of the hedgerow will be determined prior to commencing work. If it is determined that NYSDEC is the owner, then a Temporary Revocable Permit (TRP) will be issued to GCEDC to allow the work to be conducted.

GCEDC proposes to utilize this parcel as grassland mitigation for a total of 60 years (12 5-year cycles, totaling 396 acres of mitigation). For the first 30 years, GCEDC will continue to own the property and

manage the grassland. After this time, they will deed the land to the DEC for incorporation into the John White Wildlife Management Area, which will count as the remaining 30 years of mitigation.

In addition to the management mentioned above, invasive species management may be required in either field if it jeopardizes the quality of the habitat. Any new species introduced to the fields will be eradicated via chemical or mechanical means. If an existing species begins to spread and outcompete the native grasses, this species will also be controlled to ensure proper grassland habitat remains on the landscape. The regular mowing regime proposed above should keep woody vegetation in check, but if it establishes to a level that reduces the quality of the grassland, herbicide applications to these species may be necessary to reduce their competition with herbaceous vegetation.

A monitoring component will be incorporated into the mitigation strategy. Each year, monitoring in late summer/early fall will document vegetation composition, being sure to note percent of woody vegetation cover and the presence of invasive species. Photo stations will be established at the start of mitigation, with photos taken from these annually. Monitoring for winter raptors will be conducted once per month from November through March within each field for the first 15 years of mitigation. If northern harrier or short-eared owls are present within the last two weeks of March, then surveys will continue weekly in April until neither of these species are documented for two consecutive surveys. An annual report will detail the results of all monitoring and management actions for the year and will detail planned management to occur in the following year. This will be submitted to NYSDEC Region 8.

In total, GCEDC is proposing 671 acres of mitigation, 6 acres more than the proposed acreage to be permitted (665 acres) and further establishing a net conservation benefit for the species. In addition to the substantial acreage proposed to be mitigated, GCEDC's proposal confers the added benefits of placing the 25-acre parcel under a conservation easement for permanent protection, while also permanently expanding John White WMA by deeding the DEC the 33-acre parcel. The length of time proposed for this grassland mitigation ensures that this essential habitat type, which tends to be ephemeral in nature, will exist on the landscape for significantly longer than it typically would. In an area identified as a Wintering Raptor Concentration Area, having properly managed grassland on the landscape is crucial to the long-term support of these species.

### **6.3 Commitment to Fund and Execute**

GCEDC currently owns the properties proposed for mitigation. A board resolution approving the mitigation action and funding required to complete will be provided to NYSDEC. Once the 25-acre field is placed within a conservation easement, New York Green, Inc. will be responsible for management of the field, with GCEDC providing oversight to ensure the work is being completed per the permit requirements. GCEDC will manage and monitoring the 33-acre field for the first 30 years of mitigation, after which time the land will be deeded to DEC.

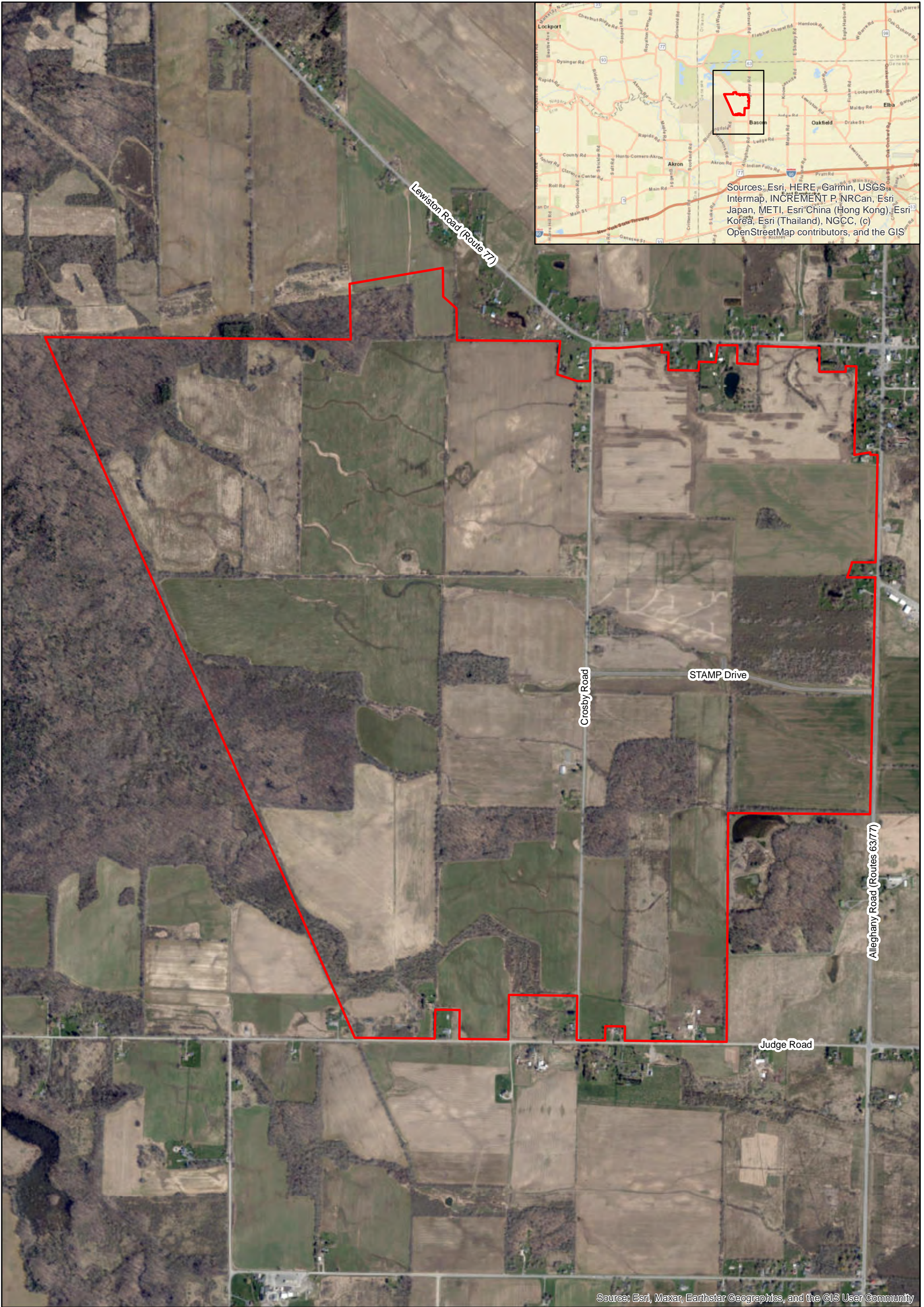
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# Figures





Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS

Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

0 0.2 0.4 0.8 Miles





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

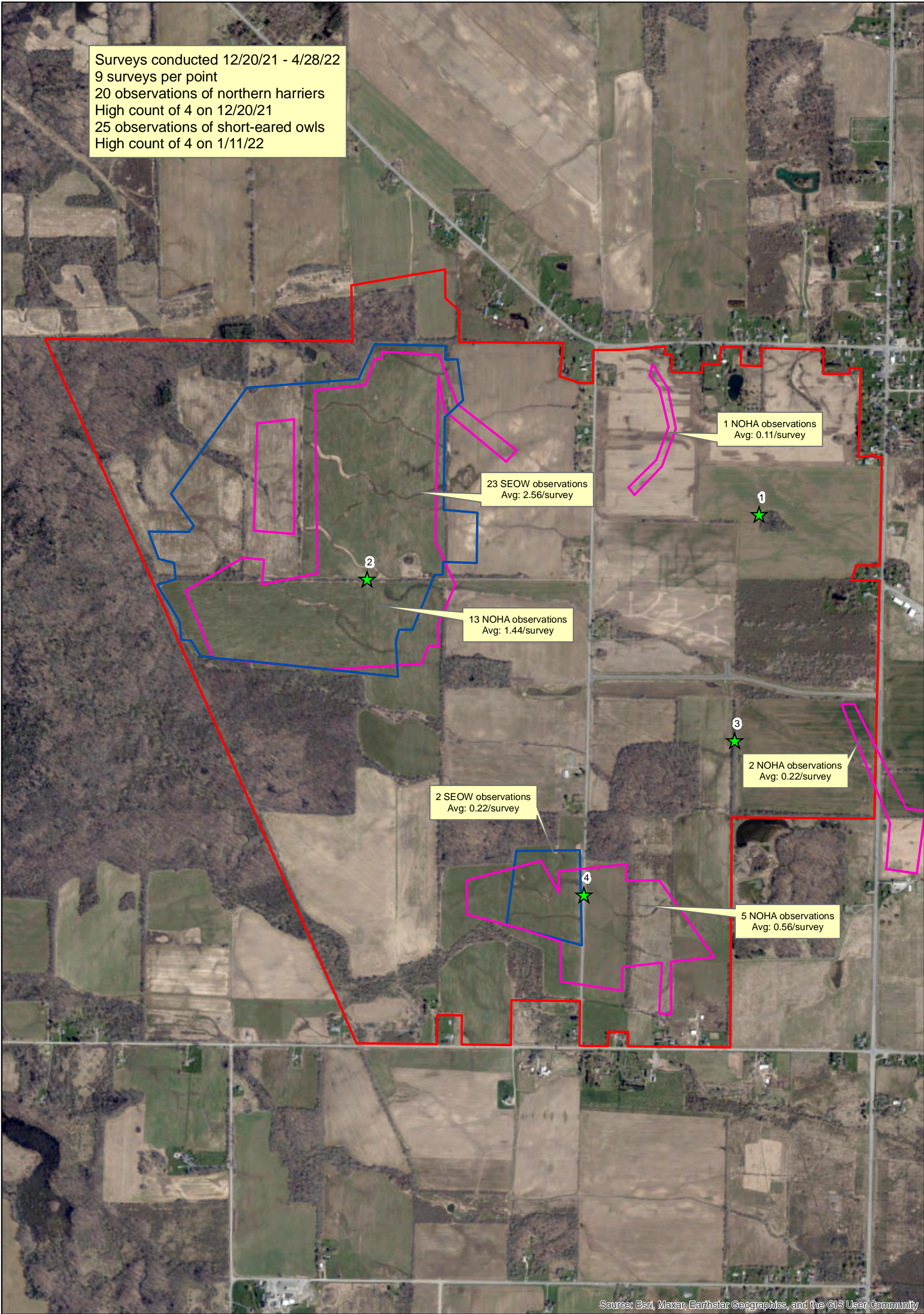


STAMP Boundary

**Figure 1**

K. Hojnacki, Date: 2/2/2023

Surveys conducted 12/20/21 - 4/28/22  
 9 surveys per point  
 20 observations of northern harriers  
 High count of 4 on 12/20/21  
 25 observations of short-eared owls  
 High count of 4 on 1/11/22



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

0 0.2 0.4 0.8 Miles



### SEOW/NOHA Foraging Areas, 2021 - 2022

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

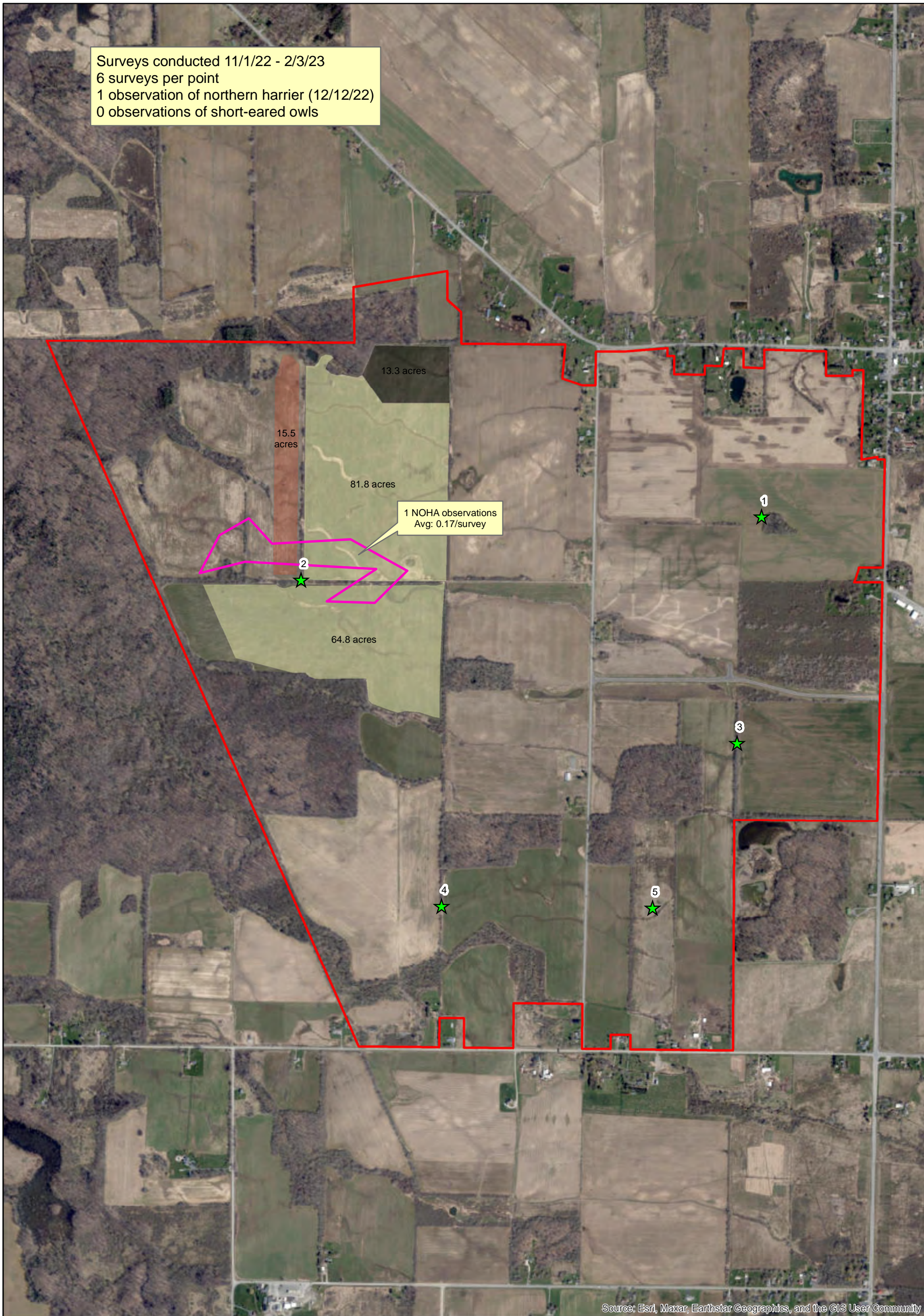
K. Hojnacki, Date: 2/2/2023

Short-eared Owl (SEOW)  
 Northern Harrier (NOHA)

★ Survey Points  
 STAMP Boundary

**Figure 2**

Surveys conducted 11/1/22 - 2/3/23  
 6 surveys per point  
 1 observation of northern harrier (12/12/22)  
 0 observations of short-eared owls



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

0 0.2 0.4 0.8 Miles



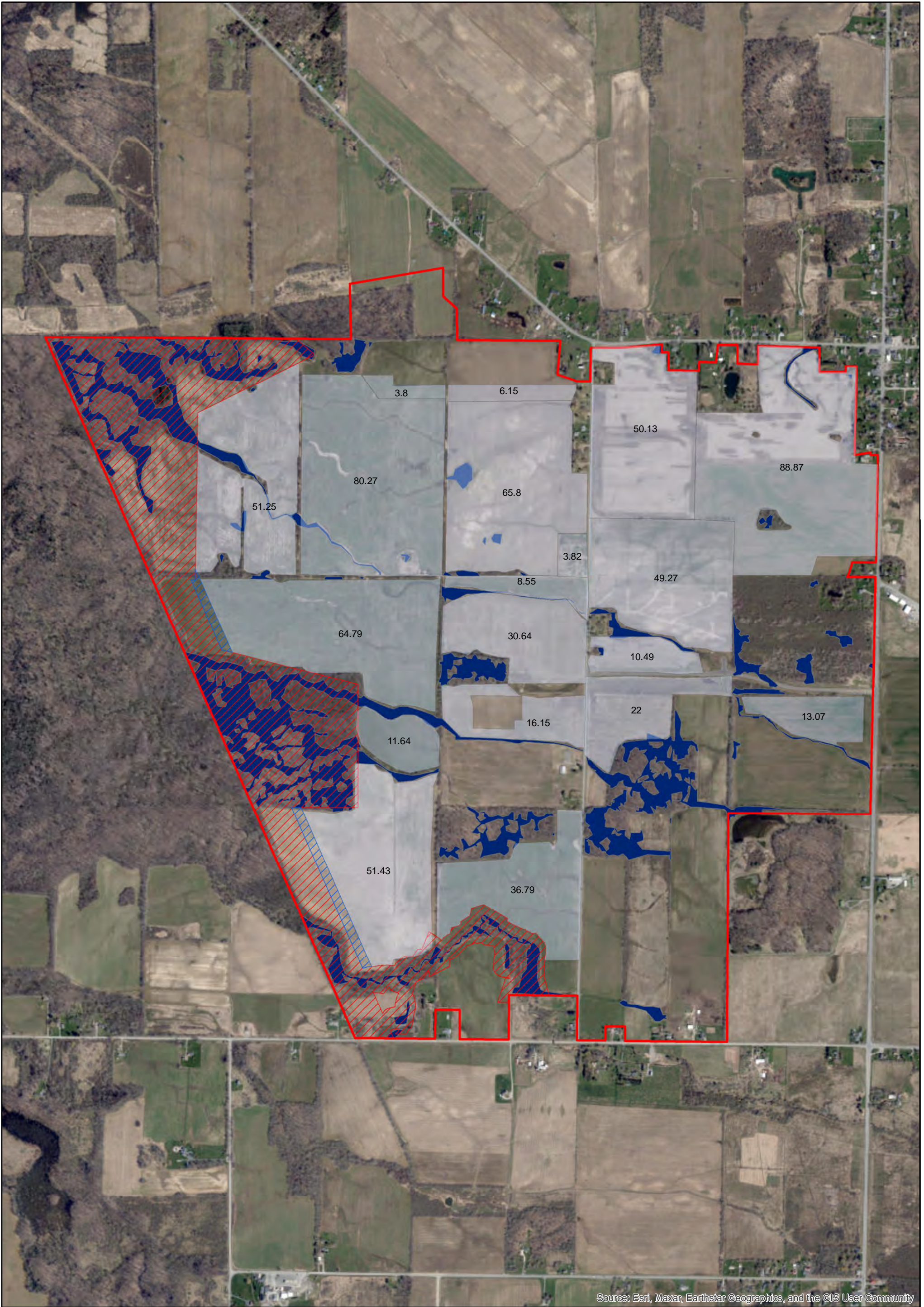
**Northern Harrier Foraging Areas, 2022-2023**  
 Science and Technology Advanced Manufacturing Park  
 Town of Alabama, Genesee County, New York

K. Hojnacki, Date: 2/2/2023

- ★ Survey Points
- ▭ Northern Harrier
- ▭ STAMP Boundary

- Change in Land Use**
- ▭ Converted from Hay to Corn
  - ▭ Plowed
  - ▭ Under Development


**Figure 3**



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

0 0.2 0.4 0.8 Miles



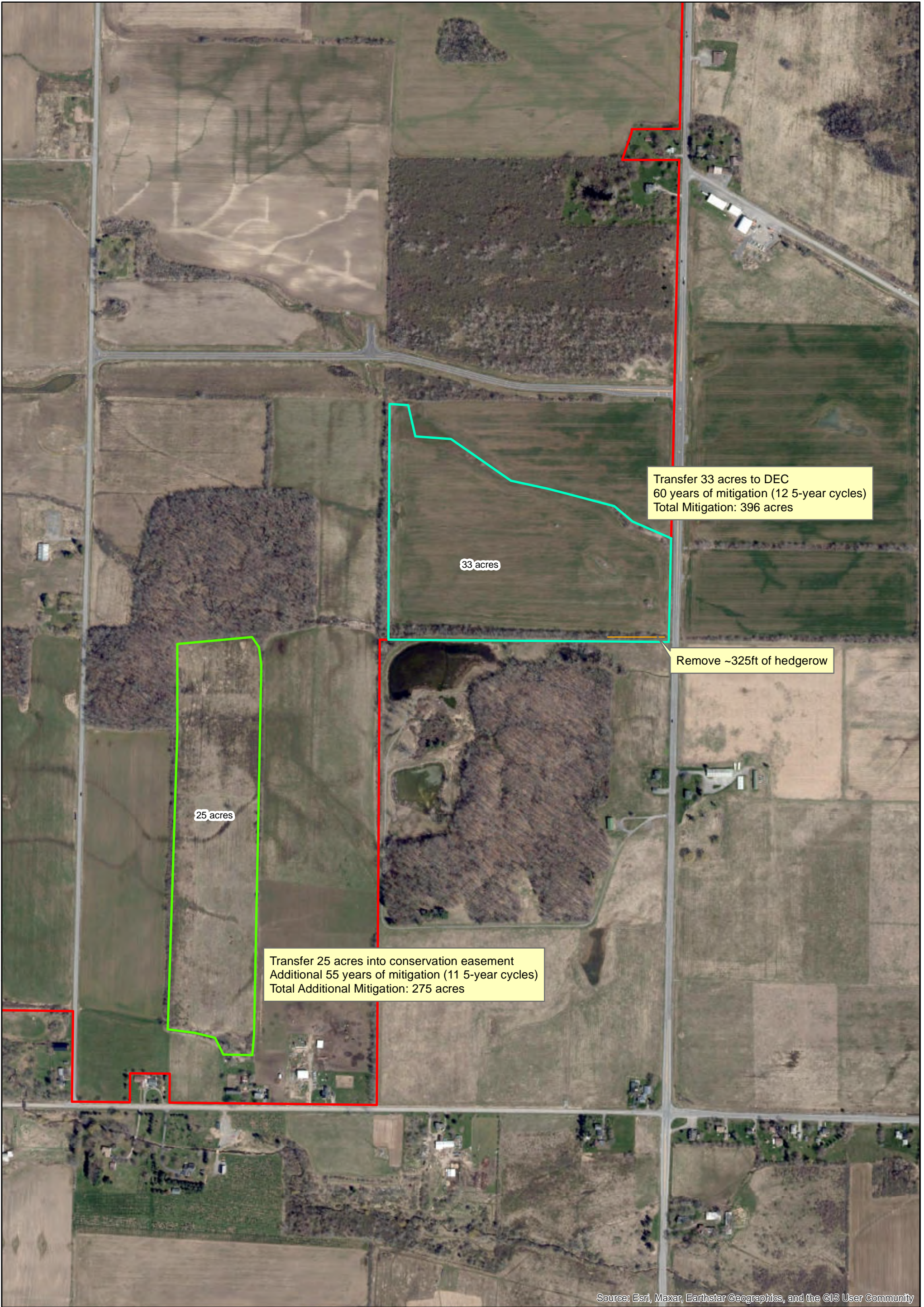


**Areas to be Mitigated**  
Science and Technology Advanced Manufacturing Park  
Town of Alabama, Genesee County, New York

K. Hojnacki, Date: 2/2/2023

- Need Mitigation
- Permanently Protected
- Restricted Protected
- STAMP Boundary

**Figure**  
**4**



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

0 0.1 0.2 0.4 Miles



**Part 182 Proposed Mitigation**  
 Science and Technology Advanced Manufacturing Park  
 Town of Alabama, Genesee County, New York

K. Hojnacki, Date: 2/2/2023

- Conservation Easement
- Transfer to DEC
- STAMP Boundary

**Figure 5**

# Appendix A

## Joint Permit Application Form





JOINT APPLICATION FORM

For Permits for activities affecting streams, waterways, waterbodies, wetlands, coastal areas, sources of water, and endangered and threatened species.

You must separately apply for and obtain Permits from each involved agency before starting work. Please read all instructions.

**1. Applications To:**

**>NYS Department of Environmental Conservation**  Check here to confirm you sent this form to NYSDEC.

Check all permits that apply:

<input type="checkbox"/> Stream Disturbance	<input type="checkbox"/> Dams and Impoundment Structures	<input type="checkbox"/> Tidal Wetlands	<input type="checkbox"/> Water Withdrawal
<input type="checkbox"/> Excavation and Fill in Navigable Waters	<input type="checkbox"/> 401 Water Quality Certification *	<input type="checkbox"/> Wild, Scenic and Recreational Rivers	<input type="checkbox"/> Long Island Well
<input type="checkbox"/> Docks, Moorings or Platforms	<input type="checkbox"/> Freshwater Wetlands	<input type="checkbox"/> Coastal Erosion Management	<input checked="" type="checkbox"/> Incidental Take of Endangered / Threatened Species

\* See Instructions Page 3

**>US Army Corps of Engineers**  Check here to confirm you sent this form to USACE.

Check all permits that apply:  Section 404 Clean Water Act  Section 10 Rivers and Harbors Act

Is the project Federally funded?  Yes  No

If yes, name of Federal Agency:

General Permit Type(s), if known:

Preconstruction Notification:  Yes  No

**>NYS Office of General Services**  Check here to confirm you sent this form to NYSOGS.

Check all permits that apply:

State Owned Lands Under Water

Utility Easement (pipelines, conduits, cables, etc.)  Docks, Moorings or Platforms

**>NYS Department of State**  Check here to confirm you sent this form to NYSDOS.

Check if this applies:  Coastal Consistency Concurrence

**2. Name of Applicant**  Taxpayer ID (if applicant is NOT an individual)

Mailing Address  Post Office / City  State  Zip

Telephone  Email

Applicant Must be (check all that apply):  Owner  Operator  Lessee

**3. Name of Property Owner (if different than Applicant)**

Mailing Address  Post Office / City  State  Zip

Telephone  Email

**For Agency Use Only** Agency Application Number:

**4. Name of Contact / Agent**  
 Katlyn Hojnacki/ CC Environment & Planning

Mailing Address: 23 Jackson Street, Suite 201  
 Post Office / City: Batavia State: NY Zip: 14020

Telephone: 585-219-4030 Email: khojnacki@ccenvironment.com

**5. Project / Facility Name**  
 STAMP Full Campus Buildout

Property Tax Map Section / Block / Lot Number: See Attached Location Map

Project Street Address, if applicable: Post Office / City: State: NY Zip:

Provide directions and distances to roads, intersections, bridges and bodies of water  
 West of Route 77/63, south of Route 77, north of Judge Road

Town  Village  City County: Genesee Stream/Waterbody Name: See Attached Map

Project Location Coordinates: Enter Latitude and Longitude in degrees, minutes, seconds:  
 Latitude: 43° 05' 16.2132" Longitude: -78° 24' 18.0684"

**6. Project Description:** Provide the following information about your project. Continue each response and provide any additional information on other pages. **Attach plans on separate pages.**

a. Purpose of the proposed project:  
 GCEDC is developing the Western New York Science and Technology Advanced Manufacturing Park (STAMP). The Project encompasses all currently developable acreage within the Site.

b. Description of current site conditions:  
 The project is primarily within uplands, within areas that are currently farmed or that have recently ceased farming, including hay fields, row crop fields, and fallow fields. Some early successional shrubland will also be developed.

c. Proposed site changes:  
 665 acres additional acreages are proposed for development.

d. Type of structures and fill materials to be installed, and quantity of materials to be used (e.g., square feet of coverage, cubic yards of fill material, structures below ordinary/mean high water, etc.):  
 Development will include manufacturing facilities and other commercial development, with their associated infrastructure (roads, parking lots, utilities, etc). Design details are not yet available, but will be developed by each tenant.

e. Area of excavation or dredging, volume of material to be removed, location of dredged material placement:  
 No dredging of wetlands will occur. Grading is likely for most facilities. Design details will be developed at a later date by each tenant.

f. Is tree cutting or clearing proposed?  Yes If Yes, explain below.  No  
 Timing of the proposed cutting or clearing (month/year): Unknown  
 Number of trees to be cut: Acreage of trees to be cleared: Unknown

g. Work methods and type of equipment to be used:

Typical construction equipment and methods will be used for earthwork, project construction.

h. Describe the planned sequence of activities:

Edwards Vacuum plans to initiate construction within 2023, with construction of necessary site infrastructure occurring simultaneously. Construction of other facilities will occur over the next several years, as tenants commit to STAMP.

i. Pollution control methods and other actions proposed to mitigate environmental impacts:

Each aspect of the project will have an individual Storm Water Pollution Prevention Plan (SWPPP). Wetlands and other sensitive resources will be avoided to the greatest extent practicable.

j. Erosion and silt control methods that will be used to prevent water quality impacts:

Care will be taken to secure silt fencing near wetlands. Each aspect of the project will have an individual Storm Water Pollution Prevention Plan (SWPPP).

k. Alternatives considered to avoid regulated areas. If no feasible alternatives exist, explain how the project will minimize impacts:

Developable area is primarily within uplands to avoid impacts to wetlands. Agriculture will continue up until construction begins to maintain open habitat on the landscape for winter raptors. Phased construction over numerous years will allow some habitat to remain, preventing a complete removal during a single season. Undeveloped buffers will allow some habitat to remain on the landscape even after development.

l. Proposed use:  Private  Public  Commercial

m. Proposed Start Date:  Estimated Completion Date:

n. Has work begun on project?  Yes If Yes, explain below.  No

o. Will project occupy Federal, State, or Municipal Land?  Yes If Yes, explain below.  No

p. List any previous DEC, USACE, OGS or DOS Permit / Application numbers for activities at this location:

Incidental Take Permit ID 8-1820-00032/00001

q. Will this project require additional Federal, State, or Local authorizations, including zoning changes?

Yes If Yes, list below.  No

Zoning changes have already been completed.

**7. Signatures.**

Applicant and Owner (If different) must sign the application. If the applicant is the landowner, the **landowner attestation form** can be used as an electronic signature as an alternative to the signature below, if necessary. Append additional pages of this Signature section if there are multiple Applicants, Owners or Contact/Agents.

I hereby affirm that information provided on this form and all attachments submitted herewith is true to the best of my knowledge and belief.

Permission to Inspect - I hereby consent to Agency inspection of the project site and adjacent property areas. Agency staff may enter the property without notice between 7:00 am and 7:00 pm, Monday - Friday. Inspection may occur without the owner, applicant or agent present. If the property is posted with "keep out" signs or fenced with an unlocked gate, Agency staff may still enter the property. Agency staff may take measurements, analyze site physical characteristics, take soil and vegetation samples, sketch and photograph the site. I understand that failure to give this consent may result in denial of the permit(s) sought by this application.

False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the NYS Penal Law. Further, the applicant accepts full responsibility for all damage, direct or indirect, of whatever nature, and by whomever suffered, arising out of the project described herein and agrees to indemnify and save harmless the State from suits, actions, damages and costs of every name and description resulting from said project. In addition, Federal Law, 18 U.S.C., Section 1001 provides for a fine of not more than \$10,000 or imprisonment for not more than 5 years, or both where an applicant knowingly and willingly falsifies, conceals, or covers up a material fact; or knowingly makes or uses a false, fictitious or fraudulent statement.

**Signature of Applicant**



Date

2/3/23

Applicant Must be (check all that apply):  Owner  Operator  Lessee

Printed Name

Mark Masse

Title

GCEDC VP of Operations

**Signature of Owner (if different than Applicant)**

Date

Printed Name

Title

**Signature of Contact / Agent**



Date

2/3/23

Printed Name

Katlyn Hojnacki

Title

Senior Ecologist/Operations Manager

**For Agency Use Only**

**DETERMINATION OF NO PERMIT REQUIRED**

Agency Application Number

(Agency Name) has determined that No Permit is required from this Agency for the project described in this application.

Agency Representative:

Printed Name

Title

Signature

Date

# Appendix B

## Agency Consultation and Database Review





## United States Department of the Interior



FISH AND WILDLIFE SERVICE  
New York Ecological Services Field Office  
3817 Luker Road  
Cortland, NY 13045-9385

Phone: (607) 753-9334 Fax: (607) 753-9699

<http://www.fws.gov/northeast/nyfo/es/section7.htm>

In Reply Refer To:

September 15, 2021

Consultation Code: 05E1NY00-2018-SLI-0016

Event Code: 05E1NY00-2021-E-12988

Project Name: STAMP

Subject: Updated list of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 *et seq.*). This list can also be used to determine whether listed species may be present for projects without federal agency involvement. New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list.

Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the ESA, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC site at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list. If listed, proposed, or candidate species were identified as potentially occurring in the project area, coordination with our office is encouraged. Information on the steps involved with assessing potential impacts from projects can be found at: <http://www.fws.gov/northeast/nyfo/es/section7.htm>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan ([http://www.fws.gov/windenergy/eagle\\_guidance.html](http://www.fws.gov/windenergy/eagle_guidance.html)). Additionally, wind energy projects should follow the Services wind

energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the ESA. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

## Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

**New York Ecological Services Field Office**

3817 Luker Road

Cortland, NY 13045-9385

(607) 753-9334

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## Project Summary

Consultation Code: 05E1NY00-2018-SLI-0016

Event Code: Some(05E1NY00-2021-E-12988)

Project Name: STAMP

Project Type:

Project Description: The proposed action consists of construction of low-density, campus-setting manufacturing facilities. In addition, depending on the technology, a series of utility buildings and warehouse areas are required to support the manufacturing facilities themselves. In addition to manufacturing facilities, there is an anticipated need for parking for employees and other vehicles, stormwater management areas, and ample setbacks and buffer zones from adjacent development.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@43.08670706361628,-78.40609443277464,14z>



Counties: Genesee County, New York

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## Endangered Species Act Species

There is a total of 1 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries<sup>1</sup>, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

- 
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

## Insects

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/9743">https://ecos.fws.gov/ecp/species/9743</a>	Candidate

## Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

---

## NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Fish and Wildlife, New York Natural Heritage Program  
625 Broadway, Fifth Floor, Albany, NY 12233-4757  
P: (518) 402-8935 | F: (518) 402-8925  
www.dec.ny.gov

June 13, 2021

Katlyn Hojnacki  
CC Environment & Planning  
23 Jackson Street  
Batavia, NY 14020

Re: Science and Technology Advanced Manufacturing Park (STAMP)  
County: Genesee Town/City: Alabama

Dear Katlyn Hojnacki:

In response to your recent request, we have reviewed the New York Natural Heritage Program database with respect to the above project.

Enclosed is a report of rare or state-listed animals and plants, and significant natural communities that our database indicates occur in the vicinity of the project site.

For most sites, comprehensive field surveys have not been conducted; the enclosed report only includes records from our database. We cannot provide a definitive statement as to the presence or absence of all rare or state-listed species or significant natural communities. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other sources may be required to fully assess impacts on biological resources.

The presence of the plants and animals identified in the enclosed report may result in this project requiring additional review or permit conditions. For further guidance, and for information regarding other permits that may be required under state law for regulated areas or activities (e.g., regulated wetlands), please contact the NYS DEC Region 8 Office, Division of Environmental Permits, at [dep.r8@dec.ny.gov](mailto:dep.r8@dec.ny.gov).

Sincerely,



Heidi Kraehling  
Environmental Review Specialist  
New York Natural Heritage Program



**The following state-listed animals have been documented  
in the vicinity of the project site.**

The following list includes animals that are listed by NYS as Endangered, Threatened, or Special Concern; and/or that are federally listed.

**For information about any permit considerations for your project, please contact the Permits staff at the NYSDEC Region 8 Office at [dep.r8@dec.ny.gov](mailto:dep.r8@dec.ny.gov), (585) 226-5400.**

**Birds**

<i>COMMON NAME</i>	<i>SCIENTIFIC NAME</i>	<i>NY STATE LISTING</i>	<i>FEDERAL LISTING</i>
--------------------	------------------------	-------------------------	------------------------

**The following species have been documented adjacent to the project site.**

<b>Short-eared Owl</b> <i>Nonbreeding</i>	<i>Asio flammeus</i>	Endangered	15235
<b>Northern Harrier</b> <i>Nonbreeding</i>	<i>Circus hudsonius</i>	Threatened	15013

**Note: This area is also a state-significant Raptor Winter Concentration Area**

**The following species has been documented within 1/4 mile of the project site.**

<b>Sedge Wren</b> <i>Breeding</i>	<i>Cistothorus platensis</i>	Threatened	14766
--------------------------------------	------------------------------	------------	-------

**The following species has been documented within 1/2 mile of the project site.**

<b>Pied-billed Grebe</b> <i>Breeding</i>	<i>Podilymbus podiceps</i>	Threatened	10651
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This report only includes records from the NY Natural Heritage database.

If any rare plants or animals are documented during site visits, we request that information on the observations be provided to the New York Natural Heritage Program so that we may update our database.

Information about many of the listed animals in New York, including habitat, biology, identification, conservation, and management, are available online in Natural Heritage's Conservation Guides at [www.guides.nynhp.org](http://www.guides.nynhp.org), and from NYSDEC at [www.dec.ny.gov/animals/7494.html](http://www.dec.ny.gov/animals/7494.html).



**The following rare plants, rare animals, and significant natural communities have been documented at the project site, or in its vicinity.**

We recommend that potential impacts of the proposed project on these species or communities be addressed as part of any environmental assessment or review conducted as part of the planning, permitting and approval process, such as reviews conducted under SEQRA. Field surveys of the project site may be necessary to determine the status of a species at the site, particularly for sites that are currently undeveloped and may still contain suitable habitat. Final requirements of the project to avoid, minimize, or mitigate potential impacts are determined by the lead permitting agency or the government body approving the project.

**The following plant is rare in New York State, and so is a vulnerable natural resource of conservation concern.**

<i>COMMON NAME</i>	<i>SCIENTIFIC NAME</i>	<i>NY STATE LISTING</i>	<i>HERITAGE CONSERVATION STATUS</i>
<b>Vascular Plants</b>			
<b>Heart-leaved Plantain</b>	<i>Plantago cordata</i>	Rare	Vulnerable in NYS

**Documented at the project site in an unnamed creek north of Whitney Creek.** 1999-05-09: The plants occur along and within a small, mud bottom stream. With the exception of that portion flowing through the wildlife management area the stream is shaded by a mature canopy of hemlock and hardwoods. Those plants observed within the wildlife management area are primarily in the open and exposed to direct sunlight for much of the day.

10050

This report only includes records from the NY Natural Heritage database. For most sites, comprehensive field surveys have not been conducted, and we cannot provide a definitive statement as to the presence or absence of all rare or state-listed species. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other sources may be required to fully assess impacts on biological resources.

If any rare plants or animals are documented during site visits, we request that information on the observations be provided to the New York Natural Heritage Program so that we may update our database.

Information about many of the rare animals and plants in New York, including habitat, biology, identification, conservation, and management, are available online in Natural Heritage's Conservation Guides at [www.guides.nynhp.org](http://www.guides.nynhp.org), from NatureServe Explorer at [www.natureserve.org/explorer](http://www.natureserve.org/explorer), and from USDA's Plants Database at <http://plants.usda.gov/index.html> (for plants).



**The following rare plants and rare animals have  
historical records  
in the vicinity of the project site.**

The following rare plants and animals were documented in the vicinity of the project site at one time, but have not been documented there since 1979 or earlier, and/or there is uncertainty regarding their continued presence. There is no recent information on these plants and animals in the vicinity of the project site and their current status there is unknown. In most cases the precise location of the plant or animal in this vicinity at the time it was last documented is also unknown.

If suitable habitat for these plants or animals is present in the vicinity of the project site, it is possible that they may still occur there. We recommend that any field surveys to the site include a search for these species, particularly at sites that are currently undeveloped and may still contain suitable habitat.

COMMON NAME	SCIENTIFIC NAME	NYS LISTING	HERITAGE CONSERVATION STATUS	
<b>Butterflies</b>				
<b>Karner Blue</b>	<i>Plebejus melissa samuelis</i>	Endangered <i>and Federally Listed as Endangered</i>	Critically Imperiled in NYS and Globally Rare	
1970-06-13: The butterflies were observed at Tonawanda Seneca Nation. There was a small population of lupine with approximately 900 plants.				3648
<b>Frosted Elfin</b>	<i>Callophrys irus</i>	Threatened	Critically Imperiled in NYS and Globally Rare	
1970: The butterflies were observed at Tonawanda Seneca Nation. The butterflies were observed in a small patch of lupine with approximately 900 plants. The area covered about 1 hectare.				13558

This report only includes records from the NY Natural Heritage database. For most sites, comprehensive field surveys have not been conducted, and we cannot provide a definitive statement as to the presence or absence of all rare or state-listed species. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other sources may be required to fully assess impacts on biological resources.

If any rare plants or animals are documented during site visits, we request that information on the observations be provided to the New York Natural Heritage Program so that we may update our database.

Information about many of the rare animals and plants in New York, including habitat, biology, identification, conservation, and management, are available online in Natural Heritage's Conservation Guides at [www.guides.nynhp.org](http://www.guides.nynhp.org), from NatureServe Explorer at [www.natureserve.org/explorer](http://www.natureserve.org/explorer), and from USDA's Plants Database at <http://plants.usda.gov/index.html> (for plants).

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 8  
6274 East Avon-Lima Road, Avon, NY 14414-9516  
P: (585) 226-5400 | F: (585) 226-2830  
www.dec.ny.gov

## BY E-MAIL

February 17, 2022

Mr. Mark Masse  
Genesee County IDA  
dba Genesee County Economic Development Center &  
STAMP Sewer Works Inc.  
99 Medtech Dr Ste 106  
Batavia, NY 14020

Re: STAMP Site  
Part 182 Jurisdiction  
Alabama (T), Genesee (C)

Dear Mr. Masse:

This letter serves as notice to GCEDC about occupied habitat of New York State listed species and the subsequent regulatory jurisdiction.

Please see attached two maps confirming the new and existing short-eared owl and northern harrier occupied habitat boundaries. Short-eared owl is listed as an endangered species and northern harrier is listed as a threatened species in New York State, and they are both regulated under Part 182. Within these boundaries, any open field area >25 acres would be considered occupied habitat. Occupied habitat areas impacted by the project would be considered adversely modified and subject to needing an incidental take permit under Part 182. If the project cannot avoid impacts, minimization actions must be considered, and mitigation required for any unavoidable impacts.

Sedge wren occupied habitat is currently mapped on a portion of the STAMP site adjacent to John White Wildlife Management Area, but at this time, the occupied habitat boundary for sedge wren does not extend as far as the proposed laydown area.

We look forward to speaking with you at 11 today.

Sincerely,



Kimberly A. Merchant  
Deputy Regional Permit Administrator



Department of  
Environmental  
Conservation

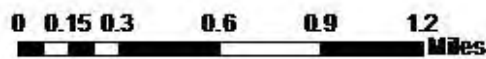
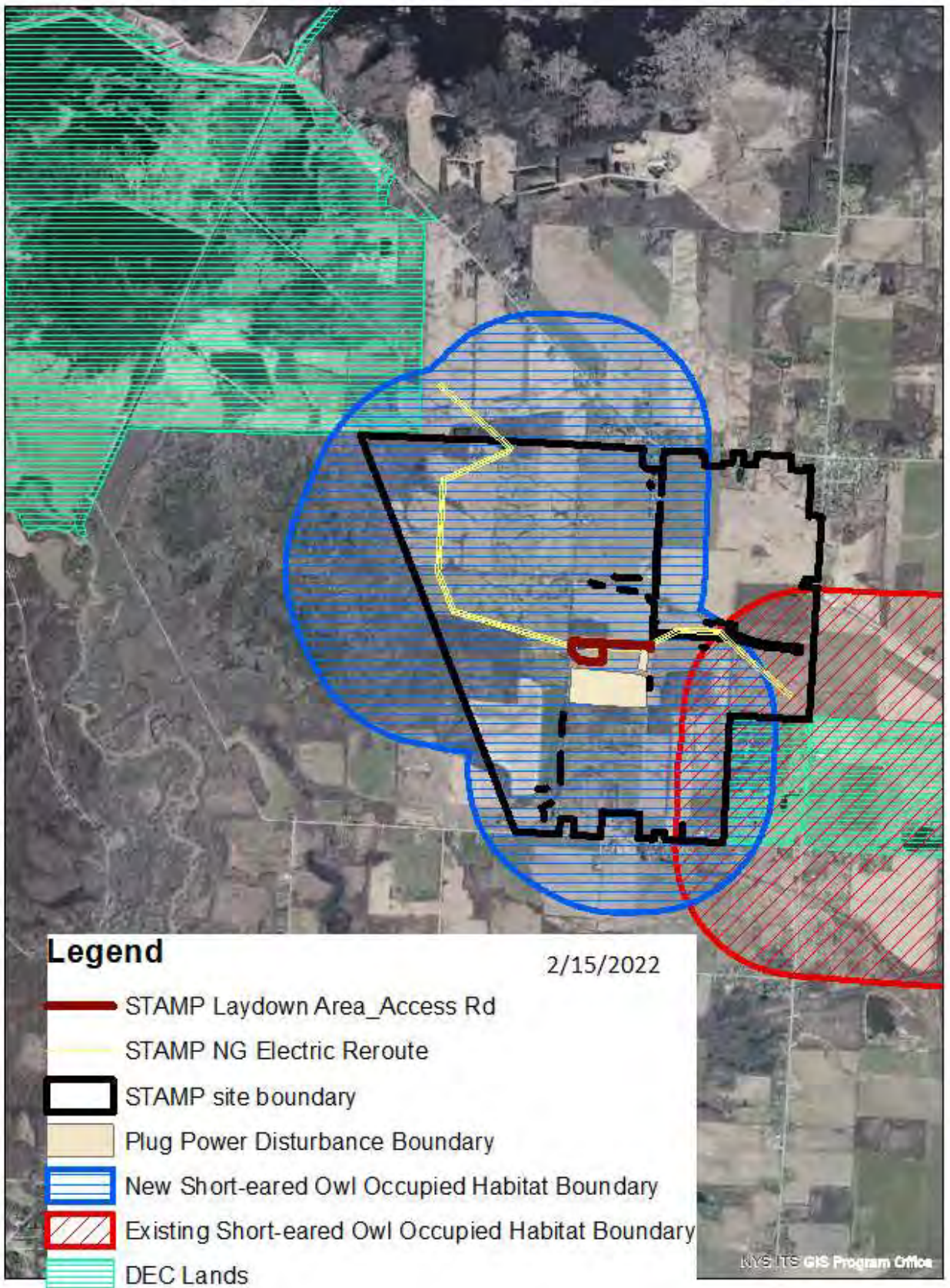
Mr. Mark Masse  
GCECD  
Page 2

Attachments: Listed Species Maps

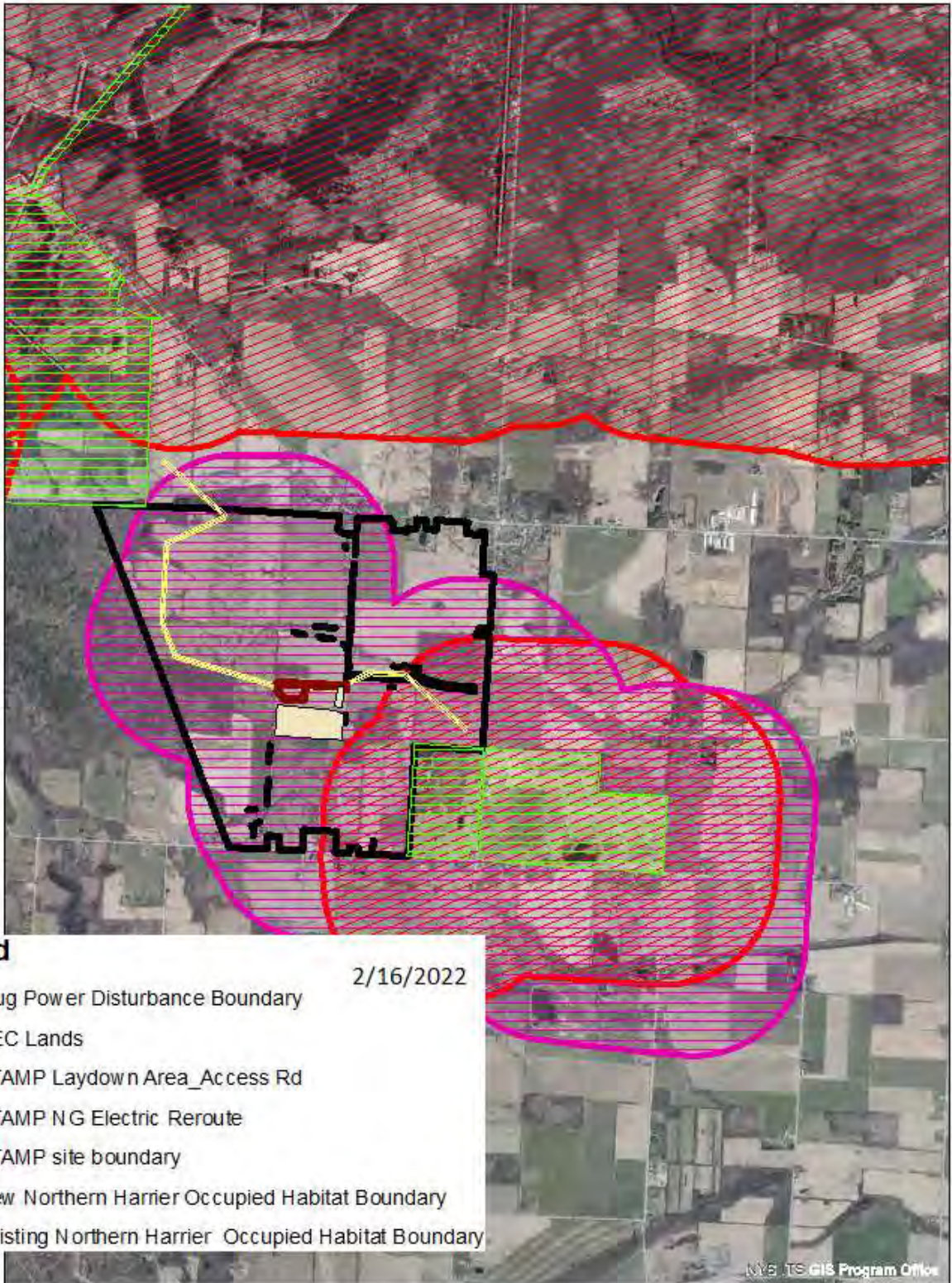
Cc by email:

A. Walters, Esq., Phillips Lytle LLP  
N. Herter, OPRHP  
T. Roster, USFWS  
S. Hess, CC Environment and Planning  
K. Hojnacki, CC Environment and Planning  
T. Walsh, Regional Director, NYSDEC Region 8  
T. Haley, Regional Permit Administrator, NYDEC Region 8  
L. Schwartz, Office of General Counsel, NYSDEC Region 8  
D. Witt, Indian Nations Affair Coordinator, Office of Environmental Justice  
C. Vandrei, Agency Historic Preservation Officer, Lands and Forests  
J. Landry, Bureau of Ecosystem Health, NYSDEC Region 8  
H. Kennedy, Wildlife, NYSDEC Region 8  
M. Wasilco, Wildlife, NYSDEC Region 8  
B. Schilling, Regional Engineer, NYSDEC Region 8  
T. Blum, Regional Water Engineer, NYSDEC Region 8  
L. Scannell, Division of Water, NYSDEC Region 8  
J. Flaum, PSC

# Short-eared Owl Part 182 Occupied Habitat at the STAMP Site










# Northern Harrier Part 182 Occupied Habitat at the Stamp Site



## Legend

2/16/2022

-  Plug Power Disturbance Boundary
-  DEC Lands
-  STAMP Laydown Area\_Access Rd
-  STAMP NG Electric Reroute
-  STAMP site boundary
-  New Northern Harrier Occupied Habitat Boundary
-  Existing Northern Harrier Occupied Habitat Boundary



0 0.1750.35 0.7 1.05 1.4 Miles

End of Exhibit "C" Part 182 Application  
DEC Permit ID. 8-1820-00032  
Issued to Genesee County IDA d/b/a  
Genesee Economic Development Center



# Memorandum

**To:** New York State Department of Environmental Conservation  
**Date:** May 5, 2023  
**From:** CC Environment & Planning  
**Subject:** **STAMP Part 182 Full Campus Permit Implementation Agreement**

## Implementation Strategy

Genesee County Economic Development Center will implement the Net Conservation Benefit Plan through the life of the permit. As described within the permit application, grassland management within the 33-acre field, adjacent to John White Wildlife Management Area (WMA) will begin in 2023. Under this permit, management/monitoring of the 25-acre field will not begin until 2030 as it is currently being managed under Permit ID 8-1820-00032/00001, although the 25-acre field will be placed within a conservation easement within four months after the current permit is issued. Vegetation management and monitoring (detailed in the permit application) will occur annually to ensure high-quality grassland habitat is maintained. Winter raptor surveys will also be conducted annually for the first 15 years. An annual monitoring report will detail management actions undertaken and all vegetation and raptor survey results. Management/monitoring actions and timing may be adjusted as necessary to meet the goals and objectives of the Net Conservation Benefit Plan and to ensure a net conservation benefit to the northern harrier and short-eared owl. The estimated implementation schedule is shown below in Table 1.

Table 1. Estimated Implementation Schedule				
Year	Activity	Start	End	Comments
0	Pre-Management Vegetation Monitoring	6/15/2023	7/15/2023	Establish permanent photo points.
	Tilling and Planting of Cover Crop	7/15/2023 – 8/15/2023	8/30/2023	Will occur after winter wheat is harvested.
	Removal of Hedgerow	8/15/2023	10/31/2023	Obtain TRP from DEC if hedgerow on WMA.
	Post-Management Vegetation Monitoring	9/1/2023	10/15/2023	After completion of vegetation management.
	Monitoring Report	Due after completion of Vegetation Monitoring		
	Conservation Easement	Within four months after issuance of permit		For 25-acre field.

<b>Table 1. Estimated Implementation Schedule</b>				
<b>Year</b>	<b>Activity</b>	<b>Start</b>	<b>End</b>	<b>Comments</b>
1	Winter Raptor Survey	11/1/2023	3/31/2024	Will extend into April, if needed.
	Mowing Cover Crop and Seeding Permanent Vegetation	5/1/2024	5/31/2024	
	Vegetation Management – New Grassland	7/1/2024	9/30/2024	If necessary, mow early to help with grassland establishment. Survey for listed breeding birds first, delay mowing if present.
	Vegetation Monitoring	9/1/2024	10/15/2024	After completion of vegetation management.
	Monitoring Report	Due after completion of Vegetation Monitoring		
2	Winter Raptor Survey	11/1/2024	3/31/2025	Will extend into April, if needed.
	Additional seeding, if necessary	5/1/2025	5/31/2025	
	Vegetation Management – New Grassland	7/1/2025	9/30/2025	If necessary, mow early to help with grassland establishment. Survey for listed breeding birds first, delay mowing if present.
	Vegetation Monitoring	9/1/2025	10/15/2025	After completion of vegetation management.
	Monitoring Report	Due after completion of Vegetation Monitoring		
3 – 15	Winter Raptor Survey	11/1/2025-2037	3/31/2026-2038	Will extend into April, if needed.
	Vegetation Management	8/15/2026-2038	9/30/2026-2038	
	Vegetation Monitoring	9/1/2026-2038	10/15/2026-2038	After completion of vegetation management.
	Monitoring Report	Due after completion of Vegetation Monitoring		
16 – 30	Vegetation Management	8/15/2039-2053	9/30/2039-2053	
	Vegetation Monitoring	9/1/2039-2053	10/15/2039-2053	After completion of vegetation management.
	Monitoring Report	Due after completion of Vegetation Monitoring		

<b>Year</b>	<b>Activity</b>	<b>Start</b>	<b>End</b>	<b>Comments</b>
	Deed 33-acre Field to NYSDEC	12/1/2053	12/31/2053	
31 – 62	Vegetation Management	8/15/2054-2085	9/30/2054-2085	In 25-acre field only.
	Vegetation Monitoring	9/1/2054-2085	10/15/2054-2085	In 25-acre field only. After completion of vegetation management.
	Monitoring Report	Due after completion of Vegetation Monitoring		

## Funding

The GCEDC is a public benefit corporation that was established in 1970 by the Genesee County Legislature. The GCEDC is the lead agency for countywide economic development strategy, sales, and marketing and receives annual funding from Genesee County. The accounts of the GCEDC are organized on the basis of sub-funds. The STAMP Fund accounts for all activity related to development of the Western New York Science and Technology Advanced Manufacturing Park. Most of the development activity within the STAMP fund is covered by grant revenue that has been secured from New York State. The Operating Fund supports many of the ongoing maintenance costs associated with STAMP. The majority of revenue received into the Operating Fund is from Project Origination Fees. The GCEDC's 12/31/22 audited financial statements reflect an unrestricted cash balance of \$5 million in the Operating Fund. These funds will be used toward future expenses of the organization including mitigation expenditures for property used for the Part 182 permit. The GCEDC will budget for \$450,000 going forward to ensure availability of funds for mitigation purposes. See Table 2 below for allocation of the mitigation expenditures.

<b>Task</b>	<b>Estimated Cost</b>
Preliminary Site Management	\$8,000
Vegetation Management	\$173,500
Vegetation Monitoring/Reporting	\$160,000
Raptor Monitoring/Reporting	\$108,500
<b>Total:</b>	<b>\$450,000</b>

End of Exhibit "D" Part 182 Application DEC  
Permit ID. 8-1820-00032  
Issued to Genesee County IDA d/b/a  
Genesee Economic Development Center

Exhibit "E"  
DEC Permit Id. 8-1820-00032  
Issued to Genesee County IDA d/b/a  
Genesee County Economic Development Center



# Memorandum

**To:** New York State Department of Environmental Conservation  
**Date:** June 22, 2023  
**From:** CC Environment & Planning  
**Subject:** **STAMP Part 182 Permit Implementation Agreement – Additional Details**

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Genesee County Economic Development Center will implement the Net Conservation Benefit Plan through the life of the permit. Provided here is additional information on the implementation agreement as requested by New York State Department of Environmental Conservation (NYSDEC) on June 20, 2023.

## **Mowing Strategy**

As stated in the permit application, mowing of both fields will be conducted annually, with one third of each field mowed each year. The fields will be divided into approximately even thirds, numbered one through three (Figure 1). Permanent markers will be established and maintained on the edges of each field. Section 1 will be mowed first, followed sequentially before returning to Section 1 in Year 4. The section mowed will be documented in the annual report, which can be referred to the following year to ensure the appropriate section will be mowed.

GCEDC will work with NYSDEC to demarcate the boundary between the 33-acre mitigation field and the adjacent field at John White Wildlife Management Area once the hedgerow has been removed and the two fields have been joined. This demarcation will ensure mowing is conducted in the appropriate areas by the responsible entities.

## **Budget**

GCEDC is working with multiple entities that allow them a level of cost savings that may not be available in other situations, allowing them to implement the Net Conservation Benefit Plan for less than similar mitigations. Initially, the budget was calculated using a 1% annual inflation rate, but after further review, it was determined that the rate was too low. Thus, the budget was recalculated using a 2% annual inflation rate to reflect the Federal Reserve's view of normal inflation. GCEDC will now budget for \$564,000 going forward to ensure availability of funds for mitigation purposes. Estimated mitigation expenditures are included in Table 1, with additional details included below.

<b>Table 1. Estimated Costs of Mitigation and Monitoring Plan</b>	
<b>Task</b>	<b>Estimated Cost</b>
Preliminary Site Management	\$8,000
Vegetation Management	\$239,500
Vegetation Monitoring/Reporting	\$200,000
Raptor Monitoring/Reporting	\$116,500
<b>Total:</b>	<b>\$564,000</b>

Preliminary site management includes the tilling and seeding of the cover crop in August 2023 as well as mowing of the cover crop and seeding of the permanent grassland seed mix in May 2024 for the 33-acre field. GCEDC plans to work with one of the farmers who has been renting fields at STAMP to conduct the work in exchange for rent as a means of cost saving. GCEDC will purchase the necessary seed themselves.

Vegetation management includes \$154,000 for annual mowing of the two fields and \$85,500 for other management, such as extra seeding, invasive plant control, and signage. GCEDC, as a government entity, has contracted with Genesee County Highway Department to conduct the annual mowing. This allows for another level of cost savings. The cost estimate for mowing is based off the current contract in place that includes mowing of the 25-acre field, and then extrapolated to include the 33-acre field. Costs for management of the 25-acres field is not included until Year 8, when it is incorporated into mitigation for this permit. Management prior to Year 8 falls under the previously issued permit. Management of the 33-acre field ceases after Year 30, when NYSDEC takes full control of this field as part of the John White Wildlife Management Area.

Vegetation monitoring and reporting will be conducted annually by CC Environment & Planning, thus their current rates were used for calculating this budget item. As with management, monitoring of the 25-acre field does not begin under this permit until Year 8, and monitoring of the 33-acre field ceases after Year 30. Winter raptor surveys and reporting will also be conducted by CC Environment & Planning. Raptor surveys will be conducted monthly, one in each field, for the first 15 years.

Annual costs for mitigation vary by year based on the inflation rate, but ranges are provided in Table 2. These estimated costs include all mitigation expenses, including monitoring, management, and reporting.

<b>Table 2. Estimated Annual Costs of Mitigation</b>		
<b>Years</b>	<b>Estimated Annual Cost</b>	<b>Comments</b>
Years 0 - 15	\$11,000 - \$16,000	Includes grassland establishment. 25-acre field added in Year 8.
Years 16 - 30	\$7,000 - \$9,000	Raptor surveys no longer conducted.
Years 31 – 62	\$5,500 - \$9,500	25-acre field only. 33-acre field completely under NYSDEC control.



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

0 0.05 0.1 0.2 Miles



**Part 182 Mitigation Mowing Areas**  
 Science and Technology Advanced Manufacturing Park  
 Town of Alabama, Genesee County, New York

K. Hojnacki, Date: 6/22/2023

- Mowing Areas
- Conservation Easement
- Transfer to DEC
- STAMP Boundary

End of Exhibit "E" Part 182 Application  
 DEC Permit ID. 8-1820-00032  
 Issued to Genesee County IDA d/b/a  
 Genesee Economic Development Center

**Figure 1**

**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

Division of Environmental Permits, Region 8  
6274 East Avon-Lima Road, Avon, NY 14414-9516  
P: (585) 226-5400 | F: (585) 226-2830  
www.dec.ny.gov

**NOTICE OF INTENT TO COMMENCE WORK**

Date: \_\_\_\_\_

NYS Department of Environmental Conservation  
Bureau of Wildlife  
6274 East Avon-Lima Road  
Avon, NY 14414

Re: DEC Permit No. 8-1820-00032/00003

In accordance with Condition # 2 of the referenced permit, I hereby serve notice to commence work on or about \_\_\_\_\_, 20\_\_\_\_. Notice of project completion will be submitted within one week after termination of all work.

This is also to certify that, having read in entirety the permit, I am fully aware of and understand the general, supplemental and special conditions, and agree to comply in all respects to those requirements. I further understand that prior to undertaking any modification to the authorized project, I must seek and receive the written approval of the Regional Permit Administrator.

\_\_\_\_\_  
Signature of Permittee

\_\_\_\_\_  
Signature of Contractor (if any)

\_\_\_\_\_  
Contractor's Address

\_\_\_\_\_  
Contractor's Telephone Number

\_\_\_\_\_  
Signature of Landowner(s)

**WARNING**

The Permittee and the contractor (if any) are required to follow all permit conditions. Violation of permit conditions may lead to legal action, including the imposition of substantial monetary fines and corrective work.

Attention Permittee and/or Contractor: Please fold as noted on the back and return.



(Fold # 2)

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Place  
Stamp  
Here

NYS Department of Environmental Conservation  
Attn: Bureau of Habitat  
6274 E Avon-Lima Rd  
Avon, NY 14414

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(Fold # 1 – Staple Here)