

STAMP - Tech Team Data Center Projects - Applicant Information Requests

Applicant Question: Will the GCEDC Board objectively evaluate all three projects?

GCEDC Response: Yes. The GCEDC Board will objectively evaluate all three projects based upon the criteria that it considers most important for the development of STAMP. As detailed in our December 11, 2024 letter, these include but are not limited to: (i) the creation of good paying jobs in the local community; (ii) the amount of land proposed to be consumed by the data center and its potential impact on the overall build out of STAMP; (iii) demand for resources (water, sewer, electricity) and the impact of such demands on the overall build out of STAMP; and (iv) impacts to the environment including but not limited to impacts to natural resources on the STAMP site (wetlands, streams, etc.) and any potential impacts to the Territory of the Tonawanda Seneca Nation ("**Nation**") lands adjacent to the STAMP Site as a Traditional Cultural Property.

At various points in the application process, Applicant has suggested that certain other criteria (e.g., revenue from land sales) are ultimately controlling of GCEDC's decision. While revenue from land sales are certainly a criteria to be considered, we remind the Applicant that the Applicant's preferred weighing of the various criteria does not necessarily align with the Board's preferences. To that end, all applicants have been encouraged to submit what each applicant views as their "best" project consistent with the goals that GCEDC has set forth for the development of STAMP. It remains the responsibility of each data center applicant to determine what their own iteration of their "best" project is in light of these criteria.

Applicant Question: Why was one data center applicant permitted to submit an application requiring 250 MW of power when GCEDC instructed applicants to minimize power requirements to 200 MW?

GCEDC Response: As Applicant is aware, one of the competing data centers has submitted an application with a request to draw 250 MW from the STAMP substation. GCEDC has repeatedly and clearly expressed its preference that applicants draw 200 MW of power or less. Nevertheless, applicants are responsible for the final designs of their projects and conforming those designs to GCEDC's expectations. GCEDC has attempted to provide useful guidance to each data center applicant regarding the Board's preferences, however, applicants are free to propose whatever design they believe will be most appealing as a total package to the Board. Applicants whose designs exceed GCEDC's expectations regarding utility usage, land acquisition, or other important metrics run the risk that their project may be rejected by the Board.

Applicant Question: What materials are due on 12/31/24 as a part of the final design package?

GCEDC Response: As discussed on the call, all final design related materials (See items 1 through 7 above, plus any other information necessary to evaluate the potential adverse impacts of Applicant's final design proposal) are due on January 3rd at 12:00 p.m.. Failure to timely provide these materials jeopardizes the ability of GCEDC to proceed with a SEQRA determination for the Project at the GCEDC Board's February meeting.

Applicant Question: Will the Applicant receive further correspondence following the 12/31/24 submission of the final design package regarding the design?

GCEDC Response: The intention is for all applicants to submit their best and final design packages on January 3rd at 12:00 p.m. for consideration by the GCEDC Board. No further correspondence to applicants regarding the design is anticipated, although, ultimately, this will be subject to review and a final determination by the GCEDC Board. The Applicant is reminded that (as discussed on the call) all deliverables provided should be consistent with the Project proposed. Inconsistencies, incomplete documentation, or the failure to mitigate adverse impacts identified for the Project may result in rejection of the Project.

Applicant Question: What is the Initial Assessment?

GCEDC Response: As discussed on our call, the GCEDC, United States Army Corps of Engineers ("USACE"), and the State Historic Preservation Office ("SHPO"), are parties to a "Programmatic Agreement" in order to ensure compliance of USACE's responsibilities pursuant to Section 106 of the National Historic Preservation Act. The GCEDC and State Historic Preservation Office ("SHPO") are also parties to a Letter of Resolution ("LOR") with the New York State Department of Environmental Conservation ("NYSDEC") for any projects on STAMP which trigger NYSDEC permitting authority under Section 14.09 but do not trigger USACE permitting authority under Section 106.

The Programmatic Agreement provides, in relevant part, that the Nation will prepare a Traditional Cultural Property ("TCP") investigation to evaluate the eligibility of the Nation's Territory for listing on the National register as a property of religious and cultural significance. Further, such TCP investigation will be used to guide the evaluation of potential adverse effects to the Nation's Territory as a property of religious and cultural significance. To date, the Nation has not completed the TCP investigation.

The LOR further provides that GCEDC prepare an "Initial Assessment" of impacts to the Nation's Territory incorporating the TCP investigation or an Evaluation of Eligibility document (to the extent either is available) based on the criteria noted above, and provide the Nation with a 30-day comment period on the same. Accordingly, once all SEQRA deliverables are finalized, GCEDC will engage its consultant to prepare an

Initial Assessment for Project Rampart and provide the same to the Nation for a 30-day comment period prior to taking any action pursuant to SEQRA.

The goal of the Initial Assessment is to provide the Nation, SHPO, and NYSDEC with an analysis of the Project and whether it will have any impact upon the Nation's Territory as a TCP. To the extent the Project identifies any potential adverse impacts, the Applicant is strongly encouraged to mitigate such impacts in its final design package due January 3rd at 12:00 p.m. before submitting the same for review by GCEDC.

Applicant Question: What incentives are referenced in December 11, 2024 letter to Applicant?

GCEDC Response: See the attached questionnaire prepared by GCEDC regarding the same and the response in item #8, above. Please provide dates between January 2 and January 7 to meet with the GCEDC STAMP Committee and GCEDC Staff regarding the financial component of the application. As you know, final offers are due on January 9, 2024.

Applicant Question: Has the Applicant adequately addressed the concerns raised in the October 11 and October 21 letters regarding the Application?

GCEDC Response: As discussed, a number of items in the October 11 letter will presumptively be updated to address the change in Project design that was referenced by Applicant on the call. The October 21 letter dealt with the Applicant's refusal to sign an Acknowledgement that GCEDC's standard Hold Harmless Agreement applied to the entirety of the Application. The Applicant has since executed the Acknowledgment, addressing that concern. As a general reminder, it is ultimately the responsibility of the Applicant to provide materials sufficient for GCEDC to conduct a thorough review of the Project pursuant to SEQRA. While GCEDC Staff has sought to provide extensive guidance to the Applicant on these materials, the Applicant is solely responsible for the preparation of suitable deliverables to allow for GCEDC to complete this review.

Applicant Question: Can GCEDC provide copies of the archaeological end of field work letter for the site?

GCEDC Response: Yes, see attached.

Applicant Question: Can GCEDC provide copies of the substation line drawings?

GCEDC Response: Yes, see attached.

Applicant Question: Can GCEDC provide copies of the STAMP Master Development Plan?

GCEDC Response: Yes, see attached.