



STATE OF NEW YORK  
DEPARTMENT OF AGRICULTURE AND MARKETS  
10B Airline Drive  
Albany, New York 12235

*Division of Agricultural Protection  
and Development Services  
518-457-7076  
Fax. 518-457-2716*

December 30, 2009

Steve Hyde, President and CEO  
Genesee County Economic Development Center  
One Mill Street  
Batavia, NY 14020

RE: WNY Science & Technology Advanced Manufacturing Park, Phase II Project, Town of  
Alabama, Genesee County

Dear Mr. Hyde:

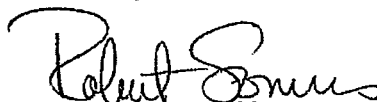
The Department does not object to the Genesee County Economic Development Agency's request to act as lead agency pursuant to Sections 617.6(b)(2) and (3) of 6 N.Y.C.R.R. of the Environmental Conservation Law. Based upon information provided, it appears that some of the properties to be acquired are located within a county adopted, State certified, Agricultural District.

Section 305(4) of the Agriculture and Markets Law (AML) requires any state agency, public benefit corporation or local government which intends to acquire land or any interest therein within a state certified agricultural district in excess of one acre on an actively operated farm or in excess of ten acres within the district, or which intends to construct or advance public funds for the construction of dwellings, commercial, or industrial facilities, or water or sewer facilities to serve non-farm structures, to file a Preliminary and Final Notice of Intent with the Commissioner of Agriculture and Markets and with the County Agricultural and Farmland Protection Board.

Pursuant to 1NYCRR Part 371.3, a State agency, public benefit corporation or local government is required to file the Preliminary Notice of Intent as early as possible in the development of the proposal for the action, but in no event later than the date of any determination as to whether an environmental impact statement need be prepared for the action pursuant to Article 8 of the Environmental Conservation Law.

If you have any further questions, please contact me at (518) 457-2713.

Sincerely,

  
Robert Somers, Manager  
Agricultural Protection Unit

**New York State Department of Environmental Conservation  
Division of Environmental Permits - Region 8**

6274 East Avon-Lima Road, Avon NY 14414-9519

Phone: (585) 226-5400 FAX (585) 226-2830

Website: www.dec.ny.gov



Alexander B. Grannis  
Commissioner

January 21, 2010

Steve Hyde, President and CEO  
Genesee County Economic Development Center  
One Mill Street  
Batavia, New York 14020

Re: SEQR Lead Agency Response – STAMP Phase II  
Town of Alabama, Genesee County

Dear Mr. Hyde:

The NYS Department of Environmental Conservation (DEC) has reviewed the State Environmental Quality Review Act (SEQR) lead agency coordination request for the above-referenced project, which we received on December 24, 2009.

Project Background

According to the project information provided, the project involves the construction of an office and manufacturing development park to be known as the Western New York Science & Technology Advanced Manufacturing Park (“STAMP”), with the possibility that it will be developed as a renewable energy manufacturing center focused on photovoltaic technology. The Long Environmental Assessment Form (EAF) circulated with your letter dated December 22, 2009 indicates that the project would be sited on approximately 1,312 acres located off NYS Highway 77/63, approximately 5 miles north of the NYS Thruway (I-90) in the Town of Alabama. The lead agency coordination letter did not include a project location map or project plans. However, according to the STAMP Feasibility study currently posted on the Genesee County Economic Development Center (GCEDC) website, the project area is bounded by Alleghany Road (NYS Highway 77/63) to the east, Judge Road to the south, the Tonawanda Indian Reservation to the west, and an east/west line running parallel to Lewiston Road to the north. The proposed site boundaries also abut the Tonawanda State Wildlife Management Area to the north, and contain a portion of the John White State Memorial Game Farm to the southeast (see attached map).

Based on the project information included in the Long EAF and posted on the GCDEC website, development of the project site will result in impacts to approximately 12 acres of federally-regulated wetlands. In addition, on-site and off-site water and sewer infrastructure improvements will be needed at full buildout to provide an estimated 2.4 million gallons of water per day and treat an estimated 1.8 million gallons of sewage effluent per day. These improvements include the extension of water and sewer mains, and the potential construction of a new on-site wastewater treatment plant with a treatment capacity of 2.0 million gallons per day.

DEC Jurisdiction and Approvals

Based on our review of the circulated documents and current information posted on the GCDEC website, it appears that implementation of the project will require the following Department permits:

**Individual State 401 Water Quality Certification** - Needed for the proposed filling of approximately 12 acres federally-regulated wetlands, and impacts to other waters of the U.S. (i.e., streams) located on the site. When available, a copy of the U.S. Army Corps' jurisdictional determination and a copy of the full project plans should be forwarded to the Department.

**Article 15, Protection of Waters Permits** – Tonawanda Creek is a class B, protected stream located south of the project site. Based on available information, the extension of water and sewer mains along NYS Highway 77 may be required as part of this project. A Protection of Waters permit would be required for any physical disturbance to the bed or banks of this stream. The site also contains several class C streams. While these streams are not regulated as protected under the Department's Protection of Waters regulations, they are considered waters of the state and likely waters of the U.S. Therefore, the development of the site should avoid and minimize adverse impacts to these streams, and surface water quality, in general.

**Compliance with the State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activities (GP-0-08-001)** - For the disturbance of one or more acres of land area during construction. Please note that the current SPDES General Permit for Stormwater Discharges from Construction Activities will expire on April 30, 2010. The Department is preparing to renew and modify this general permit in the near future. Consequently, the STAMP project will be subject to whatever SPDES General Permit for Stormwater Discharges is in effect at the time coverage is obtained.

**State Pollutant Discharge Elimination System (SPDES) Permit** – For the proposed treatment of up to 1.8 million gallons of sewage effluent per day. The information available to date suggests this manufacturing campus may generate industrial sewage effluent, as well as sanitary sewage effluent. In addition, the needed sewage treatment capacity for the site may be achieved by a combination of off-site and on-site sewage treatment facilities. As a result, it is possible that this project will require multiple SPDES approvals associated with the treatment of industrial and sanitary effluent, both on-site and off-site.

**Article 15, Public Water Supply Permit** – For the proposed taking of up to 2.4 million gallons of water per day from existing public water supply and distribution systems and the formation of a new water district to service the site. As described in the project feasibility study posted on the GCEDC website, water supply for this facility would be provided by a combination of sources, including the Erie County Water Authority and Monroe County Water Authority, which will require modifications of existing water supply agreements and improvements to distribution and storage infrastructure.

**Air Pollution Control Permits** – The structure sizes and uses proposed as part of this facility suggest that multiple emission points will be created associated with heating units and manufacturing processes. There is insufficient information available at this time to determine the air pollution permit requirements for this project. However, it is likely that either an Air State Facility Permit pursuant to 6 NYCRR Part 201, or a federal Title V air permit will be required. A further determination regarding air permitting requirements may be made once additional details are available regarding the types of manufacturing processes that will occur on site, and the number, sizes, and types of heating sources.

**Chemical Bulk Storage** – Under the Chemical Bulk Storage Program (6NYCRR Parts 595-599) the Department regulates facilities storing one or more of approximately 1,000 hazardous substances in aboveground tanks of 185 gallons or greater, and underground tanks of any size. These regulations contain the list of hazardous substances which are regulated, establish rules for spill reporting and response, require registration, and include technical standards for storage, handling, closure and new installations. The bulk storage of various manufacturing chemicals on-site will likely require a registration under the Department's chemical bulk storage regulations. While this registration program is not a permit processed under the Department's Uniform Procedures Act regulations, sufficient information should be available during the SEQR review to thoroughly assess the potential impacts of chemical storage, handling, and use at the facility. You may contact Tim Walsh at (585) 226-55437 for information concerning this program.

It is possible that the DEC permit requirements listed above may change based on additional information received or as project modifications occur.

Threatened & Endangered Species

According to Department records, the site is known to occur within the vicinity of, and has the potential to contain, the following state-listed plant and animal species:

Common Name	Scientific Name	State Status
Heartleaf plantain	<i>Plantago cordata</i>	Threatened
Northern harrier	<i>Circus cyaneus</i>	Threatened
King rail	<i>Rallus elegans</i>	Threatened
Bald eagle	<i>Haliaeetus leucocephalus</i>	Threatened
Black tern	<i>Chlidonias niger</i>	Endangered
Short-eared owl	<i>Asio flammeus</i>	Endangered
Henslow's sparrow	<i>Ammodramus henslowii</i>	Threatened
Horned lark	<i>Eremophila alpestris</i>	Special Concern
Grasshopper sparrow	<i>Ammodramus savannarum</i>	Special Concern
Least bittern	<i>Ixobrychus exilis</i>	Threatened
Pied-billed grebe	<i>Podilymbus podiceps</i>	Threatened
Karner blue butterfly	<i>Plebejus melissa samuelis</i>	Endangered
Persius duskywing	<i>Erynnis persius persius</i>	Endangered

The potential impacts of the proposed project on these species should be fully evaluated during the review of the project pursuant to SEQR. In addition, project modifications may be needed to adequately mitigate any potential impacts identified. For further guidance on this matter, the project sponsor may contact Mr. Michael Wasilco, Regional Wildlife Manager, in the DEC Division of Fish and Wildlife at (585) 226-5460.

Cultural Resources

According to maps maintained by the New York State Office of Parks, Recreation and Historic Preservation, the site is located within an archaeologically sensitive area. State agencies reviewing the project are required to comply with the provisions of the State Historic Preservation Act (SHPA) to ensure that the project will not disturb significant state cultural resources. DEC would require a Stage 1 A and B Archaeological Investigation to identify any potential archaeological resources and have the results reviewed by the State Historic Preservation Office (SHPO) in the NYS Office of Parks, Recreation, and Historic Preservation to determine if further investigations are warranted. The review of this project under the State Environmental Quality Review (SEQR) should include an assessment of the potential impact of the project on cultural resources, both archaeological and structural. We recommend that you consult with the State Historic Preservation Office of the NYS Office of Parks, Recreation, and Historic Preservation (NYS OPRHP). Additional information can be received by phone at (518) 237-8643, or by visiting the NYS OPRHP web site at: <http://nysparks.state.ny.us/shpo/environmental-review/>

In addition to compliance with the SHPA, the Department has adopted a Commissioner's policy for the purposes of consultation with Indian Nations in the review of applications for environmental permits. This policy, known as CP-42 "Contact, Cooperation, and Consultation with Indian Nations", was adopted on May 27, 2009 and is available on the Department's website at: [http://www.dec.ny.gov/docs/permits\\_ej\\_operations\\_pdf/cp42.pdf](http://www.dec.ny.gov/docs/permits_ej_operations_pdf/cp42.pdf).

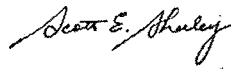
Because the site is adjacent to the Tonawanda Indian Reservation, it is the Department's intent to consult with the Tonawanda Seneca Indian Nation during our review of the project pursuant to SEQR, and during the review of associated environmental permit applications.

Lead Agency Consent

According to your letter dated December 22, 2009, the GCEDC intends to issue a positive declaration and prepare a Generic Environmental Impact Statement (EIS) for this project. The Department concurs that this SEQR Type I action warrants the preparation of an EIS to thoroughly evaluate the potential significant adverse environmental impacts of this project. Therefore, we have no objection to your agency assuming lead agency status for this project. The Department recommends that an opportunity for public scoping be provided pursuant to 6 NYCRR Part 617.8 so that all relevant issues of concern are identified for evaluation in the EIS. The Department would anticipate providing further comments on the proposed project during the public scoping phase of the SEQR review. In addition, we recommend that the Generic EIS thoroughly identify the criteria under which future actions in the development of the site will be undertaken or approved, and the requirements for any subsequent site-specific SEQR compliance (see 6 NYCRR Part 617.10 (c)).

The development of sustainable technologies like photovoltaics and other renewable energy sources is a critical component of addressing long-term climate change. Consequently, the Department looks forward to the opportunity to assist the GCEDC in the environmental review and permitting associated with the development of this important regional project. If you would like to meet regarding the information provided above, or if you have any questions pertaining to the Department's jurisdiction or related matters, you may call me at (585) 226-5382 or e-mail me at [sesheele@gw.dec.state.ny.us](mailto:sesheele@gw.dec.state.ny.us).

Sincerely,



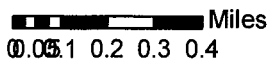
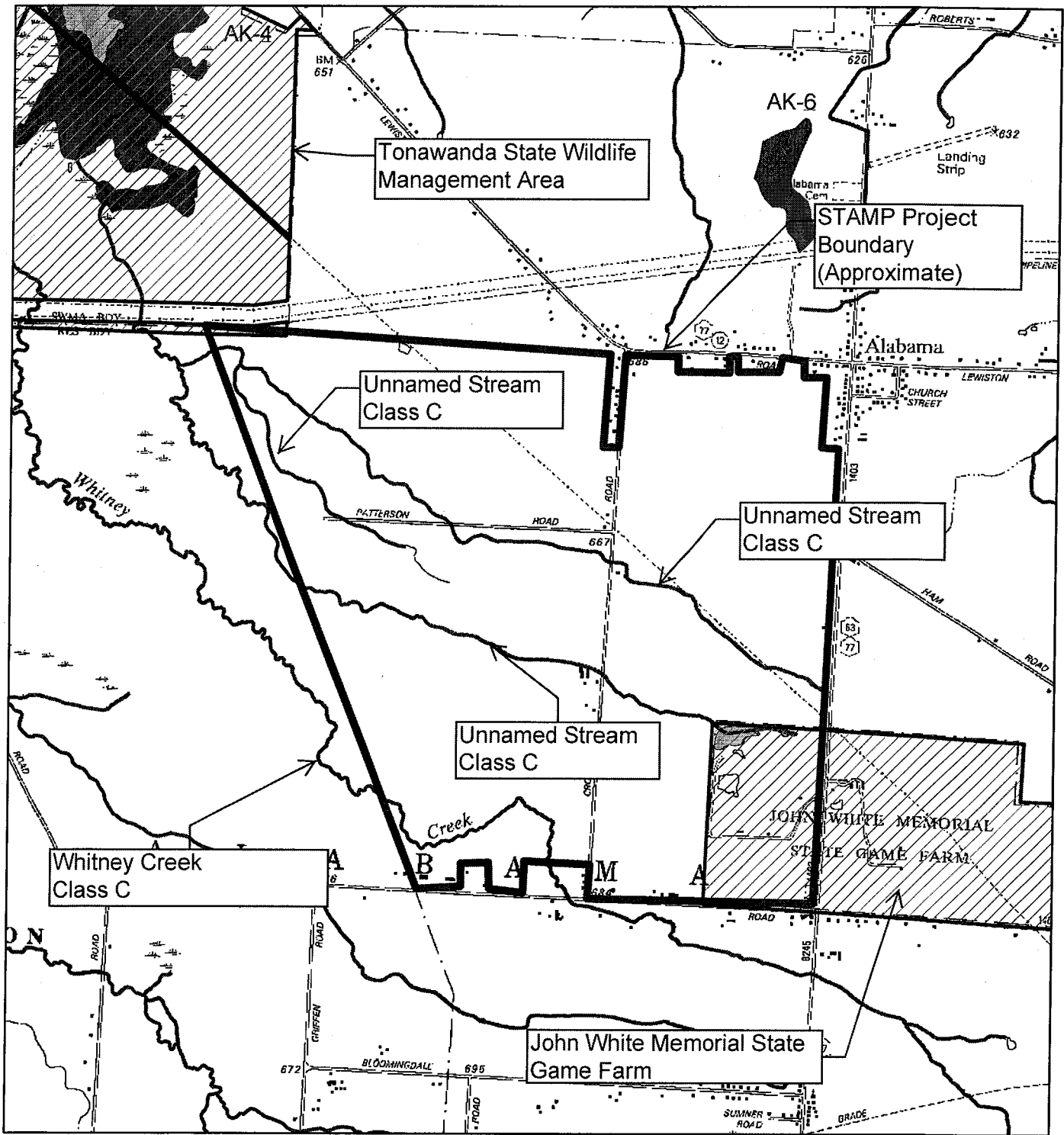
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Sheeley  
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-05'00'

Scott E. Sheeley  
Deputy Regional Permit Administrator

Enclosure

Cc (w/enclosure):

Paul D'Amato, Regional Director  
Peter Lent, Regional Permit Administrator  
Frank Ricotta, Regional Engineer  
Randy Nemecek, Regional Natural Resources Supervisor  
Scott Foti, DEC Region 8  
Mike Wasilco, DEC Region 8  
Dixon Rollins, DEC Region 8  
Tim Walsh, DEC Region 8  
J. Gregg, DEC Albany, Office of General Counsel (1500)  
Supervisor, Town of Alabama  
Christine Abrams, Tonawanda Seneca Nation  
USACOE, Buffalo District  
Bob McNary, Empire State Development Corporation, Finger Lakes Region



- Legend**
- DEC Lands
  - Fisheries Index Numbers Streams
  - Fisheries Index Numbers Ponds
  - Freshwater Wetland Separation Line
  - Freshwater Wetland
  - Freshwater Wetland (linear)
  - Quadrange Border (NAD 27), 1:24,000
  - DEC Administrative Boundary for New York State
  - County Boundary for New York State

**Western New York Science & Technology  
 Advanced Manufacturing Park (STAMP)  
 Town of Alabama, Genesee County  
 Akron, NY Quadrange**

Scott E. Sheeley  
 DEC Division of Environmental Permits  
 January 21, 2010



John L. Buono  
Chairman

**New York State Thruway Authority**  
**New York State Canal Corporation**

455 Cayuga Road, Suite 800, Cheektowaga, NY 14225-1901

[www.nysthruway.gov](http://www.nysthruway.gov)



Michael R. Fleischer  
Executive Director  
TDD/TTY 1-800-253-6244

February 19, 2010

Mr. Frank C. Pavia  
Harris Beach PLLC, Attorneys at Law  
99 Garnsey Road  
Pittsford, New York 14534

RE: SEQR Review  
WNY Science & Technology Advanced Manufacturing Park ("STAMP")  
Phase II Project  
Positive Declaration and Draft Scoping Document

Dear Mr. Pavia:

Thank you for the opportunity to review the positive declaration and the draft scoping document for the above referenced project. Based on our review of the material sent with your February 5, 2010 letter, it appears that this project could have potential impacts on Thruway facilities.

We would like to be updated on the status of the project as it moves forward. We would like the opportunity to review the traffic impact study for this project when it becomes available, as well as any project plans as the development progresses towards the construction phase.

Please be advised the New York State Thruway Authority has no present or future intention of constructing a noise barrier in the vicinity of the proposed project. To review our Traffic Noise Policy and our Thruway Noise Barrier Prioritization Study, we encourage you to visit our web site at [www.nysthruway.gov](http://www.nysthruway.gov).

If you have any questions, please feel free to contact me at (716) 635-6218.

Very truly yours,

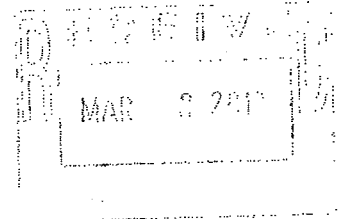
Paul Zakrzewski  
Capital Program Manager

PZ:cs

cc Mr. Chad Zambito, GCEDC  
Mr. Mark A. Sargent, P.E., Creighton Manning Engineering, LLP



STATE OF NEW YORK  
DEPARTMENT OF TRANSPORTATION  
REGION FOUR  
1530 JEFFERSON ROAD  
ROCHESTER, NEW YORK 14623-3161  
www.nysdot.gov



ROBERT A. TRAVER, P.E.  
ACTING REGIONAL DIRECTOR

STANLEY GEE  
ACTING COMMISSIONER

March 1, 2010

Mr. Steve Hyde, President  
Genesee County Economic Development Center  
One Mill Street  
Batavia, NY 14020

Re: Western New York Science & Technology Advance Park  
Route 77, Town of Alabama  
Genesee County

Dear Mr. Hyde:

We have reviewed the Draft Scoping Document for the proposed Western New York Science & Technology Advance Park (STAMP). This project will have significant traffic and environmental impacts. We have reviewed the proposed intersections to be included in the traffic impact study and request that the scope be increased to include additional intersections.

We have a March 11, 2010 meeting planned to discuss the scope of the traffic impact study and which additional intersections need to be included. Given the size of this project, significant traffic mitigation will be required. Any identified traffic mitigation should include the identification and investigation of the full range of environmental resources at these locations and identification of potential impacts to those resources. This should also be included in the GEIS scoping document.

If there are any questions please contact Mr. Robert Duennebacke at 585-272-3475.

Sincerely,

A handwritten signature in cursive script that reads "David C. Goehring".

David C. Goehring, P.E.,  
Regional Traffic Engineer

DCG/RLD/bap

c: P. Reinhold, Resident Engineer, Genesee County  
D. Stahley, Assistant Resident Engineer, Genesee County



# New York State Department of Environmental Conservation

## Division of Environmental Permits - Region 8

6274 East Avon-Lima Road, Avon NY 14414-9519

Phone: (585) 226-5400 FAX (585) 226-2830

Website: www.dec.ny.gov



Alexander B. Grannis  
Commissioner

March 5, 2010

Via E-mail (gcedc@gcedc.com) and U.S. Mail

Chad Zambito, VP of Marketing and Community Development  
Genesee County Economic Development Center  
One Mill Street  
Batavia, New York 14020

Re: SEQR Generic EIS Scoping Comments – STAMP  
DEC Pre-application No. 8-1820-00020/00001  
Town of Alabama, Genesee County

Dear Mr. Zambito:

The NYS Department of Environmental Conservation (DEC) has reviewed the draft generic environmental impact statement scoping document circulated by Frank Pavia for the above-referenced project, which we received on February 4, 2010. We also appreciated the opportunity to meet with you and other project representatives on February 18, 2010 to discuss the draft scope. The Department supports Genesee County Economic Development Center's plan to prepare a Draft Generic Environmental Impact Statement (GEIS) for the Science & Technology Advanced Manufacturing Park (STAMP) project.

In our prior correspondence dated January 21, 2010 the Department provided you with information related to the Department's jurisdiction and several related issues. The potential DEC jurisdiction identified in our January letter has not changed based on the information discussed at our meeting, and provided in the draft scoping document. We have reviewed the draft scope in light of the Department's expected jurisdiction, and offer the following comments on the draft scoping document for your consideration.

### General

1. The scope should provide for an executive summary in the GEIS in which the major elements of the project and GEIS can be summarized.
2. The list of appendices is a helpful and necessary part of the GEIS scope. In some instances, however, it is not clear how the appendices relate to the evaluation of impacts proposed in the GEIS. Where necessary, the text of the GEIS scope should reference the appendix in which additional supporting information and analyses will be included.
3. In addition to the list of appendices provided in the GEIS scope, it may be helpful to include an appendix that contains all involved and interested agency correspondence received on the project, and an appendix that contains copies of the relevant SEQR documents (e.g, lead agency coordination, positive declaration, and final scoping document).

### Description of the Proposed Action

4. Section 3.3 – The scope should elaborate on how the industry requirements will be identified and described. We recommend that the industry requirements be defined specifically enough to

meaningfully evaluate potential impacts to water, air, and land related to water use, chemical use, energy use, chemical & petroleum bulk storage, and waste generation, handling and disposal. Based on our scoping discussion, project consultants are experienced in the planning and operation of similar facilities and reliable data is likely available to accurately and specifically describe these requirements. Perhaps this will be more fully addressed under Section 3.5 – Technology Manufacturing Operations.

5. Section 3.4 – The scope indicates in paragraphs 1 and 2 of this section that the “full build out” project footprint will be identified, including building locations, building footprint sizes, green spaces, and configurations of the development areas. We recommend that this planning also include the locations of any reasonably foreseeable infrastructure improvements. To the extent that detailed planning will be undertaken to determine the footprint of the development and infrastructure improvements, a full and complete inventory of the site’s natural and cultural resources should be completed and presented in the GEIS. Further comments in this regard are noted below.
6. Section 3.4 – The scope should identify the preferred development alternative (see additional comments below under Item 19).
7. Section 3.5 – To the extent that the “Industry Requirements Report” will be used as supporting material for the description of the technology manufacturing operations, it should be noted in this section of the scoping document.
8. Section 3.7 – The Department supports the inclusion of this section of the GEIS, which will allow involved agencies to determine the requirements for further SEQR review of future actions associated with the project. The thresholds identified should address the following criteria, among other potential criteria:
  - a. building and infrastructure locations,
  - b. building and infrastructure footprints,
  - c. building and infrastructure heights and setbacks,
  - d. volumes, types and general locations of petroleum and chemical bulk storage,
  - e. solid and liquid waste types and quantities that will be generated, and waste handling logistics (i.e., temporary storage, transport etc.), and
  - f. air emission types, sources, and quantities.

Existing Conditions, Potential Impacts and Mitigation Measures

9. Section 5.2 – More detail should be provided to identify how surface and groundwater resources will be evaluated. The following should be addressed in the GEIS:
  - a. A separate section heading should be included for an evaluation of stormwater runoff. This section should identify the current requirements of the Department’s State Pollutant Discharge Elimination System (SPDES) Permits related to stormwater discharges from construction activities (GP-0-10-001) and industrial activities (GP-0-06-002; “multi-sector” permit). The GEIS should evaluate how these requirements will be met. Sufficient information should be developed to identify the size and location of necessary stormwater management measures and outfalls. A reference should be included to identify any supporting information or reports that will be included as an appendix.
  - b. A table should be provided to summarize the amounts and types of wetlands, streams, and other water bodies present on the site, along with their jurisdictional status. A table should also be included that summarizes the physical impacts (temporary and permanent) of each project alternative under consideration on surface waters and wetlands. It may also be helpful to summarize potential impacts related to various infrastructure and utility improvement alternatives, and to summarize potential impacts by phase.

- c. To the extent that the impacts to groundwater will be evaluated in this section, it should include potential impacts that may result from the development of new, off-site groundwater sources to supply the project site.
  - d. Mitigation measures should be identified to protect on-site groundwater quality and should include a full discussion of the applicable regulatory requirements for chemical & petroleum bulk storage, and waste handling. Information developed in Section 5.5 of the GEIS (“Technology Industry Health and Safety”) that is relevant to the protection of surface and groundwater should also be summarized in this section of the GEIS. Additional information regarding the Department’s requirements are provided on-line at:  
                   chemical & bulk storage: <http://www.dec.ny.gov/chemical/287.html>  
                   waste management: <http://www.dec.ny.gov/chemical/292.html>
  - e. Mitigation measures related to physical impacts to surface waters and wetlands should include a full discussion of project alternatives that avoid filling, piping, or relocation of streams and wetlands. This portion of the GEIS should be based on a fully-coordinated discussion with the Department and U.S. Army Corps of Engineers based on a current and agency-accepted delineation of all wetlands and other jurisdictional surface waters on the site.
10. Section 5.3 – The evaluation of impacts on air resources associated with site development should include those both from on-site manufacturing processes, on-site facility operation (e.g., emissions related to heating), and, to the extent it can be quantified, off-site power generation. The Department’s guidance on the evaluation of greenhouse gases in an environmental impact statement may also be a helpful resource in guiding the development of this section of the GEIS. It is available on-line under “Climate Change Guidance Documents” at:  
<http://www.dec.ny.gov/regulations/56552.html>
11. Section 5.4 – Threatened and Endangered Species: The Department identified several state-listed species in our prior correspondence that should be evaluated in the GEIS. The scoping document should include the list of species that will be evaluated. The scope should indicate that a determination regarding the presence of available habitat for each species (including nesting, foraging, roosting etc.) will be made. Where suitable habitat is present that may be impacted by project development, further surveys should be performed and mitigation measures should be developed. The scope should identify the general survey methods and schedule that will be used in the GEIS. Surveys and species identification must be undertaken by a qualified expert, particularly for insect species where specialized knowledge of insect anatomy is necessary. DEC staff are available for further consultation on proposed survey methods and locations as the GEIS is developed. Based on our preliminary review, we recommend use of the following general methods for each species:

<b>Common Name</b>	<b>Scientific Name</b>	<b>State Status</b>	<b>General Survey Method<sup>1</sup></b>	<b>General Survey Schedule</b>
Heartleaf plantain	<i>Plantago cordata</i>	Threatened	Visual survey of suitable habitat	Mid-April to May
Northern harrier	<i>Circus cyaneus</i>	Threatened	Line transect or point count within suitable habitat	June (with other grassland birds) and also during winter
King rail	<i>Rallus elegans</i>	Threatened	Call Response survey within suitable habitat	Multiple surveys early May to late June (with other secretive marsh birds)

Bald eagle	<i>Haliaeetus leucocephalus</i>	Threatened	Visual survey	For nesting pairs March – June
Black tern	<i>Chlidonias niger</i>	Endangered	Point count from edge of suitable habitat	Mid-June
Short-eared owl	<i>Asio flammeus</i>	Endangered	Point count within suitable habitat	Multiple visits Dec - March
Henslow's sparrow	<i>Ammodramus henslowii</i>	Threatened	Call survey within suitable habitat	June – both morning and evening
Horned lark	<i>Eremophila alpestris</i>	Special Concern	Line transect or point count within suitable habitat	June (with other grassland birds)
Grasshopper sparrow	<i>Ammodramus savannarum</i>	Special Concern	Line transect or point count within suitable habitat	June (with other grassland birds)
Least bittern	<i>Ixobrychus exilis</i>	Threatened	Call response survey within suitable habitat	Multiple surveys early May to late June (with other secretive marsh birds)
Pied-billed grebe	<i>Podilymbus podiceps</i>	Threatened	Call response survey within suitable habitat	Multiple surveys early May to late June (with other secretive marsh birds)
Karner blue butterfly	<i>Plebejus melissa samuelis</i>	Endangered	Walking potential habitat- where wild blue lupine is present.	During first and second flight periods (May-July)
Persius duskywing	<i>Erynnis persius</i>	Endangered	Walking potential habitat -where wild blue lupine or indigo ( <i>Baptisia</i> spp.) are present	During flight period (May-June)

12. Section 5.4 – Vegetation, Fish and Wildlife:

- a. The Department recommends that the GEIS include the development of a long-term land management plan for the site that will address changes in land use over the course of the project's anticipated build out. The plan should identify the location of lands to be developed and provide a general schedule of development. To the extent that development lands may provide short-term habitat beneficial to wildlife during build out, this should be incorporated into the plan. Lands that will remain undeveloped should also be identified, along with a habitat management goal that supports or enhances adjacent undeveloped lands and wildlife management areas.
- b. To the extent that the acquisition of the John White Wildlife Management Area (WMA) is advanced, the potential impacts to fish and wildlife should be addressed in this section of the GEIS. As noted during our discussion, the John White Wildlife Management Area is being actively managed by the Department for grassland bird species, and is also used to provide universally accessible hunting opportunities for the public. Mitigation for impacts to fish and wildlife caused by an acquisition of the John White WMA would require the project sponsor to locate a site which would provide equivalent fish and wildlife benefits and transfer the title to the Department. If pursued, a detailed discussion of potential mitigation sites would need to be included in the GEIS.

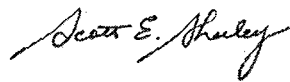
13. Section 5.5 – Technology Industry Health and Safety: As noted above in our comments under Item 9.d, additional information concerning the Department's requirements for chemical and petroleum bulk storage, and waste management can be found on the DEC website.

14. Section 5.7 – The GEIS should evaluate the compatibility of the proposed re-zoning with the continued use of the John White and Tonawanda WMAs for wildlife conservation and public recreation. In discussions regarding acquisition of the John White WMA, the Department has summarized the encumbrances of the John White WMA, and the significant administrative procedures associated with its acquisition or change in land use. These procedures would include approval from the U.S. Fish & Wildlife Service and New York State Legislature. For any federal approvals required for acquisition or use-changes associated with the John White WMA, information should be provided in the GEIS on any related National Environmental Policy Act (NEPA) involvement. (See additional comments under Item 12.b above.)
15. Section 5.8 – Utilities:
  - a. Section 5.6 of the scope regarding the assessment of traffic indicates that the physical impacts of necessary traffic improvements will be identified and mitigation measures will be developed. Section 5.8 of the GEIS regarding utilities should likewise identify the physical impacts of any foreseeable and necessary improvements to utility lines, corridors, and facilities. In particular, the feasibility study identified several locations where the installation of sewer and water mains may be required. In addition, we note that a power line right-of-way crosses the Tonawanda State WMA. If the expansion of power line transmission rights-of-way are needed to serve this site, the physical impacts and potential mitigation measures should also be evaluated.
  - b. The ownership, operation, and maintenance of water and sewer infrastructure should be identified and discussed in the GEIS, with particular attention to any applicable provisions of New York State's Transportation Corporations Law.
  - c. Wastewater treatment and water supply alternatives should be identified in the scoping document. Much of this information appears to be available in the project feasibility study.
  - d. The development of a phasing plan for construction activities related to water and sewer infrastructure may be beneficial.
  - e. Sewer:
    - i. The GEIS should identify the projected industrial class codes that will use the site and discuss wastewater pretreatment requirements for identified users.
    - ii. For any on-site streams that are identified to receive treated wastewater, a waste assimilative capacity analysis should be prepared and included in the GEIS that accounts for full build out. This analysis may also be appropriate for any site where significant upgrades to an existing wastewater treatment plant are identified.
    - iii. The development of a phasing plan for the development of sewer infrastructure may be helpful. However, the GEIS should provide adequate information to document that sufficient wastewater treatment capacity can be provided for full build out of the project.
  - f. Water:
    - i. The GEIS should identify the basis for the proposed water demand.
    - ii. Adequate information should be provided in the GEIS to demonstrate that proposed sources of water supply are sufficient to supply the site.
16. Section 5.9 – Public lands and recreation that are identified and evaluated in this section of the GEIS should include the John White State WMA and the Tonawanda State WMA. These sites are managed for wildlife conservation and are both used for passive recreation and hunting. The compatibility of the proposed land uses with these public lands should be evaluated. In addition, indirect impacts associated with increases in development surrounding the site should also be considered.
17. Section 5.9 – This section indicates that solid and hazardous waste management will be addressed in this section of the GEIS. To the extent that portions of this section may be also be related to Section 5.5 of the GEIS (Technology Industry Health and Safety), the information should also be summarized in Section 5.5.

18. Section 5.12 – This section of the scope should indicate that the development of the Phase 1A and 1B study protocols will be developed in consultation with both the New York State Office of Parks, Recreation and Historic Preservation (OPRHP), and the Tonawanda Seneca Indian Nation. Where the Phase 1B analysis identifies the potential for archaeological resources to be present, the GEIS should also include the results and findings of a Phase 2 investigation. As noted in our prior correspondence, during the Department’s review of permit applications associated with this project, we will be required to comply with the requirements of the State Historic Preservation Act (SHPA), and follow the policies contained in the Department’s policy on Contact, Cooperation, and Consultation with Indian Nations. As a result, any SEQR findings issued by the Department based on the GEIS will need to address cultural resources. Therefore, the GEIS should also include and address comments from OPRHP and the Tonawanda Seneca Indian Nation on the Phase 2 cultural resources investigation of the project site.
19. Section 6 – Project Alternatives: The scoping document only identifies one development alternative for consideration. The Department recommends that additional development alternatives be identified for consideration in the GEIS that would avoid and minimize impacts to wetlands, streams, and other sensitive natural resources that may be identified on the site. Some variation of development Options A and C contained in the Feasibility Study should be investigated further in the GEIS. Comparisons of the potential environmental impacts of several available development alternatives should be provided, and summarized in tabular form.

Thank you for the opportunity to provide our written comments on the GEIS for the STAMP project. We hope that the GCEDC will find the information we have provided helpful in the preparation of the GEIS for this important regional project. If you have any questions about the information provided in this letter, you may call me at (585) 226-5382 or e-mail me at [sesheelee@gw.dec.state.ny.us](mailto:sesheelee@gw.dec.state.ny.us).

Sincerely,



Digitally signed by Scott E.  
Sheeley  
Date: 2010.03.05 15:23:36 -05'00'

Scott E. Sheeley  
Deputy Regional Permit Administrator

Cc Paul D’Amato, Regional Director  
Peter Lent, Regional Permit Administrator  
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Randy Nemecek, Regional Natural Resources Supervisor  
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