



**City of Rochester, NY**  
**Rochester City Council**

City Hall Room 301A • 30 Church Street • Rochester, New York 14614-1290

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**Mary Lupien**, Councilmember, East District  
**Stanley Martin**, Councilmember, At-Large

Tuesday, April 14, 2026

To Whom it May Concern,

Rochester sits on the unceded land of the Onöndowa'ga:' (Seneca) people of the Haudenosaunee Confederacy. Our city exists because of displacement and broken agreements. That history of taking land without consent is not just something to acknowledge. It is something we are responsible for changing.

The proposed STAMP data center continues a pattern of decisions made without respecting Indigenous sovereignty. It threatens the Tonawanda Seneca Nation's land, water, and way of life. It also reflects what happens when projects move too fast and ignore the knowledge of those who have stewarded this land for generations. Land acknowledgments without action are empty. If we are serious about justice, we must support the Nation's right to protect their land and say no.

This project asks everyday people to carry the environmental and economic costs while a private developer takes the benefit. The harm will not stop at one site. It will show up in our water, our air, and our quality of life. We stand with the Tonawanda Seneca Nation in opposition to the STAMP data center.

Sincerely,

A handwritten signature in cursive script that reads "Mary Lupien".

Mary Lupien  
Councilmember, East District

A handwritten signature in cursive script that reads "Stanley Martin".

Stanley Martin  
Councilmember, At-Large



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May 4, 2026

### VIA EMAIL AND HAND DELIVERY

Carl Kumpf  
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### Re: Sierra Club's Written Comments Regarding Public Hearing for Stream U.S. Data Center Proposal at STAMP Site: Site Plan Review and SEQRA Findings

Dear Chairperson Kumpf and Members of the Planning Board,

These comments are submitted on behalf of the Atlantic Chapter of the Sierra Club ("Sierra Club") in connection with the Town of Alabama Planning Board's public hearing and ongoing review of Stream U.S. Data Center, LLC's proposed site plan for a two-campus data center development at the Science Technology and Advanced Manufacturing Park ("STAMP") site (the "Project").

These comments are intended to supplement, and do not supersede, the Sierra Club's April 17, 2026 written comments submitted to the Genesee County Economic Development Center ("GCEDC") regarding SEQRA compliance and the requested package of economic incentives. Those GCEDC comments were separately transmitted to the Planning Board and are incorporated herein by reference in their entirety. All arguments raised therein remain applicable to the Planning Board's review, particularly where they bear on the sufficiency of the record, consistency with the STAMP vision, community character, noise, construction impacts, and the prematurity of any approvals.

The focus of the present submission is on issues squarely within the Planning Board's independent authority under the Town of Alabama Zoning Law, including site plan completeness, noise and compatibility with adjacent uses, construction impacts, and procedural fairness.

## **I. The Planning Board's Independent Role and Discretion**

Although GCEDC has assumed lead agency status under SEQRA for purposes of environmental review, that role does not displace or constrain the Planning Board's independent obligations under local land use law. New York courts have repeatedly held that a lead agency's SEQRA determinations are not binding on a zoning or planning board's substantive land use decisions, and that SEQRA requirements "do not change the existing jurisdiction between or among State and local agencies." *Albany-Greene*, 263 AD2d 644, 646 (3d Dept. 1999); *Troy Sand & Gravel Co., Inc. v. Town of Nassau*, 101 AD3d 1505, 1507 (3d Dept. 2012).

Accordingly, the Planning Board is both free and obligated to make its own factual findings regarding whether the Project complies with the Town's zoning requirements and site plan standards, based on the record developed before it, regardless of positions taken by GCEDC in a parallel but different legal process.

## **II. Noise Impacts and Failure to Demonstrate Compliance with Local Zoning Standards**

Noise impacts are among the most significant unresolved issues raised by the Project and independently warrant denial or deferral of the site plan application.

### **A. The Applicable Standard for Site Plan Review Is "Noxious" Noise Under the Zoning Law**

The Town of Alabama Zoning Law prohibits land uses that are "noxious by reason of the emission of ... noise or vibration, or that [are] dangerous to the health or safety of the community." This standard is qualitative and contextual, not a rigid numerical decibel test. It authorizes the Planning Board to consider the nature, persistence, tone, frequency, audibility, and setting of noise, including whether such noise is intrusive, harmful, or incompatible with surrounding rural residential and natural uses.

The Applicant's reliance on generalized 65/45 dBA criteria—derived from the SEQRA process and applied by GCEDC—does not satisfy the Town's zoning standard and does not preclude a finding that Project noise would be "noxious" in this specific location.

As detailed in the attached expert report by Les Blomberg, Executive Director of the Noise Pollution Clearinghouse, a 45 dBA daytime level and a 35 dBA nighttime level are, in his view, reasonable estimates of noise levels that may be harmful or noxious in this location. This conclusion takes into account applicable regulatory guidance materials, the rural nature of the surrounding community in Alabama, and the Project's proximity to sensitive natural and cultural resources. See Blomberg pp. 10–11.

The Planning Board must apply the correct standard for assessing the Project's noise emissions under the Town's Zoning Law to the Project's site plan review, not simply the one adopted by GCEDC as part of the SEQRA review nearly 15 years ago.

### **B. The Applicant's Latest Revision to the Noise Modeling Results Raises More Questions Than It Answers**

On April 17, 2026, a copy of Mr. Blomberg's report was provided to GCEDC, the Town, and the Planning Board. The Applicant's consultant followed up just days later with a revised sound-modeling report that purports to address some of Mr. Blomberg's concerns. See *Noise Modeling Results*, revised April 23, 2026. Upon information and belief, this revised sound-modeling report was not made publicly available until Thursday, April 30—just a few days before the public hearing on site plan review. We therefore have not had a fair opportunity to evaluate the latest modeling results in connection with these comments, and we reserve the right to supplement as needed once that review is complete.

Nonetheless, the overarching issues identified in Mr. Blomberg's report appear to persist in the revised sound-modeling report. We therefore offer the following initial comments, prepared with Mr. Blomberg's assistance, while reserving the right to provide additional comments after completing a full review of the revised materials:

- **Methodology Without Disclosure of Inputs or Assumptions.**  
The Applicant states that it used CadnaA software and ISO 9613-2 propagation standards, but that information merely identifies the equations used, not whether the modeling is accurate or reliable. In Mr. Blomberg's view, this is akin to submitting only the final answer to an algebra problem without showing the underlying work. Without disclosure of inputs, assumptions, and modeling files, the Planning Board has no basis to evaluate whether the results reflect actual site conditions.
- **Absence of a Complete and Verifiable Noise Source Inventory.**  
The revised report still does not include a complete site plan identifying the type, number, precise locations, and elevations of all noise sources and barriers. Nor does it provide the full noise specifications for each item of equipment.

Without this information, neither the Board nor the public can assess whether the modeled sound levels correspond to the facility that would actually be built.

- **Failure to Provide the Underlying CadnaA Model Files.**  
The Applicant has not provided the actual CadnaA model files (including configuration files and output images) used to generate the results. Without access to these materials, the model cannot be independently reviewed or validated. This omission prevents meaningful scrutiny and undermines the credibility of the conclusions presented. At a minimum, to the extent the Planning Board has retained an independent sound expert as previously anticipated, their sound expert must be given access to the underlying CadnaA Model Files.
- **No Evaluation of “Noxious” Noise Under the Town’s Zoning Law.**  
The revised analysis does not assess whether Project noise would be “noxious” within the meaning of the Town Zoning Law. The Applicant asserts that sound levels are not noxious but provides no evidence defining what “noxious” means or demonstrating compliance with that standard. This is a critical omission as it relates to the Planning Board, as the zoning requirement is qualitative and contextual, not satisfied by citation to a single decibel threshold.
- **Improper Reliance on Absolute Sound Levels Without Context.**  
The revised report focuses on predicted decibel levels in isolation and does not address increases above existing ambient conditions, despite well-established guidance that even modest increases (e.g., 5 dBA) can cause widespread annoyance in quiet environments. Nor does it consider whether certain sound characteristics may be intrusive or harmful regardless of absolute loudness.
- **Lack of Frequency-Specific and Low-Frequency Noise Analysis.**  
Although the Applicant acknowledges low-frequency concerns, the revised modeling results are not presented in octave bands or C-weighted levels. As a result, neither low-frequency impacts nor tonal characteristics can be evaluated at nearby receptors. Low-frequency noise is distinct from tonal noise and can be particularly intrusive even when A-weighted levels appear modest.
- **No Assessment of Construction Noise Impacts.**  
The revised submission still contains no analysis of construction noise, despite the likelihood of extended, multi-phase construction activity that may involve loud and disruptive equipment over a prolonged period. Construction noise is a relevant site plan consideration and obviously relevant to whether or how the Project may contribute “noxious” noise to the community.

For these reasons, along with those identified in Mr. Blomberg’s original report which are incorporated herein by reference, the Planning Board cannot make a lawful finding that Project noise would not be “noxious” within the meaning of the Zoning Law.

### **III. The Incentive Zoning Agreement Does Not Compel Approval of This Site Plan and Is Unlawful and Void as a Matter of Law.**

The existence of an Incentive Zoning Agreement (“IZA”) between the Town and GCEDC does not limit the Planning Board’s discretion or relieve it of its duty to apply the Zoning Law to this specific application. The IZA cannot dictate the outcome of site plan review, nor can it override requirements relating to noise, compatibility, safety, or completeness.

Moreover, the Sierra Club maintains that the IZA is illegal and void and therefore cannot dictate zoning requirements for the STAMP Site.

First, as explained in the Sierra Club’s April 17, 2026 GCEDC comments, the IZA rests on assumptions about the STAMP Site’s build-out, job creation, and community benefits that were formally incorporated into the Town’s comprehensive plan, but which are fundamentally inconsistent with the Project now proposed. Hence, approval of the Project’s site plan would be inconsistent with the Town’s comprehensive plan.

Second, the IZA is illegal and void for at least two reasons. It violates the state-law doctrine prohibiting contract zoning, under which municipal governments lack the power to make contracts that control or limit them in the exercise of their legislative powers and duties. The IZA constitutes illegal contract zoning because it “committed the town to a specific course of action with respect to a zoning amendment.” *Neeman v. Town of Warwick*, 184 A.D.3d 567, 570 (2d Dept. 2020). It also violates the rule against term limits, which “prohibits one municipal body from contractually binding its successors in areas relating to governance unless specifically authorized by statute or charter provisions to do so.” *Hudson View v. Fishkill*, No. 115, 2025 N.Y. LEXIS 2156, at \*4 (N.Y. Ct. Appeals, Dec. 18, 2025) (internal quotation marks omitted). Under the IZA, the Town unlawfully bargained away its legislative power to zone. While GCEDC or the Town may contend that the IZA is authorized by NY Town Law § 261-b, the sweeping nature of the incentives and bonuses purportedly authorized by the IZA is inconsistent with the statute and unlawfully impinges upon the legislative prerogatives of the Town Board. Finally, for obvious public-policy reasons, a Town cannot defend an unlawful and void zoning incentive agreement on statute-of-limitations grounds.

### **IV. Community Character and Compatibility with the STAMP Site and Surrounding Area**

Relatedly, under Section 808 of the Zoning Law, the Planning Board must consider whether the proposed Project maintains a “harmonious relationship

between proposed uses and existing uses,” and whether the Project is in “conformance with zoning and other Town regulations.”

At the outset, for the reasons above, the Planning Board must first consider whether the Project is predicated on an unlawful zoning scheme based upon the null and void IZA.

Even then, the Planning Board must consider whether the Project, as proposed, is compatible with the character of the STAMP Site and the surrounding community, as well as the comprehensive plan. While the STAMP Site was originally envisioned for advanced manufacturing uses that would generate substantial on-site employment and ancillary community benefits, the Project represents a fundamentally different use: a hyperscale data center campus occupying millions of square feet, consuming the vast majority of available electrical capacity, and yet employing relatively few permanent workers. Additional detail on this point is provided in the Sierra Club’s April 17, 2026 comments, which are incorporated herein by reference.

These characteristics associated with the Project bear directly on community character and compatibility. The Project’s physical scale, 24-hour industrial operations, and infrastructure demands raise questions as to whether the use remains consistent with the land-use assumptions reflected in the Town’s zoning framework and the STAMP planning documents referenced therein. These issues must be addressed as part of site plan review, independent of economic development considerations addressed by other agencies.

## **V. Construction Impacts Subject to Independent Site Plan Review**

The Planning Board must independently consider the Project’s construction impacts as part of site plan review. The Project involves multi-year, phased construction with substantial grading, extensive fill, dewatering in poorly drained soils, horizontal directional drilling across wetlands, heavy truck traffic, and prolonged noise and dust. These impacts directly implicate site plan criteria relating to safety, access, erosion control, drainage, and protection of neighboring properties.

The Applicant has not provided sufficient, final information to allow the Board to assess these impacts or impose effective conditions.

## **VI. The Site Plan Application Is Incomplete and Premature**

The current site plan application is incomplete. A complete submission must include, at a minimum:

- Architectural drawings, including floor plans, sections, and equipment layouts;
- Grading and drainage plans supported by geotechnical data, especially for the north campus;
- Precise identification of all energy generation, storage, and distribution infrastructure;
- Identification and illustration of all noise-producing activities, as required by the Zoning Law.

Those elements are missing, inconsistent, or subject to ongoing revision. Proceeding with a public hearing under these circumstances forces the public and the Board to comment on a constantly shifting proposal.

Courts have consistently held that a planning board acts arbitrarily when it proceeds on an incomplete or evolving record. Where critical project details remain unresolved, a board may neither meaningfully condition approval nor take the required “hard look” at site impacts. The deficiencies identified above therefore do not merely justify conditions; they require denial without prejudice or adjournment pending submission of a complete and stable application.

## **VII. Procedural and Record-Building Concerns**

The Sierra Club also raises serious concerns regarding the following two issues involving the record for site plan review:

The Planning Board’s “Responses to Questions Submitted” (dated March 31, 2026 and April 21, 2026) that appear to state conclusions on site plan and SEQRA issues before completion of review. These materials purport to provide authoritative responses to questions posed by concerned members of the public, yet provide no information about the author(s) of these materials, whether the statements reflect the views of any or all of the members of the Planning Board, or whether the Planning Board intends to rely on the statements made therein or whether these documents are even part of the record for consideration.

Applicant-funded site visits conducted outside the public record, without transparency as to who attended, what information was presented, or how such information will be used in decision-making.

These issues underscore the need for caution and strict adherence to a transparent, record-based process.

## VIII. SEQRA-Related Considerations for the Planning Board

Although GCEDC is the SEQRA lead agency, the Planning Board may not make a final decision on the site plan until SEQRA review is completed and until the Board issues its own findings, if required, certifying that adverse environmental impacts have been avoided or minimized to the maximum extent practicable.

As detailed in the incorporated GCEDC comments, the Project exceeds or contradicts numerous assumptions in the STAMP GEIS relating to industry type, power consumption, infrastructure capacity, wetlands, construction methods, and community benefits, necessitating a Supplemental EIS. The Planning Board's prior SEQRA findings rely on assumptions that are no longer valid in light of the Project's scale and characteristics.

## IX. Conclusion

For all of the foregoing reasons, the Sierra Club respectfully urges the Planning Board to:

1. Determine that the site plan application is incomplete and premature;
2. Assess whether and to what extent the IZA is null and void;
3. Assess whether and to what extent the Project is compatible with the comprehensive plan;
4. Refrain from approving the site plan unless and until SEQRA review is completed and a complete, stable site plan is submitted;
5. Independently evaluate the Project's impacts under the Town's zoning standards (especially those relating to noise and construction impacts) without reliance on speculative or unenforceable assumptions; and
6. Ensure that any further public hearing occurs only after the public and the Board have access to final, consistent project information.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "S. Daly". The signature is fluid and cursive, with the first letter "S" being particularly large and stylized.

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Enclosure – Attachment 1 – Acoustical Review (previously submitted)

cc: Mark Boylan, Town Attorney ([mboylan@boylanlawoffice.com](mailto:mboylan@boylanlawoffice.com))  
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April 16, 2026

Board of Directors

GCEDC

99 MedTech Drive, Suite 106

Batavia, NY 14020

Re: STREAM U.S. Data Centers SEQR & Financial Incentives Applications –  
Tonawanda Seneca Nation Preliminary Comments

Nya:wëh Sgë:nö',

On behalf of the Tonawanda Seneca Nation, Council of Chiefs, I extend greetings to you and your associates and give thanks that all are enjoying good health.

In the mid-1800s, land speculators attempted to take by fraudulent treaty the entire territory of the Tonawanda Seneca Nation, which had been confirmed to the Nation by Federal law decades earlier. Tonawanda land still used and occupied by our people was “sold” and our right to our ancestral territory – where our children were born and our elders buried – called into question. Our ancestors, the leaders and citizens of the Nation at the time, fought with all they had to preserve and protect our land, even filing a lawsuit that went all the way to the Supreme Court. We won that case and still were forced to confront the bitter reality that some of our lands would now be considered property of non-Indians and no longer part of the Tonawanda Seneca Nation. The STAMP site occupies a portion of those lands.

The importance of this land, which sits next to our federally-protected Reservation Territory, has not changed to us simply because we are no longer considered to “own” it. This land is part of our ancestral territory and a source of responsibility for our people, who must do whatever they can to protect it. We believe we have a moral duty to this land, both for our ancestors who came before us and for future generations to come. We reject the idea that this land should be sacrificed for profit and that the significant environmental and cultural impacts of a data center at STAMP should be accepted.

The Nation has reviewed materials submitted by STREAM U.S. Data Centers to GCEDC, the Town of Alabama, and DEC in relation to STREAM’s SEQR and financial incentives applications, site plan application, Air State Facility permit application, and proposed Stormwater Pollution Prevention Plan for its proposed “Double Reed” data center complex at STAMP. The Nation understands that discussions among these agencies and STREAM are ongoing. In addition, GCEDC has provided to the Nation a Phase IB Archaeological Survey report related to assessment of impacts from the acquisition by STREAM of a parcel on Crosby Road as a part of STREAM’s data center project, and requested comments be provided by April 29, 2026.<sup>1</sup> On April 8 the Nation discovered that the revised SEQR Application dated April 6 was posted on GCEDC’s website. The application and associated information appear to comprise over 200 pages of new information that must be carefully reviewed and analyzed. Moreover, on April 6, DEC informed STREAM’s consultants, Ramboll, that its application for an Air State Facility permit, necessary for the data center complex’s operations, would be subject to the Environmental Justice Siting Law (EJSL), Climate Leadership and Community Protection Act (CLCPA) and Commissioner’s Policy on Environmental Justice, CP-29, which requires enhanced public participation measures, including measures specific to the Nation required by a Letter of Resolution agreement among DEC, GCEDC, and other agencies. In addition, on April 9, DEC provided to the Nation STREAM’s submissions in response to the April 6 letter, submissions that bear on SEQR issues as well as analysis pursuant to the CLCPA, EJSL, and CP-29.

In addition to information just recently received and not yet fully analyzed by the Nation, foundational information needed for assessment of impacts from STREAM’s facility and previously requested by the Nation months ago is still missing. For example, in February, GCEDC responded to Nation questions (numbered 6 and 12 below) as follows:

6. What additional geotechnical and noise studies has STREAM completed since its 2024 application? Please provide the results of these studies for our review.

*GCEDC Response: Stream is currently undertaking detailed geotechnical and noise studies and those reports will be provided to the Nation once they are received by the GCEDC.*

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<sup>1</sup>As the Nation has repeatedly stated and DEC has confirmed, assessment of impacts from the STREAM data center project on the Nation’s cultural resources must be considered as a part of SEQR review. *See, e.g.,* Letter of DEC to GCEDC (Jan. 28, 2026)(“[T]he applicant must prepare an Initial Assessment (IA) of each element of the STAMP project to evaluate whether or not it will have an adverse impact to the Tonawanda Seneca Nation’s Territory as a property of religious and cultural significance” and “DEC strongly recommends that the lead agency or applicant receive an effect letter [from the State Historic Preservation Office] prior to GCEDC making a SEQR determination for the Project Double Reed project.”).

12. What types of dewatering will be required to support construction and operation of the data center complex, and how will impacts to local residents and to the hydrology of the Nation's Reservation Territory be assessed?

GCEDC Response: *GCEDC has requested this information from Stream and will provide the information to the Nation once it has been received by the GCEDC.*

GCEDC Letter of February 9, 2026. The Nation has not yet received the requested information.<sup>2</sup>

Likewise, GCEDC has not responded to the Nation's April 3 request for information about STREAM's apparent plans to conduct demolition work on the Plug Power site, plans the Nation only learned about due to local news reports.<sup>3</sup>

Under these circumstances and for all these reasons, the Nation reserves the right to submit further comments on the April 6 revised SEQR Application and related materials once the Nation has reviewed and analyzed these materials and all additional materials required in order to assess the STREAM project's impacts.

In submitting these comments, the Nation requests once again that GCEDC formally rescind and apologize for its stated position that information from the Nation "will do nothing to change the actual analysis of impacts to the Nation's Territory." (GCEDC Letter of March 1, 2024 at 6). GCEDC's refusal to disavow this outrageous and unlawful position lays bare the fact that

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<sup>2</sup> While the April 6 Geotechnical Summary indicates that additional geotechnical testing was completed by STREAM in February of 2026, it does not indicate where test bores or test pits were located, to what depth, or what the results were for each test or provide any information whatsoever about the "Seismic Cone Penetration Tests (SCPTu)" or the "Multichannel Analysis of Surface Waves (MASW) survey" purportedly carried out. Instead, simply makes sweeping generalizations like "[t]he investigations reveal a consistent and favorable subsurface profile for large-scale development" and "Groundwater levels are generally expected to be found between 10 and 15 feet below grade." These claims are particularly concerning given STREAM's repeated contention that no wetlands exist on the parcels where they propose to build a data center complex. *See* discussion below; see also Bowman Engineers Report of April 2, 2026, at 1 ("there are no delineated wetlands on the subject property"). Compare Letter of DEC, March 30, 2026 (finding jurisdictional wetlands on both the North and South campus parcels and indicating that DEC's amended wetlands regulations will apply to construction of the STREAM facility).

<sup>3</sup> The Nation's questions, which relate to protection of its treaty-confirmed natural resources, included:

- What permits and/or approvals are needed for the removal of the spheres?
- Will the spheres be destroyed, dismantled, moved intact, or something else?
- When will this work occur, for how long, and during what hours of the day?
- What noise impacts will be created by this work, and will it involve explosions, jackhammers, and/or other loud noises?
- To what extent will work by STREAM on the Plug Power parcel facilitate STREAM's proposed data center construction there?
- Will sphere removal on the Plug Power parcel assist STREAM in site preparation for its proposed data center?
- How will Plug Power, STREAM, and GCEDC ensure there are no adverse impacts on the Nation from noise, dust, runoff, etc?

GCEDC has no intention whatsoever of altering any of its plans in response to Nation concerns.<sup>4</sup> Instead, GCEDC continues to maintain that no project at STAMP will ever adversely affect the Nation; that the Nation’s assessment of impacts is nothing more than – as GCEDC puts it -- “the Nation’s feelings;” and that GCEDC’s opinions about impacts render the Nation’s irrelevant.<sup>5</sup>

I. GCEDC Should Conduct a Supplemental Environmental Impact Assessment for STREAM and for STAMP as a Whole

The Nation reiterates a call it has made countless times over the course of the last decade: GCEDC must conduct a supplemental EIS for STAMP, working with appropriate experts and the Nation to ensure that impacts on the Nation, the Nation’s environment, and the Nation’s cultural resources, are adequately assessed, as described more fully below. DEC recently issued this recommendation to GCEDC as well, noting the need to address new laws and changes in circumstances.<sup>6</sup>

In addition, the Nation urges GCEDC to conduct a supplemental EIS for STREAM specifically, working with appropriate experts and the Nation to ensure that impacts on the Nation, the Nation’s environment, and the Nation’s cultural resources, are adequately assessed.<sup>7</sup> The SEIS should, at a minimum, incorporate the elements raised by the Nation in these comments and the comments submitted by the Nation on January 30, 2025; those raised by the Sierra Club in 2025 and 2026; and those outlined by the Department of Environmental Conservation (DEC) in its letters of January 28, 2026, and April 6, 2026.

GCEDC’s supplemental reviews should include assessment of direct, indirect, and cumulative impacts on archaeological, cultural, environmental and historic resources of the Nation, and should incorporate reviews required under Section 14.09 as a part of SEQR rather than separately, a recommendation DEC also supports.<sup>8</sup> And the reviews must provide information

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<sup>4</sup> GCEDC refuses to rescind the statement, instead deeming the Nation’s concerns “a misunderstanding” and apologizing not for GCEDC’s statement, as the Nation has requested, but for “any offense this may have caused.” See, e.g. GCEDC Letter of February 27, 2025; GCEDC Letter of February 9, 2026 (doubling down on GCEDC’s statement that projects at STAMP “will have absolutely no impact to the Nation’s Territory,” regardless of Nation views).

<sup>5</sup> *Id.*

<sup>6</sup> DEC Letter of January 28, 2026 (“The Department [] recommends that a supplemental EIS be prepared for the STAMP site to address new laws and regulations (such as the Environmental Justice Siting Law and the revised 6 NYCRR Part 664 Freshwater Wetlands Regulations) and to evaluate updates to the STAMP Site, its goals, its tenants, and any other originally unanticipated changes in how the STAMP Site is being developed.”)

<sup>7</sup> See also DEC Letter of January 28, 2026, (“DEC recommends a supplemental Environmental Impact Statement (SEIS) be prepared for data centers as their impacts do not appear to have been adequately addressed in GCEDC’s 2012 GEIS or its subsequent updates, which should be published on a publicly available website, in accordance with 6 NYCRR 617.12(c)(5).”)

<sup>8</sup> DEC letter of January 28, 2026.

specific to the roughly five year period during which the facility will be constructed, as well as the operations period that will follow.<sup>9</sup>

The reviews should incorporate and fully implement the requirements of the EJSL and CLCPA, as discussed more fully below, including the disadvantaged communities burden analysis.<sup>10</sup> Because this analysis will find that STREAM would cause or contribute to a disproportionate pollution burden on the Nation, GCEDC should refrain from issuing any resolutions in support of the project or providing any financial incentives to it.

Likewise, GCEDC should provide an additional public hearing based on final submissions and any additional studies (i.e. GCEDC noise study) to allow the Nation and community members to weigh in on SEQR issues. While not required, a public hearing to consider final submissions, not just preliminary ones, is not prohibited and is especially appropriate where, as here, the community has raised significant questions and concerns about the project.<sup>11</sup>

## II. GCEDC and STREAM Must Conduct Robust Disadvantaged Communities Analysis in Consultation with the Nation

The EJSL requires that during SEQR review, lead agencies consider the potential impacts of an action on disadvantaged communities (DAC) and whether the action may cause or increase a disproportionate pollution burden on a DAC. N.Y. Env't Conserv. Law § 8-0109. If an action may cause or increase the burden on a DAC, it is considered an indicator that the action will have a significant adverse impact on the environment. N.Y. Env't Conserv. Law § 8-0109(2)(k); 6 NYCCR 617.7 (*proposed regulations*).

The proposed regulations implementing the EJSL provide that for SEQR purposes, pollution is defined as “the presence in the environment of conditions and or contaminants in quantities of characteristics which are or may be injurious to human, plant or animal life or to property or which unreasonably interfere with the comfortable enjoyment of life and property throughout such areas of the state as shall be affected thereby.” 6 NYCCR 617.1(ae) (*proposed regulations*). For the Nation, conditions and contaminants that negatively impact treaty-protected resources and traditional ways of life unreasonably interfere with Nation citizens’ comfortable enjoyment

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<sup>9</sup> *Id.*

<sup>10</sup> See also DEC letter of April 6, 2026 (pointing out as a courtesy that the CLCPA and EJSL apply to STREAM by virtue of its Air State Facility permit application and require that a CLCPA 7(2) analysis and an EJSL existing burden report must be provided as a part of the application.)

<sup>11</sup> See, e.g.: <https://investigativepost.org/2026/03/20/residents-to-genesee-ida-reject-data-center-tax-breaks/> and [https://www.thedailynewsonline.com/news/watch-tonawanda-seneca-nation-members-residents-blast-data-center-proposal/article\\_28f4ec91-0ef5-4815-afdc-62c4e82957d9.html](https://www.thedailynewsonline.com/news/watch-tonawanda-seneca-nation-members-residents-blast-data-center-proposal/article_28f4ec91-0ef5-4815-afdc-62c4e82957d9.html)

of life and property and therefore must be considered as part of the pollution burden analysis under SEQR.

As DEC indicated in its letter of April 6, 2026, to STREAM U.S. Data Centers' consultant, Ramboll, “[u]nder the Environmental Justice Siting Law (EJSL)..., new projects subject to ASF permitting [like the STREAM project] that may cause or contribute more than a de minimis amount of pollution to any disproportionate pollution burden on a disadvantaged community (DAC) require the submission of an EBR.” As the DEC letter points out, the EBR must assess “the environmental or public health stressors already borne by the disadvantaged communities as a result of existing conditions located in or affecting the disadvantaged communities.”

The DAC Burden Assessment (Assessment) prepared for STREAM falls far short of the requirements for SEQR analysis under the EJSL. This is true for at least five reasons: first, the Assessment fails to properly identify the boundaries of the Nation and to consider the entirety of Nation territory. This is because the Assessment fails to recognize that the Nation is designated a Disadvantaged Community based not on census tracts but on its status as a sovereign Indian Nation subject to unique pollution burdens. Second, the Assessment and the SEQR Application as a whole fail to provide sufficient information to adequately assess the extent of the proposed additional pollution burdens to be created by the project because – as described more fully below – it leaves out or provides contradictory information in virtually every SEQR assessment category about how exactly the project will work. Third, the Assessment fails to comply with the EJSL by conflating regulatory compliance with calculation of “*the potential or projected contribution of the proposed action to existing pollution burdens in the communities*” as required by the EJSL (emphasis added).<sup>12</sup> This distinction is critical to the EJSL because even pollution that might otherwise be allowed under applicable regulations may contribute to a disproportionate pollution burden. This distinction goes to the very heart of the EJSL, which is premised on the Legislature’s finding that “there has been an inequitable pattern in the siting of environmental facilities in minority and economically distressed communities, which have borne a disproportionate and inequitable share of such facilities.” S.B. 1317 / A.B. 1286 (2024).

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<sup>12</sup> See, e.g., April 6, 2026 Assessment at 26, “Regulatory compliance is based solely on dBA noise levels, which are designed to reflect how the human ear perceives sound across different frequencies. Since the governing standard does not reference dBC levels or require evaluation of low frequency noise through the C-weighting scale, there is no obligation to assess dBC as part of demonstrating compliance.” Whatever relevant regulations may say about evaluation of low frequency noise – and in fact the Town of Alabama Zoning Code prohibits “noxious” noise of all kind, high and low frequency – there can be no doubt that (1) “demonstrating compliance” is an entirely different task than calculating potential/projected contributions to pollution; and (2) low frequency noise can be noise pollution and can contribute to a pollution burden. See also *id.* at 24 (“Based on the findings of the noise assessment and modeling and the use of the *GEIS/Findings for the STAMP project*, Project Double Reed is not anticipated to impact the nearby residential receptors or the Tonawanda Seneca Nation and therefore, will not have any disproportionate burden.”) (emphasis added).

Fourth, the Assessment fails to comply with the EJSL's requirements because it completely ignores potential effects of the proposed action on the Nation and how those effects may cause or increase the specific disproportionate pollution burden already felt by the Nation.

And fifth, the Assessment fails to satisfy the requirements of the EJSL because it includes and is based on false information within Census Tract 36037940100. As a clarifying point, Nation citizens (like all traditional Haudenosaunee Nations) do not participate in the Census. Because Nation Census participation is nonexistent, the accuracy of the information presented in the Tract does not reflect the Nation demographics. For example, the Census states that the number of Asian residents in the Nation's Tract is higher than 40% of other tracts in the State, which is blatantly wrong.<sup>13</sup> The purported information conveyed by the Tract is erroneous and cannot serve as the foundation for any analysis. See also the risk indicator score of "0" for "Project Flooding in Inland Areas" despite the fact that large swaths of the Nation routinely flood and lie within the 100-year flood plain. *See Nyblade Map attached.*

Double Reed should not be permitted to move forward absent a thorough review of the potential impacts to the Nation, its citizens, and treaty-protected resources, all of which are required to be analyzed under the EJSL.

The Nation territory is identified as a DAC based on its unique status as land owned by a sovereign Indigenous Nation, not solely due to the standard DAC criteria scores or as defined by census tract.<sup>14</sup> This is an important distinction, as it recognizes the history of discrimination and associated negative impact caused to treaty-protected resources and traditional ways of life for Indigenous Nations, and the fact that these negative impacts may not be adequately captured through the standard DAC criteria. Given this distinction, and the broad definition of pollution under the EJSL, it is critical that when completing a DAC Burden Assessment for an action that may impact an Indigenous Nation, the unique pollution burdens that interfere with a Nation's treaty-protected resources and traditional ways of life are addressed.

On numerous occasions, the Nation has outlined to GCEDC and STREAM the pollution burdens that unreasonably interfere with the Nation's traditional way of life and treaty-protected resources. Despite this, the STREAM DAC Burden Assessment fails entirely to address these burdens. As the Nation outlined in its January 30, 2025, letter to GCEDC regarding its first data center proposal, the burdens felt by the Nation include, but are not limited to:

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<sup>13</sup> *See also* Assessment at 13 (improperly limiting the required "within one mile" zone to areas within a mile of STREAM's South Campus and excluding areas within a mile from its North Campus).

<sup>14</sup> New York State Climate Justice Working Group 2023 Disadvantaged Communities Criteria Final Report at 23.

1. Limited access to and contamination of treaty-protected resources, including habitats used for subsistence hunting and fishing;
2. Lack of access to clean water systems and reliance on wells resulting in a heightened risk of contamination;
3. Heightened rates of illness and disease in the community; and
4. Dispossession of lands, including locations of ceremonial value.

The Nation expanded on these elements in affidavits submitted as part of the 2025 Article 78 litigation, to which STREAM was a party. *See* Attached. The January 2025 letter and Article 78 affidavits address potential pollution burdens discussed more fully below, including burdens related to noise, light, air emissions, water resources, visual impacts, emergency services, and more. Despite the Nation specifically identifying these items as pollution burdens that unreasonably interfere with Nation’s comfortable enjoyment of life and property in these public documents, STREAM’s SEQR application fails entirely to address the impact of the proposed data center complex on these burdens.

The purpose of the EJSL is to “ensure no community bears a disproportionate pollution burden, and to actively reduce any such burden for all communities.” The STREAM DAC Burden Assessment fails utterly to achieve this purpose, as it ignores specific burdens placed on the Nation across a wide range of categories of pollution.

We reiterate that an adequate assessment of the effects the project may have on the pollution burdens already faced by the Nation and its citizens, as well as the nature of new pollution burdens to be created by the project, must take account of the unique stressors felt by the Nation and cannot be limited to an assessment of the baseline criteria used to designate a community as a DAC.<sup>15</sup> The Assessment fails to do so, limiting its consideration to the DACs criteria.

As the Nation has previously stated, the environmental and public health stressors felt by the Nation include, but are not limited to:

1. Lack of access to traditional foods, medicine, and resources necessary for ceremonial items;
2. Limited access to habitats with treaty-protected resources, including hunting and fishing locations;
3. Lack of access to locations of ceremonial and cultural value;

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<sup>15</sup> *See* N.Y. Env’t Conserv. Law § 70-0118(5)(b)

4. Industrialization and urban development of ancestral lands and locations of ceremonial and cultural value;
5. Contamination and degradation of soil and water resources;
6. Reduced and degraded habitat and ambient conditions for wildlife on and around Nation territory, including species of special cultural importance; and
7. Heightened levels of disease, illness, and mortality.

Lead agencies cannot ignore the impacts of a proposed action on disadvantaged communities and are required to make a specific finding on how the project may cause or increase a disproportionate pollution burden.<sup>16</sup> Moreover, as to STREAM, “[DEC] shall not issue a new ASF permit if it determines that the project will cause or contribute more than a de minimis amount of pollution to a disproportionate pollution burden on either of the two impacted DACs.”<sup>17</sup>

The Nation’s status as a DAC; the wide range of pollution burdens imposed by the STREAM data center complex, which vastly exceed the EJSL’s “de minimis” threshold; and the law’s prohibition on projects contributing to pollution burdens on the Nation mean this project cannot go forward and should be rejected.

### III. STREAM’s Double Reed Facility Would Have Significant and Wide-Ranging Negative Impacts on the Nation and the Environment

Even given the questionable and internally contradictory information on the projects provided thus far, the data center projects create a number of serious concerns for the Nation and require further review in order to fulfill SEQR’s requirements. These concerns include but are not limited to the following:

#### A. Noise

The Nation incorporates by reference the report of Les Blomberg, which raises key technical deficiencies with STREAM’s acoustic modeling and points out flaws and inconsistencies in plans for noise mitigation. The issues raised by Mr. Blomberg must be addressed prior to completion of SEQR review, as do issues specific to the Nation, which should be considered both as part of the SEQR review and the EJSL analysis for the project.

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<sup>16</sup> ECL Section 8-0109(2)(k)

<sup>17</sup> See also DEC Letter of April 6, 2026 (“Under the EJSL, the Department shall not issue a new ASF permit if it determines that the project will cause or contribute more than a de minimis amount of pollution to a disproportionate pollution burden on either of the two impacted DACs.”). See also N.Y. Env’t Conserv. Law § 70-0118(3)(b)

Excessive noise exposure such as that created by the constant humming or buzzing from data centers causes a range of health harms including headaches, stress, and sleep disturbance,<sup>18</sup> and can also harm other species. In more extreme cases, noise pollution can cause tinnitus, migraines, vertigo and hearing loss.<sup>19</sup> A recent class action lawsuit filed in Erie County by residents living near the Digipower X facility in North Tonawanda described the noise created by the data center’s cooling infrastructure as “pervasive, inescapable, and unbearable.” *The Buffalo News*, April 8.<sup>20</sup> The suit was filed on behalf of residents as far as three miles away from the data center and alleges that sound walls are inadequate to mitigate chiller fans that “produce a loud, droning, and persistent noise – including low-frequency sound that manifests like vibrations – that can be heard and felt throughout [neighborhood] properties.” *Id.* Yet despite these well-documented impacts from low-frequency noise emitted by data centers, STREAM’s SEQR application takes the position that low-frequency noise need not be studied, stating simply that its acoustics study does “not incorporate dBC or C-weighted metrics for this specific evaluation” because “our compliance process remains focused on the A-weighted criteria defined by the governing body.”<sup>21</sup> Analysis of noise impacts from Double Reed, however, must include assessment of low-frequency noise.

Likewise, STREAM’s noise analysis submission fails to consider noise impacts on Nation cultural practices, including but not limited to hunting and ceremonies. This is true despite the fact the Nation first raised concerns about noise impacts on cultural practices with GCEDC ten years ago, and raised these concerns specifically in relation to STREAM’s first data center proposal in 2025.

Even after four iterations of its plans for a data center project at STAMP and a year and a half of planning, STREAM’s site plans for Double Reed remain speculative and conceptual as to how exactly noise mitigation will work. The April 6 Site Plan states that ground-level sound screening walls surrounding the buildings and rooftop screening walls surrounding the chiller units have not yet been designed and will be “design[ed] by others,” *see* Site Plan p. 3, while the Acoustics Technical summary states that rooftop screens will be 18 feet high and ground walls 20 feet high. *See* Acoustics Technical Summary at p. 1 (“Each of the three data centers (housing 60 chillers each) includes full-perimeter solid rooftop screens extending 18 feet above the roofline (approximately 64 feet total structure height) to mitigate chiller noise.”). Various, the acoustics analysis states that each building will have 60 chillers, for a total of 180 (Acoustics Technical Summary at 1) and/or that there will be “66 chillers per building, positioned on

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<sup>18</sup> <https://www.osha.gov/noise/health-effects>

<sup>19</sup> <https://environmentamerica.org/center/resources/big-data-centers-big-problems/> at 25-26

<sup>20</sup> [https://buffalonews.com/news/local/article\\_6fb79889-7e52-49e3-9016-7b91fed9b05b.html](https://buffalonews.com/news/local/article_6fb79889-7e52-49e3-9016-7b91fed9b05b.html)

<sup>21</sup> Acoustics Technical Summary Noise Modeling Results at 6

platforms 12 feet above roof level” (Noise Modeling Study at 6), suggesting that rooftop screens may not even reach as high as the tops of the chillers.<sup>22</sup>

In addition, the SEQR application includes no assessment of current ambient noise. And the application’s casual assertions regarding the noise mitigation likely provided by vegetative screening are belied by DEC’s Noise Guidance, which specifies that for mitigation to appreciably lower sound levels, it must be “dense vegetation that is at least 100 feet in depth” and which cautions that “if a vegetative screen does not currently exist, planting a vegetative screen may require 15 or more years of growth before it becomes effective.”<sup>23</sup> Given that “the average lifespan of a data center is approximately 10-15 years,”<sup>24</sup> vegetative screening cannot be relied upon for noise mitigation at STREAM’s Double Reed facility.

## B. Light

Analysis of light impacts must include impacts on the Nation’s ecosystem and cultural practices, including but not limited to hunting and ceremonies. The Nation has raised this issue previously on multiple occasions to GCEDC and specifically to STREAM in 2025, and yet STREAM’s SEQR application materials contend that dark sky compliance means the facility’s 24/7 industrial lighting will create no appreciable impacts of any kind.

To the contrary, artificial lighting harms wildlife and ecosystems, and the extent of these harms can be significant:

Plants and animals depend on Earth’s daily cycle of light and dark to govern life-sustaining behaviors such as reproduction, nourishment, sleep, and protection from predators. Scientific evidence suggests that artificial light at night has negative and deadly effects on many creatures, including amphibians, birds, mammals, insects, and plants...

“Predators use light to hunt, and prey species use darkness as cover,” [research scientist Christopher] Kyba explains. “Near cities, cloudy skies are now hundreds or even thousands of times brighter than they were 200 years ago. We are only beginning to learn what a drastic effect this has had on nocturnal ecology.”

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<sup>22</sup> See, e.g., <https://www.munters.com/en-us/products-cms/coolers-humidifiers/circlemiser/> (indicating that the chillers specified by STREAM are typically over 8 feet high).

<sup>23</sup> See DEC Noise Guidance of 2001 at [https://extapps.dec.ny.gov/docs/permits\\_ej\\_operations\\_pdf/noise2000.pdf](https://extapps.dec.ny.gov/docs/permits_ej_operations_pdf/noise2000.pdf).

<sup>24</sup> See, e.g., <https://utulsa.edu/news/data-centers-draining-resources-in-water-stressed-communities/>; <https://www.wsaw.com/2026/04/08/west-virginia-data-center-boom-draws-criticism-over-costs-resources/> (“The lifespan of a data center averages 15 years. By year 25, they are considered obsolete.”)

Glare from artificial lights can also impact wetland habitats that are home to amphibians such as frogs and toads, whose nighttime croaking is part of the breeding ritual. Artificial lights disrupt this nocturnal activity, interfering with reproduction and reducing populations.

### *Artificial Lights Have Devastating Effects on Many Bird Species*

Birds that migrate or hunt at night navigate by moonlight and starlight... Artificial lights can cause them to migrate too early or too late and miss ideal climate conditions for nesting, foraging, and other behaviors.<sup>25</sup>

Likewise, light pollution – whether within or in excess of regulatory limits – brings harm to human health, as well:

One of the results of light pollution is increased exposure to both indoor and outdoor artificial light-at-night (ALAN). Scientists are just beginning to understand the negative impacts that excessive nighttime light exposure can have on human health. The circadian clock, or 24-hour day/night cycle, affects important physiologic processes in almost all organisms. Disruption of these important biological processes are associated with sleep-wake disorders, psychiatric disorders, cardiovascular diseases, immunological disorders, metabolic disorders, obesity and cancer progression. Studies show that the circadian system is most sensitive to short wavelengths, such as blue-rich light emitted from LED lighting at night time.<sup>26</sup>

And despite STREAM’s claims, any mitigation of light pollution provided by vegetation in the Big Woods will be absent for roughly half of each year, as deciduous trees and brush are typically bare from October through April.

### C. Wildlife

Noise pollution and vibration associated with data centers can disrupt animal behavior and communication and force animals to seek new migration and habitation patterns.<sup>27</sup> Noise from

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<sup>25</sup> <https://darksky.org/resources/what-is-light-pollution/effects/wildlife-ecosystems/>. See also

<https://www.nps.gov/subjects/nightskies/athome.htm> (“Light pollution can affect wildlife interactions and other vital ecological processes including predator/prey relationships, reproduction, habitat selection, navigation and migration. Nearly half the species on Earth are nocturnal, including migratory birds.”)

<sup>26</sup> Zubidat and Haim. (2017). Artificial light-at-night - a novel lifestyle risk factor for metabolic disorder and cancer morbidity. *Basic Clin Physiol Pharmacol*. 28(4): 295 -313.

<sup>27</sup> See, e.g., Engel, M.S., Young, R.J., Davies, W.J. et al. A Systematic Review of Anthropogenic Noise Impact on Avian Species. *Curr Pollution Rep* 10, 684–709 (2024). See also Gabriella et al (2018). Effects of anthropogenic noise at population, community, habitat and ecosystem level: A global review. *Next Research*, Volume 2, Issue 4, 2025, and Bottalico, Pasquale, et al. “Effects of Noise Generated by Construction Sites on Wild Birds.” *Noise Control Engineering Journal*, vol. 64, no. 4, 2016, pp. 544–54.

the data centers would affect wildlife in the adjacent Big Woods, where Nation citizens practice subsistence and ceremonial hunting of deer, turkey, squirrel, pheasant, rabbit and other species. Moreover, migratory species like hawks hold specific cultural importance to the Nation, and their movements on and near Nation territory would likely be significantly disrupted by data center noise.

STREAM's application also fails to adequately address specific impacts of chronic exposure to anthropogenic noise on the behavior, presence/absence, life cycle functioning, physiology, and interspecies interactions of specific wildlife species, nor attendant 'knock-on' community and ecosystem-level effects produced by species-specific impacts.<sup>28</sup> Additionally, emerging research documents illustrate that the combination of simultaneous noise and light pollution may produce synergistic impacts to terrestrial wildlife; thus both species-level and ecosystem-wide impacts must be assessed in a holistic manner.<sup>29</sup> STREAM's inadequate assessments do not even attempt to address such cumulative and synergistic ecosystem impacts - which may be magnified given the fragile and sensitive nature of the particular ecological communities and habitat types that would be most directly impacted by the proposed data center complex.<sup>30</sup>

STREAM's SEQR application, however, fails not only to examine impacts on specific species and interspecific relationships, but also to identify species actually present on project parcels, instead referencing information from the DGEIS that is nearly 15 years old.<sup>31</sup> Moreover, STREAM claims – bizarrely and with no supporting documentation of any kind – that “development of the Project will force deer and turkey to avoid the North and South Campuses, pushing them toward undeveloped areas, such as the Nation's Territory, which is used for hunting.”<sup>32</sup> In fact, the basis for this statement is not science but instead a bare directive from GCEDC in its Tech Team Memo of 3/31 that STREAM's submission “must be revised to state that development of the Project *will force deer and turkey to avoid the North and South Campuses, pushing them toward undeveloped areas, such as the Nation's Territory, which is used for hunting.*” (emphasis added).<sup>33</sup>

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<sup>28</sup> Kok, J. et al (2023) How chronic anthropogenic noise can affect wildlife communities. *Front. Ecol. Evol.* 11:1130075

<sup>29</sup> Wood, M.D., (2026) Review of light and noise pollution impacts on terrestrial biodiversity and ecosystem services. Plan-B Deliverable 11, Horizon Europe No. 101135308.

<sup>30</sup> Zaffaroni-Caorsi, V. et al. (2023). Effects of anthropogenic noise on anuran amphibians. *Bioacoustics*, 32(1), 90–120.

<sup>31</sup> See 4/6 EAF, p. 13.

<sup>32</sup> See 4/6 EAF, p. 13.

<sup>33</sup> March 31, 2026 Tech Team Memo at E.2.q.

Nor does STREAM address impacts to threatened, rare, and endangered species found on and around the Nation and STAMP. These impacts will not be limited to the STAMP site or to the area or particular species covered by the 2023 Part 182 permit. Threatened and endangered species in the area include the Short Eared Owl, Northern Harrier, Bald Eagle, Sandhill Crane, Tri-Colored Bat, Salamander Mussel, and Hellbender among others. Each of these species could be affected by noise and vibrations generated by data centers,<sup>34</sup> as well as by the microclimatic changes occasioned by the so-called 'data center heat island effect' (see below for additional detail).

Additionally, STREAM confirms Bald Eagles are present within the proposed project site and yet suggests no bar to construction and no state or federal permitting will be required. The Bald and Golden Eagle Protection Act (BGEPA), 16 U.S.C. § 668, however, generally prohibits activities that would disturb eagles or their habitats. Under the Act, the meaning of “disturb” includes “to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause... a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or... nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior.” 50 C.F.R. § 22.3.<sup>35</sup>

Here, STREAM proposes to spend five years constructing a towering, 2 million square foot data center complex within confirmed eagle habitat, less than a mile from the Iroquois National Wildlife Refuge, a federal refuge established to “serve[] as an inviolate sanctuary for migratory birds and support[] diverse species of wildlife”-- and to conduct operations for decades after that with unknown and unstudied impacts on eagles. On its face, the BGEPA prohibits this project.

#### D. Ecology and Biocultural Impacts

Emerging research documents indicate that hyperscale data centers like Double Reed are associated with an average land surface temperature increase of 3.6 degrees Fahrenheit, with maximum increases up to 9 degrees, with the most significant impacts to temperatures found in the surrounding 1.5 to 2 mile radius.<sup>36</sup> This “data center heat island effect” could significantly impact ecological functioning, air quality, water quality, and public health on Nation Territory.

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<sup>34</sup> See, e.g., Zhou et. al, Spectrally non-overlapping background noise disturbs echolocation via acoustic masking in the CF-FM bat, *Hipposideros pratti*, *Conservation Physiology*, Volume 11, Issue 1 (2023) at <https://academic.oup.com/conphys/article/11/1/coad017/7136202> (“Our results provide further evidence of negative consequences [for bats] of anthropogenic noise. On this basis, we sound a warning against noise in the foraging habitats of echolocating bats”).

<sup>35</sup> Moreover, ECL Part 182 requires that applicants proposing projects that may result in incidental take or adverse modification of occupied habitat for Bald Eagles apply to DEC for a permit.

<sup>36</sup> See <https://arxiv.org/pdf/2603.20897> and <https://www.newscientist.com/article/2521256-ai-data-centres-can-warm-surrounding-areas-by-up-to-9-1c/>

Numerous herbaceous, amphibian, and avian species, including species of cultural and ecological significance found on Nation Territory, evince extreme sensitivity to even minor changes in temperature at both the individual organismal and population level.<sup>37</sup>

In particular, the life cycles of numerous forest floor dwelling and wetlandscape plant species, including the threatened *Carex frankii*, *Lithospermum latifolium*, and *Plantago cordata*, as well as various species of herbaceous ephemeral plant species - many of which are considered medicine plants by the Haudenosaunee - depend on phenological cues that are highly temperature and light sensitive.<sup>38</sup> Additionally, research associates heat island effects with population level health impacts, including increased mortality and incidence of respiratory disorders.<sup>39</sup> While STREAM's air permit application specifies that temperature at point of emission from each generator will be 878 degrees Fahrenheit, its SEQR application fails utterly in addressing the associated data center heat island effect or its numerous attendant impacts.

Furthermore, STREAM's application disregards ecological impacts from the proposed data center complex pertaining to the specific location of the STAMP mega industrial site within a massive wetlands and bottomland hardwood forest complex, which the Tonawanda Seneca Nation and other Haudenosaunee peoples have stewarded since time immemorial. Historically, this complex of remarkable biodiversity comprised 20,000 acres; it still is characterized by some of the most extensive intact and ecologically high-functioning expanses of habitat in the Great Lakes Bioregion - including multiple state and federally public protected lands in the immediate vicinity of STAMP. Ecologically, these lands, waters, and wetlands are connected with those on the Nation's Reservation Territory, and thus impacts to the larger bioregion will directly impact the Nation's capacity to exercise its treaty-protected rights to free use and enjoyment of its Territory - and not just for the present generation, but for the next seven generations and beyond.

The designation of the WNY Wildway, which includes within its boundaries the western half of the STAMP site, demonstrates the critical importance of these areas for regional and large-landscape conservation efforts.<sup>40</sup> A growing body of research documents both the negative impacts of large-scale industrial development on ecosystem-level functioning as well as the unique and increasingly salient value of large landscape conservation during a time of rapid ecological degradation caused by anthropogenic climate change.<sup>41</sup> Because the application from

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<sup>37</sup> Deng, J. (2023). Forest understory vegetation study: current status and future trends. *For Res* (Fayettev). Mar 14;3:6.

<sup>38</sup> Gezon, Z.J., Inouye, D.W. and Irwin, R.E. (2016), Phenological change in a spring ephemeral: implications for pollination and plant reproduction. *Glob Change Biol*, 22: 1779-1793.

<sup>39</sup> Miller, C.N. and Stuble, K.L. (2024). Warm Spring Days are Related to Shorter Durations of Reproductive Phenophases for Understory Forest Herbs. *Ecol Evol*, 14: e70700.

<sup>40</sup> <https://storymaps.arcgis.com/stories/2205b3f623fc42a2b46779f05cacd5b6>

<sup>41</sup> Naidoo, R. et al (2025). From science to impact: Conserving ecological connectivity in large conservation landscapes, *Proc. Natl. Acad. Sci. U.S.A.* 122 (31) e2410937122.

STREAM addresses environmental impacts in siloed, superficial, and non-holistic manner - ie, contrary to the core tenets of sound ecological study - it utterly fails to account for wider bioregional and ecosystem-scale impacts from its proposed data center complex - including habitat fragmentation, geohydrological alterations beyond the STAMP site, and the extensive, bioregional radius of impact from operational noise as well the data center heat island effect. The construction and operational impacts of the proposed facility are likely to cause extensive irrevocable harm to habitats of unparalleled biocultural and conservation value within the Western New York Great Lakes Bioregion as well as irreparable harms to ways of life, including cultural and subsistence practices - that Haudenosaunee people have carried out in relationship with the lands and waters in question for countless generations.

#### E. Air Pollution

As a threshold matter, the STREAM submission lacks critical information related to air emissions. Until this information is provided, the impacts of BUFA Project Double Reed on the pollution burden affecting the Nation cannot be fully assessed. To accurately assess these impacts, information must be provided that not only indicates annual average emissions but also peak emissions levels; details regarding what the 200+ structures shown in the site plan application within the designated “gen yard” are and whether they have the potential to emit air pollution; considers possible emissions from refrigerants planned to be used in the nearly 200 rooftop chillers; considers construction-specific emissions; includes information regarding prevailing wind direction and wind speed at point of measure and more, as discussed below.

For example, DEC’s guidance DAR-21 states that the portions of a project that are subject to analysis include “any new or modified emission sources that have the potential to emit GHGs, including increases and decreases in emissions of GHGs from existing equipment. In addition, the scope of the analysis includes any upstream, downstream, and indirect GHG emissions known to be attributable to the Project, including upstream out-of-state emissions from fossil fuel production, transmission, and imported electricity.”

Under section 7(2) of the CLCPA and CP-49, in considering issuing any permit DEC is also required to consider the effect of the Project, which includes the impact of the 500 MW of power required by Double Reed - and not just the greenhouse gas emissions produced by its back-up generators - on the State's ability to meet its climate goals. Yet STREAM's analysis lacks any consideration of the source of that 500 MW or the effect it will have on other utility customers.

Moreover, as discussed below, regulatory compliance cannot be conflated with the question of whether the direct, indirect and cumulative impacts of air pollution from Double Reed on the Nation would be more than *de minimis* and thus barred by the EJSL and/or the CLCPA. More information and analysis are needed.

## 1. Refrigerants

STREAM’s SEQR application lacks information about the potential air pollution impacts of the refrigerants used in Double Reed’s rooftop chillers. These chillers require greenhouse gas refrigerants of the following types:

TMA Circlemiser chiller refrigerant options

Refrigerant		GWP	Class	Compressor
R513A	Standard refrigerant offering best efficiency and size up to 125°F ambient rating	631	A1	
R515B	Refrigerant option for extreme ambient temperature	293	A1	
R1234ze	Special option	6	A2L	

Such refrigerants are known to break down into hydrofluorocarbons (HFCs), powerful greenhouse gases with high global warming potential.<sup>42</sup>

According to experts:

“In the event of a leak, the PFAS refrigerants vaporize... At least one company, Accelsius, is promoting cooling systems based upon low GWP fluorinated gases, arguing that trifluoroacetic acid is not a health hazard.<sup>43</sup> But there is strong evidence to the contrary. A team of European experts recently concluded otherwise: Trifluoroacetic acid (TFA) is a persistent and mobile substance that has been increasing in concentration within diverse environmental media, including rain, soils, human serum, plants, plant-based foods, and drinking water... Due to TFA’s extreme persistence and ongoing emissions, concentrations are increasing irreversibly. What remains less clear are the thresholds where irreversible effects on local or global scales occur. There are indications from mammalian toxicity studies that TFA is toxic to reproduction and that it exhibits liver toxicity<sup>44</sup>.”

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<sup>42</sup> “Two Studies Confirm that HFO-1234ze(E) Breaks Down into Some HFC-23 in the Atmosphere,” at <https://naturalrefrigerants.com/news/two-studies-confirm-that-hfo-1234zee-breaks-down-into-some-hfc-23-in-the-atmosphere/>

<sup>43</sup> Richard Bonner III, Bill Grieco, and Liz Cruz, “Understanding PFAS Concerns for Two-Phase Cooling of Data Centers”, Accelsius, [https://accelsius.com/wp-content/uploads/PFAS-Whitepaper-Feb\\_2024.pdf](https://accelsius.com/wp-content/uploads/PFAS-Whitepaper-Feb_2024.pdf)

<sup>44</sup> Len Siegal, *Every Click We Make: Tech’s Hidden Environmental Impacts* at <https://cpeo.org/pubs/EveryClick.pdf> (quoting Hans Peter H. Arp et al, The Global Threat from the Irreversible Accumulation of Trifluoroacetic Acid (TFA), *Environ. Sci. Technol.* 2024, 58, p. 19925, <https://pubs.acs.org/doi/10.1021/acs.est.4c06189>)

Among other fundamental questions that must be answered prior to assessing whether and how BUFA would cause or contribute to a disproportionate air pollution burden on the Nation:

1. What quantities and CO2 equivalents, by refrigerant, will be used and released by the cooling system?
2. How often will the refrigerants be replenished?
3. What will happen to refrigerants intentionally removed from the cooling system?
4. What steps will be taken to reduce or eliminate fugitive emissions from refrigerants?
5. To what degree (quantity) will refrigerant emissions convert to trifluoroacetic acid (TFA), which can pollute land and water?
6. What quantity of fluoropolymers will be built into the data center?
7. Are any fluoropolymers anticipated to be released through machining, flaking or corrosion?
8. What will happen to the fluoropolymers when they are no longer needed?

## 2. Diesel Emissions / Greenhouse Gas / Associated Pollutants

Even without this missing information identified above, STREAM's application demonstrates that the project will create far more than *de minimis* additional pollution burdens on the Nation. According to the April 6 Environmental Assessment Form (EAF) (p. 7):

ii. As calculated in the air permit application, the proposed action has the potential to emit:

- ~6.2 Tons/year (short tons) of carbon monoxide (CO)
- ~1.2 Tons/year (short tons) of oxides of nitrogen (NOx)
- < 0.1 Tons/year (short tons) of particulate matter (PM-10, PM-2.5)
- ~0.34 Tons/year (short tons) of volatile organic compounds (VOC)
- < 0.10 Tons/year (short tons) of sulfur dioxide (SO<sub>2</sub>)

i. Estimate the proposed action's metric tons of carbon dioxide equivalents in tons/year (metric): Approx. 1,056 (100-yr) ; 1,059 (20-yr)

EAF at 7.

More than a metric ton of Carbon Dioxide (CO<sub>2</sub>) per year; more than six tons per year of Carbon Monoxide (CO); more than a ton per year of Nitrogen oxides (NO<sub>x</sub>); and nearly a third of a ton per year of Volatile Organic Compounds: these are massive increases in pollution proposed for a location adjacent to the Nation and surrounding residences, with no information provided about peak emissions levels for each pollutant, which may significantly affect their impacts on human and animal health. And STREAM's DACs Assessment indicates that NO<sub>x</sub> emissions may be

forty times higher under the air permit STREAM seeks: “Specifically, the facility will ‘cap by rule’ in accordance with 6 NYCRR 201-4.5, limiting Oxides of Nitrogen (NO<sub>x</sub>) to *49.9 tons per year*,” DACs Assessment at 25 (emphasis added)).

Double Reed’s generators would run up to 500 hours per year – more than an hour each day. DEC has highlighted the negative health impacts of diesel fuel generation on disadvantaged communities, noting the role that particulate emissions – in addition to CO<sub>2</sub>, NO<sub>2</sub>, and N<sub>2</sub>O – play in these impacts. “Nitrogen oxides or NO<sub>x</sub> (nitric oxide or nitrogen dioxide) are produced with black carbon [PM<sub>2.5</sub>] when diesel and other petroleum-based fuels are burned. Exposure to NO<sub>x</sub> may irritate the respiratory tract and aggravate respiratory diseases such as asthma. Longer-term exposures to NO<sub>x</sub> may cause asthma and increase susceptibility to respiratory tract infections.”<sup>45</sup>

Likewise, according to the United States Environmental Protection Agency, “exposures to elevated concentrations of NO<sub>2</sub> may contribute to the development of asthma and potentially increase susceptibility to respiratory infections. People with asthma, as well as children and the elderly are generally at greater risk for the health effects of NO<sub>2</sub>. NO<sub>2</sub> along with other NO<sub>x</sub> reacts with other chemicals in the air to form both particulate matter and ozone. Both of these are also harmful when inhaled due to effects on the respiratory system.”<sup>46</sup>

According to the Federal Department of Health and Human Services, Native children are twice as likely to suffer from asthma as non-Hispanic white children.

Moreover, STREAM’s assessment of Double Reed’s emissions fails to take into account emissions from vehicles traveling to, from, and within the STAMP site during the four to five years (or more) of construction or the operational period following; or to provide sufficient information to determine exactly what those might be. And the April 6 SEQR application materials dramatically expand from earlier submissions the expected number of diesel truck deliveries to eight per day – as opposed to two to three per day in prior submissions – each requiring travel to and from the site, as well as an unspecified amount of idling time while onsite.<sup>47</sup>

As noted above, STREAM repeatedly conflates regulatory compliance with the analysis required by the EJSL, with particularly troubling results for air pollution analysis. For example, page 26 of the April 6 DACs Assessment compares projected Double Reed air pollution emissions with the 2012 STAMP DGEIS. But the DGEIS is irrelevant to CLCPA and EJSL analysis, which

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<sup>45</sup> <https://dec.ny.gov/sites/default/files/2024-07/camblackcarbon.pdf>

<sup>46</sup> <https://www.epa.gov/no2-pollution/basic-information-about-no2>

<sup>47</sup> Notably, according to a transcript from the Town of Alabama Planning Board meeting of March 31, 2026, officials projected diesel truck trips to total up to 10 trips per day.

focuses on disproportionate pollution burden to a DAC and includes greenhouse gas emissions, which were not identified in the 2012 DGEIS.

#### F. Water Resources

The Nation relies on well water; STREAM facilities would be sited directly upstream from surface and groundwater sources for the Nation and adjacent to wetlands spanning the boundary between STAMP and the Nation.

As with other elements of its SEQR analysis, STREAM's analysis of impacts on water resources fails to include information required in order to fully assess impacts on the Nation from Double Reed.<sup>48</sup>

##### 1. Wetlands

STREAM's SEQR application falsely states neither South nor North campus contain wetlands or streams of any kind. *See* EAF at 12.

In fact, there are multiple jurisdictional and non-jurisdictional streams and wetlands within the South and North property boundaries, something that has been known since the STAMP FGEIS and was recently affirmed by DEC, which issued positive jurisdictional determinations for the STAMP site on March 30, 2026.

Nor does the application address protections for wetlands, falsely stating that "there are no jurisdictional or non-jurisdictional wetlands within the proposed property boundaries for the North or South Campuses," as discussed above. And the North and South Campuses are not the only locations where the project could adversely affect wetlands: STREAM's site plan application to the Town of Alabama indicates that massive concrete "duct banks" will be required to connect the North and South Campuses to power sources; these banks are nowhere fully described in the SEQR application, though the Town of Alabama Site Plan Application indicates that horizontal directional drilling (HDD) is proposed to be used to avoid impacts to wetlands and waterways and the DACs Assessment indicates they will occupy five full acres.

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<sup>48</sup> Curiously, STREAM's SEQR application also includes a guarantee from GCEDC (via its water supply entity, STAMP Water Works), that the STAMP site "currently has 970,000 gpd of available water capacity at the site." *See* Letter of Peter Zelif on behalf of STAMP Water Works, January 5, 2026, on behalf of STAMP waterworks. GCEDC's agreement with Genesee County for water to be supplied to STAMP, however, guarantees just 200,000 GPD. The application provides no information about the source of the remaining 770,000 GPD or the extent to which the difference between reserving 10% of all water available to STAMP vs 2.5% of all water available to STAMP (if Mr. Zelif's representations were correct) might factor into GCEDC's SEQR analysis.

DACs Assessment at 5. The information provided indicates that excavation for and disturbance from these “utilities” will be massive: the April 6 “Responses to Comments” document states:

“The project includes two parallel telecom duct bank pathways [connecting the North and South Campuses] with a minimum 25- foot separation between pathways...each duct bank will have an approximate cross-sectional envelope of 9-feet wide by 9-feet depth. With final dimensions to be confirmed during detailed design.” In addition, STREAM has stated that HDD must be used in order to avoid wetlands in the path of the proposed duct banks and that they will need to be built outside the Crosby Road right-of-way within an area totaling 100 feet wide.”

This significant engineering challenge will involve levels of disturbance at the STAMP site that far exceed those measured during prior archaeological investigations and raise serious concerns about the extent to which the as-yet-detailed duct banks may disturb Nation archaeological resources, as well as waters on the STAMP site. Yet plans for the half-mile long duct banks remain completely conceptual.

By the terms of STREAM’s application, the duct banks are necessary to the functioning of the Double Reed facility. SEQR requires that these necessary project components be included in plans so that their environmental impacts can be studied.

## 2. Dewatering

STREAM’s application confirms that construction of the Double Reed complex, a process projected to last four to five years, will require “dewatering.” Dewatering is the removal of groundwater or surface water from a site, typically through pumping, to create a dry, stable environment for excavation and foundation work. Dewatering can be used to lower the water table, often significantly where required by large-scale construction, and/or to pump groundwater away from construction areas. STREAM’s application indicates the need for dewatering but no information about (1) how much water will be pumped from the ground; (2) for what period of time; (3) on what portions of the site dewatering will occur; (4) where the pumped water will be discharged; what (5) what the discharge rate will be, or other basic questions about this highly impactful activity proposed for the construction period. See Geotechnical Summary at 128. Instead, the application merely asserts “high confidence” that dewatering activities, whatever they may be, “will not affect distant residential water supplies.” *Id.*

Nation residences rely on well water, and Nation citizens rely for cultural and ceremonial purposes on the waters that flow from STAMP onto the Nation, including waterways on and adjacent to the Double Reed project site. Far more information is required to determine what the impacts of dewatering will be on the Nation and the environmental conditions on which its citizens rely.

### 3. Stormwater

STREAM's April 6 SEQR submission increases by nearly two full acres the size of stormwater impoundments, as measured by surface area, and nearly half a million gallons as measured by volume, for a total of 7.25 acres and 2.3 million gallons to be impounded, while declining to provide measurements for these massive impoundment structures.<sup>49</sup>

As the attached maps show, significant portions of the Nation lie within a 100-year floodplain. And as noted previously, Nation citizens rely on well water. STREAM's facility would be the largest (by far) impervious surface increase ever at STAMP; despite serious flaws in stormwater plans and disagreement among various entities regarding drainage pathways off the STAMP site.

STREAM falsely states that "there are currently no... stormwater SPDES outfalls on the property."<sup>50</sup> In fact, there is a stormwater outfall on the South Campus constructed by Plug Power that discharges directly into a waterway that flows on to the Nation. It is unclear to what extent Plug has monitored this stormwater pond or its outfall since suspending construction at STAMP nearly three years ago. It is also unclear whether or to what extent STREAM can, as it proposes, use existing stormwater approvals as a part of its stormwater management, given the nature and magnitude of increase STREAM proposes in impervious surface area at STAMP.<sup>51</sup>

Moreover, STREAM's SEQR application contains no provisions for addressing any prohibited runoff that occurs, for example in relation to the "concrete washout," liquid emissions from vehicles, or accidental spills of coolant or other substances.

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<sup>49</sup> See 4/6 EAF at 4.

<sup>50</sup> DACs, p. 5

<sup>51</sup> See, e.g., DACs Assessment at 30 ("The project design includes four (4) stormwater management facilities on the South Campus. *Three (3) were approved as part of the prior development approval* plus a dry swale. This site has been evaluated for and complies with the drainage requirements of the NYSDEC New York State Stormwater Management Design Manual and SPDES General Permit for Stormwater Discharges from Construction Activity. ("The North Campus will be provided with twelve (12) post-construction stormwater management practice facilities and will maintain stormwater discharges to *four (4) existing points of discharge* from the property.").

Of particular concern to the Nation is the possibility that liquid from the closed loop cooling system, which will contain glycol, would enter the stormwater system in the event of a leak, spill, or other accidental discharge. If this occurs, glycol can contaminate surface water and groundwater. Because it is water soluble, glycol spreads easily throughout waterways, and as it breaks down it depletes oxygen in the water, which can kill aquatic plants / animals.

#### 4. Wastewater

STREAM's stated plans for wastewater disposal lack sufficient information for appropriate impacts assessment.

STREAM's wastewater estimates appear significantly inflated, as they assume 35 GPD for each employee, despite EPA estimates of 10-25 gallons per person (where toilets only), and 20-25 where showers and kitchens are used as well.<sup>52</sup> In addition, the application fails to distinguish between annual averages and peak uses and provides no information whatsoever about likely trends in use during each year.

Further, an unspecified major use of water appears to be for "humidifiers," projected to use nearly 10K of water per day, per the Town of Alabama Site Plan Application (North Campus only), below. This means that a total of 10,000 gallons per day of water will be consumed by the data center complex for humidification within the buildings.<sup>53</sup>

In addition, wastewater disposal will require at least five "sewage grinder pump stations", apparently to grind raw sewage and pump it uphill from the STREAM facility's North Campus to the temporary sewage "hold and haul" tank near the South Campus.<sup>54</sup> The potential for these "sewage grinder pump stations" to contaminate waters shared with the Nation is not examined, nor is a spill plan for trucking, if hauling waste off site.

#### 5. Waste and e-waste

Widely available information suggests that servers only last 2-5 years and must be replaced at that interval. However, STREAM's application fails utterly to address a plan for disposal of such e-waste, despite rampant incidence of e-waste dumping associated with data centers.<sup>55</sup>

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<sup>52</sup> See "Calculations and 'Rules of Thumb' for Estimating Water Usage," USEPA, at <https://www.epa.gov/sustainability/lean-water-toolkit-appendix-c>.

<sup>53</sup> See Bowman Engineering Report of April 2, 2026, at 3.

<sup>54</sup> See Bowman Engineering Report of April 2, 2026, at 3 ("The sanitary demands generated by the two (2) proposed buildings will be accommodated by on-site sewage grinder pump stations. There will be two grinder pump stations for each building, one at the north and south ends of the buildings. The guard house will also be provided with a grinder pump station.").

<sup>55</sup> See, e.g. <https://epm.ucdavis.edu/policy-briefs/mitigation-ai-data-center-e-waste-federal-level>

Presumably, the disposal of e-waste accounts for at least some of the projected three diesel truck trips per day to and from the site, but this assumption is mere conjecture. E-waste contains hazardous chemicals and heavy metals. Its constant removal and installation creates serious threat of contamination, as well as questions about the offsite environmental impacts including the potential for traffic accidents/spills etc. Nowhere in STREAM's application are these issues addressed.

The lack of information about server waste raises serious concerns regarding the sketchy nature of the STREAM's plans for waste disposal more generally. The current EAF lists a rate of solid waste 48 TPY,<sup>56</sup> but its initial proposal reviewed in 2025, which was less than half as large, estimated 120 TPY: this defies logic. How can the facility be more than twice the size but generate less than half the waste?

### G. Visual Impacts

As the Nation has repeatedly pointed out, analysis of visual impacts cannot be adequately conducted without reference to Nation citizens. Visual impacts from the proposed data center projects are a grave concern for the Nation and its citizens, and the nature of those impacts on the Nation cannot be assessed or understood without the Nation's involvement.

The hulking proposed data center structures will fundamentally alter the visual landscape as viewed from and around the Nation by Nation citizens, as well altering views of the Nation from elsewhere. Double Reed's three buildings would comprise 2.2 million square feet and by STREAM's latest account would be at least 64 feet high. While it may be difficult to grasp abstractly the enormity of the visual impact of such facilities – particularly in a rural, undeveloped area – conceptualization and assessment of those impacts on the people who will experience them daily is required here.

The Nation has never been consulted on how to choose viewpoints to analyze, how many viewpoints should be required; what conditions and/or times of day analysis should consider (dark, dusk, sunshine, cloud cover), or other key analytic factors.<sup>57</sup> And STREAM's visual impacts analysis fails to provide any viewpoint locations from the Nation in relation to the South Campus, and only one, VP9 – essentially located in the woods – as to the North Campus.

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<sup>56</sup> 4/6 EAF at p. 9

<sup>57</sup> See, e.g., "Guide to Assessing Visual Impact Assessments for Renewable Energy Projects" at 18-19, National Park Service (2014) (summarizing elements of the "complex multistep process" required to conduct an adequate visual impact assessment, including "gathering information about [viewshed] users" and analyzing "sensitivity of the viewers to changes in the landscape"); "Evaluating Photosimulations for Visual Impact Assessment," National Park Service (2021); DEC Program Policy on Assessing and Mitigating Visual and Aesthetic Impacts (2019).

These failures yield fatally flawed results: in reality, the Edwards Vacuum factory east of Crosby Road is visible from multiple locations along the Nation’s border, yet STREAM contends its facilities – which will dwarf Edwards in size and be located significantly closer to the Nation, west of Crosby Road – will not be readily visible.<sup>58</sup> In fact, STREAM’s North Campus buildings will be more than 20 feet higher than the Edwards building and Double Reed will occupy roughly six times the square footage, creating towering industrial monoliths that will dominate the viewshed.

Moreover, as previously noted, vegetative screening proposed by STREAM will take many years to mature; for trees to mature sufficiently to obscure 64’ high buildings will take decades, much longer than the data center’s likely lifespan of 10-15 years.

SEQR’s requirement to analyze visual and aesthetic impacts requires further study of Double Reed’s impacts in consultation with the Nation.

#### H. Community Character

Likewise, STREAM provides no assessment whatsoever of existing community character on and around the Big Woods, the eastern side of the Nation’s Territory, or the Nation as a whole. Here the character is not just rural but completely undeveloped, with unique and fragile ecological communities supporting Seneca cultural and subsistence activities. The Nation’s border with STAMP is 1.5 miles long and the nearest Nation road west of the border is nearly a mile away – that is a 1.5 mile by 1 mile block of completely undeveloped habitat that will be profoundly affected by STREAM’s project. Moreover, as discussed below, traffic incursions from drivers associated with Double Reed could create significant impacts for the Nation’s community character as well.

#### I. Emergency Services

The Nation remains profoundly concerned about dangers from fires and explosions posed by STREAM, and STREAM’s failure to provide more than a boilerplate plan for emergency response, even after nearly two years of consideration for locating at STAMP.<sup>59</sup> The development of STAMP as an industrial site is premised on the need for an emergency services study, and SEQR review should not be completed until that study is conducted.

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<sup>58</sup> See, e.g., VP9 simulation, Visual Impacts Analysis.

<sup>59</sup> See, e.g., generic “Emergency Response Site Plan” dated December 2024.

This is particularly true for a facility such as Double Reed intended to be supplied with lithium-ion Uninterruptible Power Systems (UPS).<sup>60</sup> According to fire protection experts, “Nearly every notable fire event in data centers in recent years has involved lithium-ion batteries in some way.”<sup>61</sup> According to the National Fire Protection Association:

The most recent example was a blaze triggered by a battery explosion at a South Korean data center last September. The fire halted more than 600 online government services, including tax, postal, and mobile ID systems. Nearly 200 firefighters needed 10 hours to bring the blaze under control. Batteries were also involved in a 2021 fire at a data center in France that destroyed the entire building and 30,000 servers, and they were blamed for a pair of fires at a Virginia data center last September.

“[N]ew concerns are emerging over lithium-ion batteries in facilities being built now. Almost always, lithium-ion batteries in data centers show up in one of three places: in a large shipping container-type structure outside the facility; clumped together in a conventional battery room somewhere within the data center; or, increasingly, distributed across the entire facility within each server rack, so that each rack has its own UPS backup.”

“Data center owners, battery manufacturers, and even many fire protection engineers who have seen the testing data argue that decentralizing the batteries among the racks provides a key fire protection benefit: because the batteries are spread out, a potential fire or thermal runaway will not impact neighboring batteries, as it could in a dedicated battery room. Limiting the number of batteries involved in thermal runaway also limits the quantity of flammable off-gassing that might occur, ensuring that the atmosphere remains well below the explosive limit in the often cavernous data halls.

Fire test data proving that hypothesis, however, is hard to come by, because many companies are reluctant to share data. ‘As fire protection engineers, without that data, it makes it really hard to do anything other than what’s in the code,’ said Wakelin.”

The Nation sits on the front lines of any emergency at STAMP, and explosion of UPS systems at Double Reed could have devastating effects on the Nation’s woods, people, and future generations. The risks of fire and other emergencies at Double Reed on the Nation must be fully assessed as a part of SEQR review.

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<sup>60</sup> See Emergency Services Confirmation Technical Study.

<sup>61</sup> <https://www.nfpa.org/news-blogs-and-articles/nfpa-journal/2026/02/11/lithium-ion-batteries-and-data-center-safety> (“The Lithium Ion Problem,” National Fire Protection Association Journal, Feb. 11, 2026)

## J. Traffic

STREAM’s assessment of traffic impacts is cursory and conclusory at best, and fails to consider the extent to which dramatic increases in traffic next to the Nation may impose a pollution burden on the Nation and its citizens, instead hinging its conclusions on the threshold established by the FGEIS.<sup>62</sup> In fact, as presented in the Technical Summary, traffic would increase by nearly 400 trips to and from the STAMP site per day, a massive increase in current traffic to and from the site, given that STAMP currently lacks any operational tenant.

And the “analysis” fails utterly to address the likelihood that some of these nearly 400 trips per day will lead to traffic on Nation Territory. The Nation is home to multiple restaurants, convenience stores, and gas stations, among other businesses; but the possibility that vehicles associated with Double Reed might visit Nation Territory is not even considered, much less analyzed. Nation roads do not have lighting, curbs, sidewalks, or, in many cases, posted speed limits. How will up to 400 new vehicle trips per day factor into traffic impacts like wear and tear on roads, traffic accidents, speeding, and/or other impacts? STREAM’s application contains no information or analysis whatsoever on this issue.

Additionally, the traffic assessment fails to address impacts to local schools busing students, including Tonawanda Seneca Nation children. The III-c Site Plans shows the Primary Trucking Route on Route 77 (Alleghany Road). This route bisects Bloomingdale Road, Marble Road, Ledge Road, and Akron Road – all roads currently used by Akron Central School District to transport children within the District.<sup>63</sup> There is zero information on how increased traffic, specifically “...800-1000 employee vehicles and 100-200 delivery trucks daily at the peak of construction” will impact school busing and the potential impact buses will undoubtedly encounter with an additional 1000 vehicles and 200 trucks per day.

## K. Geoarchaeology / Geotechnical

While STREAM’s April 6 Geotechnical Summary indicates that additional geotechnical testing was completed by STREAM in February of 2026, it does not indicate where test bores or test pits were located, to what depth, or what the results were for each test or provide any information whatsoever about the “Seismic Cone Penetration Tests (SCPTu)” or the “Multichannel Analysis of Surface Waves (MASW) survey” purportedly carried out. Instead, the Summary simply makes sweeping generalizations like “[t]he investigations reveal a consistent and favorable subsurface

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<sup>62</sup> See, e.g., Traffic Tech Summary at 2 (“In conclusion, the traffic analysis indicates that Project Double Reed’s contribution to overall park traffic is minor”); id. (failing to assess current “park traffic” and instead couching traffic impacts analysis in terms of FGEIS thresholds); and DACs Assessment at 14 (same).

<sup>63</sup> See <https://resources.finalsite.net/images/v1756487051/akronschoolsorg/hlqr6zw9comqcis7oojb/25-26StreetListing.pdf>

profile for large-scale development” and “[g]roundwater levels are generally expected to be found between 10 and 15 feet below grade.” These claims are wholly unsubstantiated and are particularly concerning given STREAM’s repeated contention that no wetlands exist on the STREAM project site.<sup>64</sup>

Moreover, as discussed above, the Geotechnical Summary does not describe conditions in the five acre area – over half a mile long and more than 100 feet wide – where the 9’ by 9’ concrete duct banks will be constructed, indicate whether geotechnical testing included that area, or explain how prior archaeological testing – which involved significantly shallower test pits than will be required for the STREAM buildings and duct banks – provides any information about what might be encountered at greater depths. And the EAF falsely indicates no excavation will be needed for the project.

STREAM’s submission leaves significant and wide-ranging gaps in the information necessary to assess geotechnical and geoarchaeological issues. These issues bear directly on threats to the Nation’s cultural resources and must be fully assessed.

#### L. STREAM’s Double Reed Facility Should Not Receive Tax Incentives

The Nation calls upon GCEDC to reject STREAM’s application for \$1.4 billion in tax incentives. The environmental and social costs of Double Reed should be included in GCEDC’s cost-benefit analysis, and given the wide-ranging harms posed by the project to the Nation and surrounding communities, as discussed above, the incentives request should be rejected. This is particularly true because the identity of the tenant seeking to occupy STREAM’s data center facility remains hidden from the Nation and the public as a whole and its track record in other communities therefore cannot be examined, and because the EJSL and CLCPA prohibit projects that impose disproportionate pollution burdens on the Nation.

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<sup>64</sup> See discussion above; *see also* Bowman Engineers Report of April 2, 2026, at 1 (“there are no delineated wetlands on the subject property”). *Compare* Letter of DEC, March 30, 2026 (finding jurisdictional wetlands on both the North and South campus parcels and indicating that DEC’s amended wetlands regulations will apply to construction of the STREAM facility).

**IV. Conclusion**

We look forward to hearing from you regarding this important matter.

Da:h ne'hoh,



Chief Roger Hill  
Tonawanda Seneca Nation

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May 4, 2026

Planning Board  
Town of Alabama

Re: STREAM U.S. Data Centers Site Plan Application –  
Tonawanda Seneca Nation Preliminary Comments

Nya:wēh Sgē:nō',

On behalf of the Tonawanda Seneca Nation, Council of Chiefs, I extend greetings to you and your associates and give thanks that all are enjoying good health.

The Nation submits these comments for the record of the Town of Alabama Planning Board's review of the STREAM U.S. Data Centers "Double Reed" project. We urge you to disapprove the application.

In the mid-1800s, land speculators attempted to take by fraudulent treaty the entire territory of the Tonawanda Seneca Nation, which had been confirmed to the Nation by Federal law decades earlier. Tonawanda land still used and occupied by our people was "sold" and our right to our ancestral territory – where our children were born and our elders buried – called into question. Our ancestors, the leaders and citizens of the Nation at the time, fought with all they had to preserve and protect our land, even filing a lawsuit that went all the way to the Supreme Court. We won that case and still were forced to confront the bitter reality that some of our lands would now be considered property of non-Indians and no longer part of the Tonawanda Seneca Nation. The STAMP site occupies a portion of those lands.

The importance of this land, which sits next to our federally-protected Reservation Territory, has not changed to us simply because we are no longer considered to "own" it. This land is part of our ancestral territory and a source of responsibility for our people, who must do whatever they can to protect it. We believe we have a moral duty to this land, both for our ancestors who came before us and for future generations to come. We reject the idea that this land should be

sacrificed for profit and that the significant environmental and cultural impacts of a data center at STAMP should be accepted.

The Nation has reviewed materials submitted by STREAM U.S. Data Centers to the Town of Alabama Planning Board, as well as materials submitted by STREAM to GCEDC and DEC in relation to STREAM's SEQR and financial incentives applications, Air State Facility permit application, and proposed Stormwater Pollution Prevention Plan for its proposed "Double Reed" data center complex at STAMP.

As the Nation has pointed out in its SEQR comments, attached, STREAM's submissions raise serious concerns about significant impacts from the project on the Nation and local residents across a wide range of categories. Moreover, STREAM's submissions contain insufficient information to fully assess these impacts from the project on the Nation, the environment, and the Town of Alabama. Likewise, the submission lacks the information needed by the Planning Board to evaluate the Application's compliance with the Site Plan Review criteria laid out in the Zoning Law and NYS Town Law Section 274-a. For these reasons, the Planning Board should disapprove STREAM's application.

I. The Planning Board Should Disapprove the Application Because it is Insufficient to Provide a Basis Upon Which Approval Can be Granted

Just as STREAM's submissions to the Town and to GCEDC fail to provide sufficient information upon which environmental impacts of the project can be assessed, so too do they fail to provide a basis for Planning Board approval of the Application. This is true for a wide range of reasons addressed in the Nation's SEQR comments and below.

For example, the Town Zoning Law requires submission of "[g]rading and drainage plan[s], including site grading, existing and proposed contours and site grading and provisions for stormwater management and erosion control," Section 808(C)(6)(h). STREAM's plans, however, fail to specify the nature or extent of grading or drainage required for the project, particularly for the North Campus and the massive "duct banks," comprised of two 9' by 9' underground concrete bunkers intended to be travel over half a mile from the North Campus to the South Campus. The application indicates the need for large-scale "dewatering" but provides no information about (1) how much water will be pumped from the ground; (2) for what period of time; (3) on what portions of the site dewatering will occur; (4) where the pumped water will be discharged; (5) what the discharge rate will be, or other basic questions about this highly impactful activity proposed for the construction period. See Geotechnical Summary at 128. Instead, the application merely asserts "high confidence" that dewatering activities, whatever they may be, "will not affect distant residential water supplies." *Id.* For the Nation, whose citizens rely on well water, and for nearby residents of the Town, whose residential water

supplies STREAM has failed to study, this unsupported claim rings hollow. By failing to include drainage or grading plans for its 2.2 million square foot construction project or the massive underground concrete encasements that will connect its North and South campuses, STREAM fails to provide an adequate basis for approval of its application.

Nor has STREAM provided sufficient information to enable the Planning Board to carry out its responsibility to assess the “[a]dequacy of stormwater and drainage facilities in preventing flooding, erosion, and improper obstruction of drainage ways,” as required by Town Zoning Code Section 808(C)(7)(g). As noted above, STREAM has not provided drainage plans in relation to the dewatering apparently required for construction of the data center buildings or duct banks connecting them. Likewise, DEC has called into serious question STREAM’s stormwater plans. As Professor Madeline Nyblade, a hydrologist at SUNY-ESF, stated in her SEQR comments of April 15, 2026:

“The stormwater plans submitted for this project were not adequate. NYSDEC reviewed them in February and identified more than 20 significant deficiencies. Drainage maps did not match actual site conditions. The rainfall modeling methodology did not meet state standards and was replaced entirely. Three stormwater basins were modeled to fail during major storm events and had to be redesigned. The wrong sediment controls were specified throughout the plans. These are not paperwork problems. These are fundamental flaws in a system meant to protect downstream water quality --- including the Nation’s waters. The existing stormwater basin at the South Campus — inherited from the prior Plug Power project and proposed to be retained without assessment — appears orange in satellite imagery. There is no inspection record, no performance data, and no water quality sampling in the submitted documents to confirm it is functioning or explain why the water present is orange.

Wetlands have not been properly evaluated. The applicants’ own documents state that infiltration testing confirmed poorly draining soils and that perched water tables are likely present seasonally above an impermeable clay layer. The USDA Web Soil Survey maps poorly drained soils across both parcels. Satellite imagery shows wet areas on site. Yet neither plan documents a wetland jurisdictional determination as required under New York’s regulations that took effect January 1, 2025. My independent analysis finds wetland presence on this site to be likely. Vernal pools — which are common on surrounding lands and for which the site conditions are suitable — were never screened for at all.

The flow direction of this site’s stormwater remains scientifically unresolved. USGS stream mapping and the National Hydrography Dataset show these

waterways draining toward Oak Orchard Creek — not Tonawanda Creek as NYSDEC and the applicant now assert. Which way the water flows determines which communities bear the risk and which water quality standards apply.”

Comments of Dr. Madeline Nyblade on STREAM SEQR and Incentives Application, April 15, 2026.

The flaws identified by Dr. Nyblade would directly impact the Nation. The contaminated stormwater pond on the Plug Power site, slated to be reused for STREAM’s South Campus, for example, drains directly into the Nation’s Big Woods. And stormwater failures caused by STREAM’s lack of analysis would create profound impacts on the Nation. Without drainage plans for the construction project proposed by STREAM, including plans for drainage in relation to dewatering, and without adequate stormwater plans, the Planning Board lacks a basis to assess the “[a]dequacy of stormwater and drainage facilities in preventing flooding, erosion, and improper obstruction of drainage ways,” as required by Town Zoning Code Section 808(C)(7)(g).

Similarly, despite the requirement that the applicant submit detailed plans for “sanitary sewer facilities,” STREAM has only vaguely alluded to – and provided no detailed plans for – the need for at least five “sewage grinder pump stations” as a part of its project, apparently to grind raw sewage and pump it uphill from the STREAM facility’s North Campus to the temporary sewage “hold and haul” tank near the South Campus.<sup>1</sup> Each of the five grinder pump facilities would apparently grind raw sewage into a slurry and force it uphill under pressure through a system of wastewater pipes to Plug Power’s “hold and haul” sanitary sewage tank located near the South Campus and proposed, on a vaguely “temporary” basis, to hold thousands of gallons of raw sewage, which would be trucked over local roads each day to the Village of Oakfield Wastewater Treatment Plant. STREAM fails to provide emergency plans in the event one of the five grinder pump facilities fails, but any raw sewage that escapes from the proposed grinder stations or their proposed pressurized sewage pipes will enter wetlands and waterways that flow west/northwest, toward the Nation, the Tonawanda Wildlife Management Area, and the Iroquois National Wildlife Refuge. And STREAM’s current plans rely on a permanent sanitary sewer solution that is wholly speculative and unpermitted at this time, a proposed wastewater pipeline to the Village of Oakfield WWTP. GCEDC’s previous effort to install a wastewater pipeline for STAMP led to an environmental disaster that leaked hundreds of gallons of hydraulic fracturing fluid into the Refuge, and the same deep drilling technique, horizontal hydraulic drilling, is proposed to be used under waterways on and off the STAMP site. Given the lack of information provided by

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<sup>1</sup> See Bowman Engineering Report of April 2, 2026, at 3 (“The sanitary demands generated by the two (2) proposed buildings will be accommodated by on-site sewage grinder pump stations. There will be two grinder pump stations for each building, one at the north and south ends of the buildings. The guard house will also be provided with a grinder pump station.”).

STREAM, and the uncertainty presented by the lack of permanent wastewater disposal solution for the STREAM facility, the Planning Board cannot find that “sanitary sewer municipal facilities to serve the proposed development, including . . . wastewater treatment systems” are “adequa[te]” as required by Town Zoning Law 808(C)(7)(e).

In addition, the Planning Board is required to assess “[c]onformance with zoning and other Town regulations, or as established by the Planning Board.” Section 808(C)(7)(i). But, as pointed out by the Nation, the Sierra Club, and others, STREAM has not conducted noise analysis sufficient for the Planning Board to determine whether the proposed facility would violate the Zoning Law’s prohibition on “noxious” noise and vibrations. As the Nation pointed out, STREAM has refused even to study the low-frequency noise and vibration that is one of the most well-known impacts created by data centers. *See* Nation SEQR Comments at III(C). STREAM’s refusal to even analyze, much less mitigate, the potential for such noise from the proposed Double Reed project prevents the Planning Board from carrying out its obligation to ensure that the project would not violate the Town Zoning Law, and should require that the application be disapproved.

Likewise, STREAM has failed to fulfill its obligation to provide information sufficient for the Planning Board to review impacts on traffic, as required by Town Zoning Law Section 808(C)(6)(o). As the Nation has pointed out in its SEQR comments<sup>2</sup>, STREAM’s assessment of traffic impacts is cursory and conclusory at best, and fails to consider the extent to which dramatic increases in traffic may impose a pollution burden and/or health and safety risks on citizens of the Nation and the Town, instead hinging its conclusions on the thresholds established by the FGEIS.<sup>3</sup> In fact, as presented in the Technical Summary, traffic during operations would increase by nearly 400 trips to and from the STAMP site per day, including 6-8 diesel truck trips per day, a massive increase in current traffic to and from the site, given that STAMP currently lacks any operational tenant. Moreover, during the five year plus construction phase, forecast to daily traffic would increase by an incredible 1,000 additional vehicular trips per day and 200 diesel truck trips per year. Yet the Traffic Technical Summary claims, without support or analysis of any kind, that “[t]he anticipated impact on the overall traffic network [from Project Double Reed] is expected to be minimal.”

STREAM has provided no data on how 1,000 additional vehicular trips per day and 200 diesel truck trips per day will factor into traffic impacts like wear and tear on roads, traffic accidents, speeding, and/or other impacts. Nor has it addressed concerns raised in the Nation’s SEQR comments specific to impacts of STREAM-related traffic on the safety of schoolchildren riding

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<sup>2</sup> *See* Nation SEQR comments at IV(J) (“Traffic”).

<sup>3</sup> *See, e.g.*, Traffic Tech Summary at 2 (“In conclusion, the traffic analysis indicates that Project Double Reed’s contribution to overall park traffic is minor”); *id.* (failing to assess current “park traffic” and instead couching traffic impacts analysis in terms of FGEIS thresholds); and DACs Assessment at 14 (*same*).

buses within Akron Central School District.<sup>4</sup> These impacts will affect residents of the Nation and the Town alike, and STREAM's failure to provide any information whatsoever on these impacts makes it impossible for the Planning Board to adequately assess the project's traffic impacts as required by Zoning Law § 808(C)(6)(o).

STREAM has failed to show that its project comports with the Town Zoning Law or with the Planning Board's Site Plan Review criteria, which include the requirement that projects for which site plan applications are approved must demonstrate a "[h]armonious relationship between proposed uses and existing adjacent uses." Zoning Law Section 808(C)(7)(a). The serious concerns raised by the Nation and by Town of Alabama residents about impacts from STREAM based on the information has provided, as well as STREAM's failure to provide critical information, mean there is no basis upon which the Planning Board could conclude that STREAM's massive, 2.2 million square foot data center would have a "harmonious relationship" to nearby residences or the area at large, and its application should therefore be disapproved.

## II. Town of Alabama Should Withhold Site Plan Approval Until Supplemental Environmental Impact Assessments are Conducted

The State Department of Environmental Conservation has advised GCEDC that Supplemental Environmental Impact Statements are needed in relation to STREAM to address data centers, which were not considered in the 2012 FGEIS or subsequent SEQR reviews, and to address changes in law, circumstances, and plans for the STAMP site.<sup>5</sup> The Planning Board should await the results of that Supplemental EIS before completing its Site Plan Review, because the SEIS bears on key aspects of Site Plan Review, and attempting to conduct that review without the information required to be produced in the SEIS would disadvantage the Town and local residents by preventing the Planning Board from determining whether modifications are needed in the site plan application in order to avoid unacceptable impacts from the data center complex.

## III. Town of Alabama Should Withhold Site Plan Approval Until GCEDC and STREAM Conduct Adequate Disadvantaged Communities Analysis

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<sup>4</sup> See <https://resources.finalsite.net/images/v1756487051/akronschoolsorg/blqr6zw9comqcs7nojb/25-26StreetListing.pdf>; see also III-c Site Plans showing the Primary Trucking Route on Route 77 (Alleghany Road) bisecting Bloomingdale Road, Marble Road, Ledge Road, and Akron Road – all roads currently used by Akron Central School District to transport children within the District.

<sup>5</sup> DEC Letter of January 28, 2026 ("The Department [] recommends that a supplemental EIS be prepared for the STAMP site to address new laws and regulations (such as the Environmental Justice Siting Law and the revised 6 NYCRR Part 664 Freshwater Wetlands Regulations) and to evaluate updates to the STAMP Site, its goals, its tenants, and any other originally unanticipated changes in how the STAMP Site is being developed... DEC recommends a supplemental Environmental Impact Statement (SEIS) be prepared for data centers as their impacts do not appear to have been adequately addressed in GCEDC's 2012 GEIS or its subsequent updates, which should be published on a publicly available website, in accordance with 6 NYCRR 617.12(c)(5).")

The EJSL requires that during SEQR review, lead agencies consider the potential impacts of an action on disadvantaged communities (DAC) and whether the action may cause or increase a disproportionate pollution burden on a DAC. N.Y. Env't Conserv. Law § 8-0109. If an action may cause or increase the burden on a DAC, it is considered an indicator that the action will have a significant adverse impact on the environment. N.Y. Env't Conserv. Law § 8-0109(2)(k); 6 NYCCR 617.7 (*proposed regulations*). Under the regulations, both the Nation (as a sovereign Indigenous Nation) and residents of the Town of Alabama are considered "disadvantaged communities."

The proposed regulations implementing the EJSL provide that for SEQR purposes, pollution is defined as "the presence in the environment of conditions and or contaminants in quantities of characteristics which are or may be injurious to human, plant or animal life or to property or which unreasonably interfere with the comfortable enjoyment of life and property throughout such areas of the state as shall be affected thereby." 6 NYCCR 617.1(ae) (*proposed regulations*). For the Nation, conditions and contaminants that negatively impact treaty-protected resources and traditional ways of life unreasonably interfere with Nation citizens' comfortable enjoyment of life and property and therefore must be considered as part of the pollution burden analysis under SEQR.

DEC recently determined that STREAM's DACs analysis was so lacking as to render it insufficient to complete the application STREAM submitted for an Air State Facility permit. DEC had indicated by letter of April 6, 2026, to STREAM U.S. Data Centers' consultant, Ramboll, "[u]nder the Environmental Justice Siting Law (EJSL)..., new projects subject to ASF permitting [like the STREAM project] that may cause or contribute more than a de minimis amount of pollution to any disproportionate pollution burden on a disadvantaged community (DAC) require the submission of an EBR." As the DEC letter pointed out, the EBR must assess "the environmental or public health stressors already borne by the disadvantaged communities as a result of existing conditions located in or affecting the disadvantaged communities." In response, STREAM submitted the same DACs analysis it provided to GCEDC for SEQR review, and on April 23, DEC issued a Notice of Incomplete Application ("NOIA"). The NOIA identified six areas in which information on air emissions submitted by STREAM was either inadequate or incorrect. In addition, DEC directed STREAM as follows, pointing out that the DACs analysis was lacking as to both the Tonawanda Seneca Nation and the Town of Alabama (Census Block 36037950300):

Existing Burden Report (EBR):

13) Section 1.0 Introduction of the Disadvantaged Communities Burden Assessment should reference that under the Environmental Justice Siting Law (EJSL), a new project subject to an applicable permit project that may cause or

contribute more than a de minimis amount of pollution to any disproportionate pollution burden on a DAC is required to prepare an existing burden report (EBR).

14) As explained in the Department's April 6, 2026, letter to Emily Weissinger, the EBR must include the following information for both of the potentially impacted DACs (census tracts 36037950300 and 36037940100):

a) Relevant baseline data on existing burdens used to designate the particular DACs pursuant to the CLCPA.

i) The provided EBR discusses baseline data on existing burdens for census tract 36037950300, but there is no discussion of baseline data on existing burdens for census tract 3607940100. When considering existing burdens, it is important to consider the unique histories of racism and discrimination experienced by Indigenous People, particularly in a colonial context.

b) The environmental or public health stressors already borne by the DACs as a result of existing conditions located in or affecting the DACs.

i) The EBR should evaluate both DACs for existing environmental and public health stressors. This should include a discussion of all relevant potential impacts regarding pollution burdens that may occur within the DACs, including a discussion of the relevant indicators such as health outcomes and sensitivities and percent Native American/Indigenous to guide the analysis.

ii) This section needs to address existing input from citizens of the Tonawanda Seneca Nation territory and census tract 36037950300 regarding existing health burdens and health stressors.

c) The potential or projected contribution of the proposed action to existing pollution burdens in the DACs.

i) The analysis must include an evaluation of the potential contribution of Stream Data Centers to the existing burdens in each DAC individually.

ii) This section needs to address input from citizens of the Tonawanda Seneca Nation territory and census tract 36037950300 regarding concerns for potential of the project to create new burdens on the community, to include burdens that the potentially impacted communities have identified as pollution and health burdens and stressors.

DEC ASF NOIA, April 23, 2026

The purpose of the Town Zoning Law, among others, is “[t]o prevent pollution of streams and ponds, to safeguard the water table, and to encourage the wise use and sound management of the natural resources throughout the Town in order to preserve the integrity, stability and beauty of the community and the value of the land.” Town Zoning Law at Section 103(II).

If the Planning Board takes seriously its obligation, pursuant to the Town Zoning Law, to protect residents from undue pollution and to safeguard the Town’s natural resources, it should disapprove STREAM’s application and withhold approval until and unless STREAM can demonstrate -- per DEC’s requirements in order for STREAM to receive an air permit -- that Project Double Reed will not increase pollution burdens on the Town or the Nation.

DEC’s determination that STREAM’s air permit application failed to meet the baseline standards required for analysis of pollution affecting Town residents aligns with the Nation’s SEQR comments, which pointed out that STREAM’s DAC Burden Assessment (Assessment) and associated materials, including its SEQR application and Site Plan Application, falls far short of the requirements for SEQR analysis under the EJSL. Among other reasons, the Assessment, the Site Plan Application and the SEQR Application as a whole fail to provide sufficient information to adequately assess the extent of the proposed additional pollution burdens to be created by the project because – as described more fully herein – it leaves out or provides contradictory information in virtually every SEQR assessment category about how exactly the project will work. In addition, the Assessment fails to comply with the EJSL by conflating regulatory compliance with calculation of “*the potential or projected contribution of the proposed action to existing pollution burdens in the communities*” as required by the EJSL (emphasis added).<sup>6</sup> This distinction is critical to the EJSL because even pollution that might otherwise be allowed under applicable regulations may contribute to a disproportionate pollution burden. This distinction goes to the very heart of the EJSL, which is premised on the Legislature’s finding that “there has been an iniquitable pattern in the siting of environmental facilities in minority and economically distressed communities, which have borne a disproportionate and iniquitable share of such facilities.” S.B. 1317 / A.B. 1286 (2024).

Likewise, the Assessment fails to comply with the EJSL’s requirements because it completely ignores potential effects of the proposed action on the Nation and residents of the Town, and

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<sup>6</sup> See, e.g., April 6, 2026 Assessment at 26, “Regulatory compliance is based solely on dBA noise levels, which are designed to reflect how the human ear perceives sound across different frequencies. Since the governing standard does not reference dBC levels or require evaluation of low frequency noise through the C-weighting scale, there is no obligation to assess dBC as part of demonstrating compliance.” Whatever relevant regulations may say about evaluation of low frequency noise – and in fact the Town of Alabama Zoning Code prohibits “noxious” noise of all kind, high and low frequency – there can be no doubt that (1) “demonstrating compliance” is an entirely different task than calculating potential/projected contributions to pollution; and (2) low frequency noise can be noise pollution and can contribute to a pollution burden. See also *id.* at 24 (“Based on the findings of the noise assessment and modeling and the use of the GEIS/Findings for the STAMP project, Project Double Reed is not anticipated to impact the nearby residential receptors or the Tonawanda Seneca Nation and therefore, will not have any disproportionate burden.”) (emphasis added).

how those effects may cause or increase the specific disproportionate pollution burden already felt by the Nation and residents of the Town.

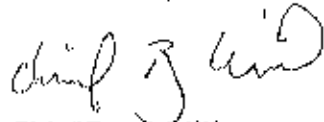
Finally, the Assessment fails to satisfy the requirements of the EJSI because it includes and is based on false information within Census Tract 36037940100. As a clarifying point, Nation citizens do not participate in the Census. Because Nation Census participation is minimal, the accuracy of the information presented in the Tract does not reflect the Nation demographics. For example, the Census states that the number of Asian residents in the Nation's Tract is higher than 40% of other tracts in the State, which is blatantly wrong.<sup>7</sup> The purported information conveyed by the Tract is erroneous and cannot serve as the foundation for any analysis. See also the risk indicator score of "0" for "Project Flooding in Inland Areas" despite the fact that large swaths of the Nation routinely flood and lie within the 100-year flood plain. See Nyblade Map attached to Nation SEQR Comments.

STREAM's data center project cannot move forward absent a thorough review of the potential impacts to the Town and to the Nation, its citizens, and treaty-protected resources, all of which are required to be analyzed under the EJSI. The status of the Nation and the Town as DACs; the wide range of pollution burdens imposed by the STREAM data center complex, which vastly exceed the EJSI's "de minimis" threshold; and the EJSI's prohibition on projects contributing to pollution burdens on the Nation and Town residents mean the project may not be feasible under state law, and STREAM's site plan application should be rejected.

#### IV. Conclusion

We look forward to hearing from you regarding this important matter.

Dah ne'hoh,



Chief Roger Hill  
Council of Chiefs  
Tonawanda Seneca Nation

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<sup>7</sup> See also Assessment at 13 (improperly limiting the required "within one mile" zone to areas within a mile of STREAM's South Campus and excluding areas within a mile from its North Campus). This failure is particularly impactful for Town residents north of the proposed Data Center, whose interests are thus not represented in STREAM's analysis.

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# HAUDENOSAUNEE

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May 11, 2026

Planning Board  
Town of Alabama

Re: STREAM U.S. Data Centers Site Plan Application –  
Tonawanda Seneca Nation First Supplemental Comments

Nya:wēh Sgē:nō',

On behalf of the Tonawanda Seneca Nation, Council of Chiefs, I extend greetings to you and your associates and give thanks that all are enjoying good health.

The Nation submits these first supplemental comments for the record of the Town of Alabama Planning Board's review of the STREAM U.S. Data Centers "Double Reed BUFA" project. We support and incorporate by reference the May 4 and May 11 comments of the Sierra Club and we reserve the right to provide additional comments in the future as STREAM's application and the Planning Board's analysis of it are updated. For the reasons stated in our comments of May 4, 2026, our SEQR comments of April 15, 2026 (incorporated by reference into the Nation's May 4 comments to the Planning Board), and the Sierra Club comments, and for the reasons stated below, the Nation urges the Planning Board to disapprove the application.

I. The Planning Board Should Disapprove the Application Because It Contains Insufficient Information about the Use and/or Restoration of the "Temporary" Construction Parking and Storage Area

STREAM proposes to pave over a 45-acre parcel owned by Edwards Vacuum in order to use it as a "temporary construction parking and storage area," but provides no information about the nature or extent of the proposed disturbance, the timeframe through which the disturbance will extend, or plans for remediation of the parcel once construction is completed. Nor does STREAM explain why, though it intends to utilize a parcel adjacent to Plug Power (STREAM's proposed "South Campus") for construction laydown purposes, and though it intends to sequence construction so that work on the two campuses would not begin at the same time, it must destroy a fourth parcel – currently farmland – for parking and staging construction materials. Destruction

of existing farmland at the Edwards parcel for use as a parking lot and construction staging area will profoundly impact nearby neighbors and the Nation, but neither the full range of impacts nor compliance with the Town Zoning Law can be assessed until STREAM details its plans. The Planning Board should not approve the site plan application until details of STREAM's plans for use and remediation of this parcel are provided.

The Nation notes that in 2023, GCCEDC sought to destroy additional parcels south and east of the Plug Power facility now planned as STREAM's "South Campus," ostensibly for Plug Power construction parking and staging as part of a proposed Phase II expansion. When the Nation and DEC demanded more information and analysis regarding destruction and remediation of those parcels, which abut Whitney Creek, a Tonawanda Creek tributary, the plan was suspended. Shortly afterward, Plug Power filed a "going concern" letter with the United States Securities and Exchange Commission (SEC) on November 10, 2023, warning of the company's impending insolvency and expressing "substantial doubt that we will have sufficient capital to fund our operations through the next 12 months."<sup>1</sup> Construction of the Plug Power facility was halted, and, as you are aware, in 2025 Plug Power abandoned the project altogether.

Edwards Vacuum was originally forecast to begin production in early 2025. That forecast has repeatedly been revised as the facility has been unable to obtain a Certificate of Occupancy or hire sufficient workers, problems that apparently continue to plague Edwards to this day, along with the lack of a permanent wastewater disposal system. It is uncertain when, if ever, the existing Edwards Vacuum facility will become operational, much less whether it will ever be in a position to pursue its proposed Phase II expansion on the parcel STREAM seeks to pave over. Notably, Edwards Vacuum recently shuttered its vacuum pump manufacturing facility in Oregon; some local observers predict the defunct facility may be converted into a data center. See "Another Hit to Hillsboro Job Base: Edwards Vacuum Shuttters Production Unit as More Industrial Sites Flip to Data Centers," Hillsboro Observer, Sept. 19, 2025.<sup>2</sup>

Under these circumstances, the Planning Board should exercise great caution in considering STREAM's request to pave over the farmland currently comprising Edwards' proposed Phase II expansion. Without further information about the need for, extent of, and remediation plans for the parcel, the Planning Board should disapprove STREAM's site plan application.

## II. The Planning Board Should Disapprove the Application Because STREAM has Failed to Show its Facility Would Comply with the Town's Noise Ordinance

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<sup>1</sup> See <https://www.thestreet.com/investing/stocks/plug-power-collapses-after-going-concern-warning-from-hydrogen-developer>

<sup>2</sup> See <https://hillsboroherald.com/another-hit-to-hillsboros-job-base-edwards-vacuum-shuttters-production-unit-as-more-industrial-sites-flip-to-data-centers/>

For more than a decade, the Nation has called for a supplemental environmental impact study that would fully assess the impacts of industrial development on the Nation and the environment. This is particularly important because of the ways that the Nation's cultural practices are tied to the land and waters and to the plants and animals that live on and around Nation territory. As the Nation and community members have pointed out, noise from data centers can have profound impacts on both humans and other living creatures.<sup>3</sup>

STREAM's amended noise study dated April 23 and posted on GCEIDC's STREAM webpage on April 30 does not remedy problems identified by the Nation and others, however. The analysis does not include actual measurements of ambient noise levels; robust analysis of low-frequency noise; specifications for the type, number, locations, and elevations of all noise sources and barriers, including each item of equipment; information about the inputs for the noise study (including providing the actual CadnaA files); analysis of impacts on wildlife and/or Nation cultural practices; or information regarding the assumptions made in producing the noise study or its April 23 update. In addition, the updated noise study fails to analyze construction noise, a failure that is particularly concerning given the vague and contradictory information provided by STREAM about its construction and staging plans more generally, see below. The Planning Board must have this information in order to assess, as required by the Town Zoning Law, whether the additional noise created by the data center would be "noxious" to nearby residents. Because STREAM has failed to supply the information the Planning Board needs to do its job, the Planning Board should disapprove the application.

### III. The Planning Board Should Disapprove the Application Because STREAM has Provided No Information About Decommissioning Plans for its Facility

Data center lifespans average 10 to 15 years.<sup>4</sup> Yet STREAM has provided no information whatsoever about decommissioning its 2.2 million square foot data center complex in the decade or so when it becomes obsolete. Who will bear responsibility? How will decommissioning be carried out? What risks does decommissioning pose to the environment, the Nation, and the surrounding community? STREAM provides no answers to these questions, a fact tied to its

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<sup>3</sup> See, e.g., <https://www.osha.gov/noise/health-effects>; <https://environmentamerica.org/center/resources/big-data-centers-big-problems/> at 25-26; [https://buffalonews.com/news/local/article\\_6fb79889-7e52-49e3-9016-7b91fed9b05b.html](https://buffalonews.com/news/local/article_6fb79889-7e52-49e3-9016-7b91fed9b05b.html) (reporting on a class action lawsuit recently filed by residents living near the Digipower X facility in North Tonawanda described the noise created by the data center's cooling infrastructure as "pervasive, inescapable, and unbearable." The suit was filed on behalf of residents as far as three miles away from the data center and alleges that sound walls are inadequate to mitigate chiller fans that "produce a loud, droning, and persistent noise -- including low-frequency sound that manifests like vibrations -- that can be heard and felt throughout [neighborhood] properties.")

<sup>4</sup> See, e.g., <https://hmdisa.edu/news/data-centers-draining-resources-in-water-stressed-communities/>; <https://www.wyaw.com/2026/04/08/west-virginia-data-center-boom-draws-criticism-over-costs-resources/> ("The lifespan of a data center averages 15 years. By year 25, they are considered obsolete.")

refusal to inform the Nation or the residents of the Town of Alabama what company will actually own and operate the data center at STAMP. The Planning Board should demand that plans for decommissioning be submitted and should require, pursuant to its authority under Town Zoning Law Section 808(c)(11), that a letter of credit or performance bond be filed to protect against abandonment of the data center complex at STAMP without adequate decommissioning and restoration.

IV. The Planning Board Should Disapprove the Application Because STREAM has Dissembled Regarding Water Use at its Proposed Data Center Complex

STREAM's plans indicate the data center complex would use at least 10,000 gallons of water per day for cooling and humidification of the data center buildings, i.e. that evaporation of at least 10,000 gallons of water per day is required for the project. At the May 4 Public Hearing, however, STREAM's representative stated that "[t]here is no continual water use, no evaporation and no discharge associated with our cooling process."<sup>5</sup> Ten thousand gallons of municipal water per day is more than a rounding error, and the Planning Board should not approve STREAM's application until and unless STREAM provides clarity regarding water use in the facility.

V. Conclusion

The Nation urges the Planning Board to deny STREAM's site plan application. We look forward to hearing from you regarding this important matter.

Da:h ne'hoh,



Chief Roger Hill  
Council of Chiefs  
Tonawanda Seneca Nation

Cc: Amanda Lefton, Commissioner, DEC ([amanda.lefton@dec.ny.gov](mailto:amanda.lefton@dec.ny.gov))  
Adriana Espinoza, Acting Chief of Staff to the Commissioner, DEC ([adriana.espinoza@dec.ny.gov](mailto:adriana.espinoza@dec.ny.gov))  
Peter Reuben, Director, Office of Indian Nation Affairs, DEC ([peter.reuben@dec.ny.gov](mailto:peter.reuben@dec.ny.gov))  
Lem Srolovic, Bureau Chief, Environmental Protection Bureau, Division of Social Justice, NY Office of the Attorney General ([lemuel.srolovic@ag.ny.gov](mailto:lemuel.srolovic@ag.ny.gov))  
Peter Washburn, Policy Advisor, Environmental Protection Bureau, Division of Social Justice, NY Office of the Attorney General ([peter.washburn@ag.ny.gov](mailto:peter.washburn@ag.ny.gov))  
Tom Haley, Permit Administrator, DEC Region 8 ([thomas.haley@dec.ny.gov](mailto:thomas.haley@dec.ny.gov))

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<sup>5</sup> See Alabama Planners Get Earful on STREAM U.S. Data Centers Proposal at <https://www.thebatavian.com/brianguino/alabama-planners-get-earful-on-stream-us-data-centers-proposal/647322> (May 5, 2026).

Nancy Herter, State Historic Preservation Office ([nancy.herter@parks.ny.gov](mailto:nancy.herter@parks.ny.gov))  
Aaron Smith, U.S. Army Corps of Engineers ([Aaron.C.Smith@usace.army.mil](mailto:Aaron.C.Smith@usace.army.mil))  
Joseph Rowley, U.S. Army Corps of Engineers ([joseph.m.rowley@usace.army.mil](mailto:joseph.m.rowley@usace.army.mil))  
Bradley Wells, STREAM U.S. Data Centers ([bwells@stream-dc.com](mailto:bwells@stream-dc.com))

Supplement to  
Acoustical Review of Application

Dated April 16, 2026

Les Blomberg, Noise Pollution Clearinghouse  
May 10, 2026

## Introduction

I have prepared the following supplement to my comments entitled “Acoustical Review of Application” dated April 16, 2026, which has been prepared in response to Ramboll’s revised Noise Modeling Results report dated April 23, 2026.<sup>1</sup> As described below, Ramboll’s latest submission does not resolve the concerns identified in my comments while at the same time adds new ones.

Ramboll has submitted multiple noise reports concerning Stream Data Center noise. The most recent Noise Modeling Results report was dated April 23, 2026. In each of the reports, Ramboll has presented conclusions based on undisclosed assumptions. The Town of Alabama and the GCEDC need to obtain the underlying supporting evidence for the conclusions they have reached.

Ramboll states that its conclusions are based on noise modeling that utilizes an international standard, ISO 9613 Part 2 as implemented by the CADNA/A noise model. When Ramboll tells the Town of Alabama and GCEDC that they used CADNA/A and ISO 9613 Part 2, they are disclosing what set of equations they used to calculate their results.

ISO 9613 Part 2 presents a set of mathematical equations governing sound transmission and attenuation that have been agreed upon by scientists and standardized in the ISO standard. The CADNA/A noise model uses computer software to calculate those equations.

While Ramboll has disclosed the equations they are using, they have not disclosed the values that they put into those equations to reach their conclusions, which makes it impossible to assess whether they did it accurately and correctly, whether those inputs are reasonable, or which specific equations from ISO 9613 Part 2 they utilized.

Ramboll has, in other words, merely provided the “results” or conclusions of their analysis without the analysis itself. They have given the Town of Alabama and GCEDC very little information regarding whether the noise modeling results are accurate. The situation is analogous to a high school algebra student turning in her test with only the answers, along with the name of the math textbook she used as a reference. As any math student knows, one must “show their work” in order for others to verify the accuracy of the results and the assumptions used.

The stakes are of course much higher here than on any high-school algebra quiz. The community surrounding this project which will be potentially exposed to it has a right to understand what assumptions and values are being used to generate each iteration of

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<sup>1</sup> Unless otherwise stated herein, the comments from my initial comments continue in force and are supplemented but not replaced by this supplement.

“results” that Ramboll keeps generating from its model. The community also justifiably expects that the government officials overseeing the environmental and site plan reviews for this project will have analyzed the information and assumptions supporting an applicant's conclusions rather than relying on the applicant and their consultants' say so.

Both the Town and GCEDC cannot rationally assess or rely upon Ramboll's results without the following four categories of information.

**1. The Site Plan with the exact type, number and locations (including heights) of every noise source and barrier.**

For the results of the CADNA/A model to be accurate, the inputs, including the exact type, number and locations (including height) of all noise sources, buildings, and barriers must be accurate. The CADNA/A model inputs must match the Site Plan.

Modeling hypothetical equipment or hypothetical locations results in hypothetical results. In noise modeling, however, where a couple decibels or a couple feet can make the difference between compliance and noncompliance, potential or hypothetical equipment and locations are not appropriate.

**2. The complete noise specifications for each piece of equipment.**

The CADNA/A noise model calculates the sound pressure level of noise at various locations, based on the sound power level of each piece of equipment. The sound power level of each piece of equipment is itself calculated from very specific measurements of sound pressure of that piece of equipment.

In order to ensure that the modeling is accurate, the noise specifications for each piece of equipment is needed. Moreover, as one of the major noise problems associated with data centers is low frequency noise, it is critical that the specifications provide the 1/3 or at least the full octave band noise of each piece of equipment. A-weighted inputs cannot be used to investigate low frequency noise impacts.

In previous versions of its Noise Monitoring Reports, Ramboll has repeatedly presented incomplete noise specifications for equipment, and such partial disclosures preclude an accurate or reliable assessment of the equipment.

### **3. Supporting evidence for the choice of equipment and mitigation measures.**

Equipment choices can greatly impact projected noise levels. Whether the modeled equipment and the number of pieces of equipment can meet the design needs of the facility is critical to determining the accuracy of the noise predictions.

There are, for example, hundreds of chillers that could be modeled for a data center. Some are much quieter than others. But whether a quieter chiller has the ability to provide the cooling required by the data center must be determined by mathematical calculations by an engineer. Without that information, the Town and GCEDC cannot know if the equipment, or the numbers of that equipment that is modeled are accurate based on the actual needs of the proposed facility.

Moreover, any mitigation measure used, such as running the equipment at less than 100% capacity, must be justified by showing 1) that the capacity will never be needed and 2) that there is a mechanism to ensure that the mitigation measure cannot be evaded or violated, that the capacity will never be used. It is critical that the Town and GCEDC know how the mitigation measures will be implemented if they are to accept the use of operation-type mitigation measures.

### **4. The CADNA/A modeling files, including the CADNA/A file (the \*.cna file), the configuration file, and the image of the area.**

The CADNA/A modeling files are critical to assessing the reliability of the Noise Monitoring Results. Without these files, the modeling is a black box, producing results that cannot be evaluated. The results, therefore, are unverifiable and unreliable.

Since noise models mathematically calculate expected noise levels at various locations based on a host of assumptions and inputs, it is critical that the Town, the GCEDC, and the public, know what those assumptions are. The Town and GCEDC must determine whether the assumptions match the Site Plans, the equipment noise specifications, and the equipment needs of the facility, *i.e.*, whether the modeling is consistent with the information required by points 1, 2, and 3 above. Without access to the modeling files, the model is merely a black box, outputting data that cannot be analyzed or relied upon.

Noise experts routinely share noise modeling as that is the way we “show our work.” I have reviewed developers CADNA/A (and other noise modeling files) of many other noisy projects, and I have shared my modeling, which has been reviewed by others. In my professional experience, the only time noise modeling files are not provided is when the developer has assumptions or modeling that likely cannot withstand review by a peer.

## Summary

The Town and the GCEDC need to acquire and evaluate:

1. The Site Plan with the exact type, number and locations (including heights) of every noise source and barrier.
2. The complete noise specifications for each piece of equipment.
3. Supporting evidence for the choice of equipment and mitigation measures.
4. The CADNA/A modeling files, including the CADNA/A file (the \*.cna file), the configuration file, and the image of the area.

Moreover, it should acquire this information for past Noise Monitoring Reports in order to evaluate the credibility of Ramboll's reports. Ramboll has provided many Noise Modeling Results to the Town and GCEDC for the Stream Data Center (including for this iteration of the project and the earlier iteration that was rescinded), and each version has raised new issues about the credibility of the modeling and whether they are based upon realistic mitigation measures, actual site plans, or actual specified equipment. Consequently, in order to determine the credibility of the Ramboll Noise Modeling Results, it is important that the Town and GCEDC examine site plans, equipment, and modeling, not only the current report, but for past reports, including those that were generated for Stream's first proposal for a data center at the STAMP Site.

If this information is not disclosed by the applicant and made available for independent verification, the Town and GCEDC cannot rationally rely upon the Noise Monitoring Reports to draw conclusions about the Project's potential impacts on noise and the surrounding acoustical environment.



County of Orleans

**Department of Tourism**

Dawn L. Borchert  
Tourism Director

14016 Route 31 West • Albion, NY 14411  
Phone: (585) 589-3102 • Fax: (585) 589-3283  
www.OrleansCountyTourism.com  
dawn.borchert@orleanscountyny.gov  
lynne.menz@orleanscountyny.gov

Ron Bierstine  
Sportfishing Coordinator

The Oak Orchard River and the receiving waters of Lake Ontario are a World-Class year-round fishing destination. According to a 2017 NYSDEC study, the total annual economic impact from visitors coming to fish in Orleans County waters was nearly 28 million dollars. Applying a standard inflationary rate that value would be near 34 million in 2024.

The tributary waters of Oak Orchard River are one of the major use tributaries in Lake Ontario that have prolific trout and salmon migrations supported by substantial stakeholder stocking efforts and some natural reproduction. The downstream waters of Lake Ontario at Point Breeze, NY are enjoyed by thousands of recreational boaters and trolling anglers alike.

The good health and non-impacted clean water of the Oak Orchard River is vitally important to the sport fishery and boating interests which support the tourism economy for Orleans County.

Concerns for any STAMP site sanitary or process wastewater discharge into Oak Orchard River at any location include increased volumes that could impact existing run of the river flows, most especially the NYS Canal Corp and NY Power Authority's Reimagine the Canals Fall Fishing Program and degradation of water quality from sanitary effluent or harmful chemical process wastewater constituents.

With unknown future and ever-changing STAMP site tenants to include the proposed hyperscale STREAM US Data Center it is nearly impossible to quantify what could be the makeup of the STAMP site wastewater effluent going forward.

Discharge into a high gradient section of Oak Orchard River downstream of swamp and Refuge waters at Shelby, NY via a force main moving STAMP wastewaters across County lines was and remains an ill-advised option – especially considering the crossing of the Oak Orchard River twice before the eventual Shelby discharge point. And - discharge into low gradient upstream headwaters of Oak Orchard River upstream of swamp and Refuge waters at Oakfield, NY via a different force main or by tanker truck transport for STAMP wastewaters is no better an option and cannot be supported.

A responsible siting and development of the STAMP site and future tenant buildout should include reasonable water intake and use with the treatment and discharge of wastewaters done on site or within originating county boundaries – and not to include the Oak Orchard River.



April 14, 2026

Dear Members of the Genesee County Economic Development Center,

On behalf of the approximately 400 members of the Seth Green Chapter of Trout Unlimited in Rochester, NY, I am writing to express our strong opposition to the proposed data center project at the Science and Technology Advanced Manufacturing Park (STAMP) in the town of Alabama, New York.

Trout Unlimited (TU) recognizes the rapid siting and expansion of data centers pose growing risks to cold water ecosystems. The buildout and operation of these facilities can strain freshwater resources, increase thermal and hydrologic stress on rivers and aquifers, and drive land conversion that fragments habitats and degrades the health of our waterways.

STAMP is not well suited for an installation of this magnitude. Siting this 2.2 million square foot mega data center there will cause serious detrimental effects on the adjacent wetlands, the Oak Orchard River watershed and ultimately Lake Ontario. These waters support substantial populations of rainbow and brown trout, King salmon, Coho salmon, Atlantic salmon, bass and many other fresh-water species. Hundreds of our members have fished this world-class resource for decades.

This data center also poses additional dangers to the fresh, cold water of the Oak via:

- Cooling water withdrawal
- Thermal disruption due to high, warm runoff from the extensive hard surfaces
- Groundwater contamination due to diesel fuel leaks
- Contamination from inadvertent sanitary wastewater discharge
- Wetland and tributary disruption from building a discharge pipeline to the Oak

Not to mention, the *millions* of gallons of water used daily by the utility company to generate the 500 megawatts of electricity necessary to power the data center. Where will this water come from? Where will it go? The MORE water used by industry = LESS water for fish.

In closing, I can sum up our members' collective feelings about this data center in five words:

**IT'S A REALLY BAD IDEA!**

Sincerely,

Aaron DeRuyter, President

Seth Green Chapter Trout Unlimited  
PO Box 22994  
Rochester, NY 14692



David Damico

ROCHESTER NY 144  
9340



Town of Alabama Planning Board  
Town Hall 2218 Judge Rd.  
Oakfield, NY 14125



I oppose the massive data center complex at STAMP in the Town of Alabama.

In a March 2026 report from Good Jobs First, a non-profit, non-partisan research organization on economic development incentives, it was determined that "...this is a direct transfer of wealth from every resident of Genesee County to Apollo Global Management, one of the world's biggest private equity firms...This is not an industry that requires public financial support to do their private business."

In addition, this center will negatively impact our GLOW region due to:

- Air pollution
- Water pollution
- Harmful impacts to wildlife & local sportfishing industry
- Higher electricity rates
- Increased brownouts & blackouts
- 24/7 light
- 24/7 low frequency noise and attendant health and environmental problems
- Lower property values
- Loss of biodiverse wetlands and productive farmland
- Lack of respect for the neighboring Tonawanda Seneca Nation's lands & traditions

...all for a few local jobs. Profits will benefit the speculative multi-billion data center industry and an undisclosed Big Tech operator.

Practically  
Emma K. Mason  
LeRoy, NY 14482

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...all for a few local jobs. Profits will benefit the speculative multi-billion data center industry and an undisclosed Big Tech operator.

I am a tenured BOCES teacher!

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...all for a few local jobs. Profits will benefit the speculative multi-billion data center industry and an undisclosed Big Tech operator.

PLEASE "NO DATA CENTER" - Dianne K. Cochran

Callert ROCHESTER NY 144

2026 PM 2 L



Town of Alabama  
Town Hall Planning Board  
2218 Judge Rd  
Oakfield NY 14125



Respect our Lands

I oppose the massive data center complex at STAMP in the Town of Alabama.

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...all for a few local jobs. Profits will benefit the speculative multi-billion data center industry and an undisclosed Big Tech operator.

Pavilion resident

ROCHESTER NY 144

13 APR 2026 PM 1 L



Town of Alabama Planning Board  
Town of Alabama  
Town Hall  
2218 Judge Road  
Oakfield, NY 14125



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*It's called Greed.*

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...all for a few local jobs. Profits will benefit the speculative multi-billion data center industry and an undisclosed Big Tech operator.



Elizabeth J. Conway



Town of Alabama Planning Bd  
Town of Alabama  
Town Hall  
2215 Judge Rd,  
Oakfield, NY 14125

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...all for a few local jobs. Profits will benefit the speculative multi-billion data center industry and an undisclosed Big Tech operator.

4-15-

ATTN: TOWN CLERK  
RE: STAMP PROJECT  
YOUR ATTENTION, PLEASE.

FOR MULTIPLE REASONS AND UNDER NO CIRCUMSTANCES  
SHOULD THIS NIGHTMARE BE ALLOWED TO COME INTO  
EXISTENCE, AS IT WILL RESULT IN DECADES OF  
PROBLEMS AND ADDED, SIGNIFICANT, EXPENSE.  
YOUR EFFORTS TO BLOCK IT SHALL PROVE A  
BLESSING.

SINCERELY,



RECEIVED

APR 20 2025  
Town of Alabama  
Town Clerk

# THE TRAGIC EFFECTS OF DATA CENTERS

THE REAL COST TO OUR COMMUNITIES, OUR HEALTH, AND OUR FUTURE

AT THE FENCE LINE	WITHIN A MILE	MILES AWAY - AND DOWNSTREAM
<ul style="list-style-type: none"> <li>CONCRETE NOISE</li> <li>LOW FREQUENCY CELLULAR OVERLOADING</li> <li>LOSS OF PROPERTY VALUE</li> <li>THE USE OF ONE-OF-A-KIND TECHNOLOGY</li> <li>TOTAL DEPRESSION IN THE LOCAL AREA</li> <li>GROUND VIBRATION FROM NATURAL GAS TURBINES</li> <li>HEAVY DEPLETION</li> <li>GROUND WATER MANAGEMENT ISSUES FOR RESIDENTS</li> <li>LIGHT POLLUTION</li> <li>PRECIOUS METAL SUPPLY SHORTAGES</li> <li>MASSIVE ENERGY CONSUMPTION</li> <li>HIGHER ELECTRICITY BILLS</li> <li>WATER BATHING FOR LOCAL RESIDENTS</li> <li>AIR CONTAMINATION</li> <li>INCREASED CASES OF ASTHMA LOCALLY</li> <li>ELECTRONIC WASTE BY HAZARDOUS MAINTENANCE AND DISPOSAL</li> <li>FAST LAND USE CHANGES</li> <li>DESTROYING WILDLIFE HABITATS</li> <li>DESTROYING HUMAN HABITATS</li> </ul>	<ul style="list-style-type: none"> <li>DISRUPTING THE NATURAL FILTERING OF GROUNDWATER</li> <li>LEAD TO MINIMAL LOCAL JOBS</li> <li>ENORMOUS CONSTRUCTION SITES</li> <li>UPGRADES OF LOCAL POWER AND WATER INFRASTRUCTURE</li> <li>LITTLE TO NO TRANSPARENCY OF FULL DEVELOPMENT PLANS</li> <li>MINIMAL DAMAGE TO LOCAL BODIES</li> <li>EXTREME FIRE RISKS IN AREAS WITH SMALL FIRE DEPARTMENTS</li> <li>SMALL GENERATOR BACKUP SYSTEMS</li> <li>LARGE USE OF LITHIUM BATTERIES</li> <li>LOWER QUALITY OF LIFE FOR RESIDENTIAL RESIDENTS</li> <li>INCREASE RISK OF CANCER</li> <li>UNSTRUCTURAL INDUSTRIAL BALANCE</li> <li>RISK OF SLACKNETS</li> <li>DEATH OF BEAUTY</li> <li>INTRODUCTION OF RESIDENTS TO BAYON RESOURCES</li> <li>BAYON TURBINE</li> </ul>	<ul style="list-style-type: none"> <li>LOSS OF SOME DIVERSITY IN CHILDREN</li> <li>LACK OF SLEEP</li> <li>LOSS OF REPRODUCTIVE ACTIVITY IN LIVESTOCK</li> <li>DEATH OF LIVESTOCK</li> <li>INABILITY TO LAY EGGS IN CHICKENS</li> <li>CARDIOVASCULAR DISEASE</li> <li>WASTON BUSINESS</li> <li>LOSS OF BIRD POPULATION</li> <li>LOSS OF BUTTERFLY POPULATION</li> <li>LOSS OF HUMMINGBIRD POPULATION</li> <li>INFERTILITY IN HUMANS</li> <li>EXTENSIVE GOVERNMENT SURVEILLANCE</li> <li>PERSONAL DATA STORAGE ON US CITIZENS</li> <li>SEX CONTAMINATION</li> <li>FUTURE ECONOMIC COLLAPSE THROUGH GOVERNMENT BRACKET FOR ALL COMPANIES</li> <li>LOSS OF CONTROL OF FUTURE POWER OPS</li> <li>LOSS OF CONTROL OF WATER RIGHTS</li> <li>DESTROYING AGRICULTURE</li> <li>HEARING AIDS IN CHILDREN</li> <li>END OF COURSE, DEPRESSION</li> </ul>

**THIS IS NOT PROGRESS. THIS IS REGRET. OUR COMMUNITIES ARE NOT FOR SALE.**

DEMAND TRANSPARENCY. PROTECT OUR LAND, OUR WATER, OUR HEALTH.

QUESTION IT. RESEARCH IT. STOP IT BEFORE IT STARTS.

HOME ABOUT OUR WORK



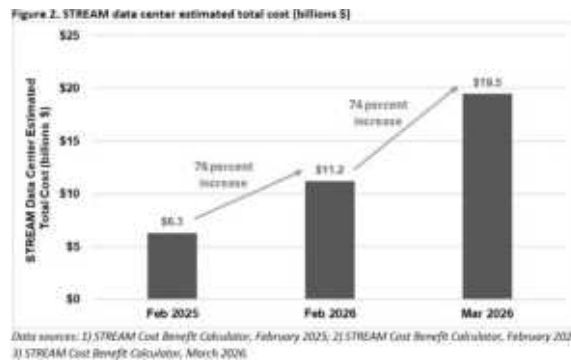
JOBS PRO BONO FUND

RESOURCES

Friday 04.10.26

0 Likes  
Share

# Comments Regarding STREAM's Proposed Data Center



**Client: Tonawanda Seneca Nation and Sierra Club Niagara Group**

**Author: Bryndis Woods, PhD**

**April 2026**

In January 2026, STREAM U.S. Data Centers, LLC (STREAM) applied to the Genesee County Economic Development Center to construct a 2.2 million square-foot data center campus in the Town of Alabama, New York, located in Genesee County. On behalf of Tonawanda Seneca Nation and Sierra Club Niagara Group, Senior Analyst Dr. Bryndis Woods drafted comments that address STREAM's proposed data center, including its claimed costs and benefits for the local community. STREAM does not provide any supporting materials for its cost-benefit analysis (CBA), which fails to meet standards expected in a public decision-making process and is insufficient to determine whether the proposed project would provide net benefits for the local community.

Other key findings include:

[HOME](#)   [ABOUT](#)   [OUR WORK](#)



[JOBS](#)   [PRO BONO FUND](#)

[RESOURCES](#)

- STREAM'S JOB CREATION ESTIMATES EXCEED VALUES FOUND IN PUBLICLY AVAILABLE DATA AND INFORMATION.
- STREAM HAS REQUESTED TAX ABATEMENTS THAT ARE WORTH 25 TIMES MORE THAN THE BENEFITS PROVIDED BY THE PROPOSED PILOT/HOST PAYMENTS.
- VALUING DATA CENTERS IS CHALLENGING AND COMPLEX.
- STREAM'S PROPOSED DATA CENTER MAY NEGATIVELY IMPACT LOCAL TOURISM AND RECREATION, WHICH ARE AN INTEGRAL PART OF THE COMMUNITY AND ECONOMY.

Errata:

On page 12 of the comments, it states that: "Empire State Development of New York State's 2024 Tourism Economics Report found that, in Genesee County, visitors spent \$144.5 million in 2024, generating about \$331.1 million in direct personal income for county residents, creating about 11,000 direct jobs and about 5,000 indirect jobs, and generating \$8.8 million in local tax revenue—equal to \$665 in tax savings per household." This should read: "Empire State Development of New York State's 2024 Tourism Economics Report found that, in Genesee County, visitors spent \$144.5 million in 2024, generating about \$46.8 million in direct personal income for county residents, creating 1,850 direct jobs and generating \$8.8 million in local tax revenue—equal to \$665 in tax savings per household."

**[Link to Comments](#)**

*HOME ABOUT OUR WORK*

*JOBS PRO BONO FUND*

*RESOURCES*





1380 Monroe St NW  
PMB 405  
Washington DC, 20010  
202-232-1616  
goodjobsfirst.org

**Testimony of Kasia Tarczynska  
Senior Research Analyst, Good Jobs First  
Alabama, NY ~ March 19, 2026**

**Re: STREAM US Data Center Project**

My name is Kasia Tarczynska, and I am a Senior Research Analyst with Good Jobs First, a non-profit, non-partisan research organization. We promote transparency and accountability in economic development incentives and have studied data center subsidies since 2016.

We submit these comments as part of the public hearing record pursuant to Article 18-A of the New York General Municipal Law pertaining to the data center complex proposed by STREAM US Data Centers for the STAMP mega industrial site in Alabama, NY.

Based on our research, the project raises serious concerns. While GCEDC highlights that PILOT payments may exceed property taxes, this ignores the full subsidy package that totals \$1.4 billion in lost tax revenue, even after the PILOT payments.

The largest subsidy is the sales tax exemption on buying equipment; this tax break is \$1.4 billion alone. Unlike the property tax arrangement, there is no PILOT to offset this tax break. The company is expected to pay only \$270 million in sales taxes over 30 years; meaning, the sales tax subsidy is five times more than what the company will pay.

On top of that, the package also includes \$30 million in mortgage tax breaks, again with no offsets.

GCEDC argues that “This is not a transfer of current or future taxpayer money. It is not cash paid to the company.”<sup>1</sup> I strongly disagree with this statement. This is tax revenue that the company, without the tax break, would have paid into local budgets to pay for public safety, public health programs, education and other community needs across the county.

Let's be clear, this is a direct transfer of wealth from every resident of Genesee County to Apollo Global Management, one of the world's biggest private equity firms and its billionaire owners and shareholders.

The project promises 125 permanent jobs; this is \$11 million in lost tax revenue per job, one of the highest public costs we have seen. At this rate, workers whose jobs are subsidized won't be able to generate enough new tax revenue through payroll taxes or other taxes to recover those millions of dollars given to the company for their jobs.

The projected 600 construction jobs are spread over five years; those are not jobs at one time. And 60% of those workers will be from outside the region, according to GCEDC.<sup>2</sup> Meaning, there is no guarantee that they will spend their earnings locally supporting the regional economy.

Finally, the data center industry is expanding rapidly, fueled by demand for AI and cloud computing and backed by massive private investment. Its potential harms to workers and communities are unknown. This is not an industry that requires public financial support to do their private business.

Thank you. Please feel free to email me at [kasia@goodjobsfirst.org](mailto:kasia@goodjobsfirst.org) with any questions.

Kasia Tarczynska  
Senior Research Analyst  
Good Jobs First  
[kasia@goodjobsfirst.org](mailto:kasia@goodjobsfirst.org)

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<sup>1</sup> Stream US Data Centers Project - Cost Benefit Calculator Executive Summary:  
[STREAMUSDataCentersLLC.CostBenefitAnalysisWithExecutiveSummary.3.12.26.pdf](#)

<sup>2</sup> Ibid.



To the Genesee County Economic Development Center (GCEDC):

My name is Nichole Heil and I am with the Private Equity Stakeholder Project (PESP). PESP is a nonprofit watchdog organization with a mission to bring transparency and accountability to the private equity industry and help empower impacted communities and investors. I submit these comments as part of the public hearing record pursuant to Article 18-A of the New York General Municipal Law as well as the SEQRA Environmental Review Process for BUFA Project Double Reed - the data center complex proposed by STREAM US Data Centers for the STAMP mega industrial site in Alabama, NY.

In August 2025, Apollo Global Management (Apollo) acquired a majority stake in STREAM US Data Centers. Apollo is one of the largest private equity firms in the world, with \$938 billion in assets under management and a vast portfolio of companies across the economy. Apollo's portfolio companies have a history of labor disputes and the firm owns two of the largest hospital systems in the U.S. which have experienced cuts to services, layoffs, poor quality ratings, and regulatory investigations.

After acquiring a company, private equity firms are often laser-focused on growing cash flow, using heavy debt loads, cutting costs for themselves, and raising the cost to consumers. This can include reductions of qualified staff and the deferral of necessary maintenance and capital improvements. Such reductions and cutbacks are especially risky in the energy generation and infrastructure industry, creating the potential for serious safety hazards, environmental violations, and reliability concerns. In addition, private equity-owned firms do not have to make regular filings under SEC rules, so there is less information publicly available information about the company and its plans for the future.

Private equity investors often demand higher profits than normal market investors, and those profits may come at the expense of workers and consumers. The STREAM data center complex is anticipated to receive a whopping \$1.4 billion in subsidies. Outside of temporary construction jobs, it's unclear what benefits Genesee County residents may receive.

While the potential long-term profitability and feasibility of large-scale data center infrastructure expansion remain speculative, the environmental impacts and social costs of data centers are clear and already happening. Aside from the harmful emissions caused by fossil fuel power generators to power the data centers, the data centers require large swaths of land, high levels of electricity and water to operate and cool servers, and cause air and acoustic pollution, which all impact the local biodiversity and communities. Further, the increased electrical and water needs for the data centers have burdened local ratepayers. A *Bloomberg* analysis of wholesale electricity prices found that in areas located near significant data center activity, electricity costs 267% more for a single month than it did five years ago in those same areas.



Due to the reasons highlighted above about the elevated risks of infrastructure development backed by private equity, and specifically by Apollo, PESP supports the community's demands that the GCEDC should go back to the drawing board with residents to collectively envision a new path for economic development in the GLOW Region that finances and enables the amenities, services, and infrastructure that meets peoples' actual needs while providing protection from undue ecological and economic risk and harm.

PESP supports the community's demand that GCEDC follow all of NYSDEC's recommendations with respect to the SEQR environmental review process and asks that GCEDC reject the incentives application from STREAM US Data Centers and Apollo Global Management.

Thank you,

Nichole Heil  
Senior Research and Campaign Coordinator  
Private Equity Stakeholder Project

**Public Hearing Statement STAMP / STREAM US Data Centers (Project Double Reed)  
Town of Alabama Public Hearing – April 15, 2026 Submitted by: Dr. Madeline Nyblade,  
Ph.D.**

*The views expressed in this statement are my own personal and professional opinions and do not represent SUNY College of Environmental Science and Forestry or any other institution.*

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My name is Dr. Madeline Nyblade. I am a hydrologist and researcher who has conducted independent analysis of the flooding, wetland, and stormwater impacts of development at STAMP. I am submitting these comments in my personal capacity as a scientist, not on behalf of any institution.

All stormwater from both proposed data center campuses flows downstream onto Tonawanda Seneca Nation territory, through the Tonawanda Wildlife Management Area, and into the Iroquois National Wildlife Refuge. Approximately 351.6 acres of wetlands on Nation lands receive surface water directly from STAMP. The Nation has not been meaningfully consulted.

The stormwater plans submitted for this project were not adequate. NYSDEC reviewed them in February and identified more than 20 significant deficiencies. Drainage maps did not match actual site conditions. The rainfall modeling methodology did not meet state standards and was replaced entirely. Three stormwater basins were modeled to fail during major storm events and had to be redesigned. The wrong sediment controls were specified throughout the plans. These are not paperwork problems. These are fundamental flaws in a system meant to protect downstream water quality — including the Nation's waters.

The existing stormwater basin at the South Campus — inherited from the prior Plug Power project and proposed to be retained without assessment — appears orange in satellite imagery. There is no inspection record, no performance data, and no water quality sampling in the submitted documents to confirm it is functioning or explain why the water present is orange.

Wetlands have not been properly evaluated. The applicants' own documents state that infiltration testing confirmed poorly draining soils and that perched water tables are likely present seasonally above an impermeable clay layer. The USDA Web Soil Survey maps poorly drained soils across both parcels. Satellite imagery shows wet areas on site. Yet neither plan documents a wetland jurisdictional determination as required under New York's regulations that took effect January 1, 2025. My independent analysis finds wetland presence on this site to be likely. Vernal pools — which are common on surrounding lands and for which the site conditions are suitable — were never screened for at all.

The flow direction of this site's stormwater remains scientifically unresolved. USGS stream mapping and the National Hydrography Dataset show these waterways draining toward Oak Orchard Creek — not Tonawanda Creek as NYSDEC and the applicant now assert. Which way the water flows determines which communities bear the risk and which water quality standards apply.

NYSDEC has not issued permit coverage. The regulatory process is not complete. Taxpayer money should not subsidize a project with unresolved water quality violations, an unevaluated wetland record, and undocumented downstream impacts on sovereign Nation lands.

**I oppose the financial incentives request submitted by STREAM US Data Centers. I demand that GCEDC follow all of NYSDEC's recommendations, a proper wetland determination be conducted, and the Tonawanda Seneca Nation be meaningfully consulted. And I call on GCEDC to reject the incentives application from STREAM US Data Centers.**

Thank you.

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*Dr. Madeline Nyblade, Ph.D. Submitted in personal capacity. The views expressed herein are solely my own and do not represent SUNY College of Environmental Science and Forestry or any other institution.*



ORGANIZING *for* HEALTH *and* JUSTICE

March 19, 2026

Genesee County Industrial Development Agency  
d/b/a Genesee County Economic Development Center  
99 MedTech Drive  
Batavia, New York 14020  
cc: [gcedc@gcedc.com](mailto:gcedc@gcedc.com)

Good evening,

My name is Chris Murawski and I am the Executive Director of the Clean Air Coalition of Western New York. I am submitting these comments on behalf of Clean Air Coalition. I submit these comments as part of the public hearing record pursuant to Article 18-A of the New York General Municipal Law as well as the SEQRA Environmental Review Process for BUFA Project Double Reed - the data center complex proposed by STREAM US Data Centers for the STAMP mega industrial site in Alabama, NY.

We work with residents and workers of environmental justice communities throughout our region to organize and win public health and environmental justice campaigns.

On behalf of Clean Air's members and supporters I want to say we oppose the financial incentives request submitted by STREAM US Data Centers and Apollo Global Management for their proposed data center complex at STAMP. We demand that GCEDC follow all of NYSDEC's recommendations with respect to the SEQRA environmental review process. We call on GCEDC to reject the incentives application from STREAM US Data Centers and Apollo Global Management.

The project will have regional and statewide environmental justice impacts. With the addition of 500MW of power demand this project will certainly require outdated polluting infrastructure brought back online to meet these demands. Many of these generating facilities are in what NYS considers Disadvantaged Communities which already suffer disproportionate burden from air pollution. Clean Air has a campaign in North Tonawanda NY in which an outdated gas fired power plant was re-fired to power a data center increasing emissions and also has well documented effects from noise pollution on residents and has led the city has passed a 2 year moratorium on the development of any more of these type of data centers.

STAMP is an extremely inappropriate site for a data center, due to it's remote location, lack of infrastructure, and adjacency to the Seneca Tonawanda Nation and



ORGANIZING *for* HEALTH *and* JUSTICE

sensitive protected environmental areas. Further, all the proposal includes plans for emergency diesel backup generators, and greenhouse gas emissions projected into the megatons annually. The stated number of 12 diesel backup generators is 90 % less than the conventional amount of back up generators deployed for a data center of this size according to analysis by the Environmental Protection Network. There needs to be more information provided regarding the disparity in the proposed 12 generators and the standard amount of generators usually deployed at comparable projects. Is this information accurate or is this a misrepresentation?

This Project is an egregiously bad investment for Genesee county and Western New York. The requested subsidy would be among the largest ever awarded to an economic development project and the largest ever awarded to a data center in the US. \$11 Million per job for the 125 jobs created is just a staggering number to ponder. We realize that all pots of money are not equal but just for some examples of investments that would actually benefit residents of Genesee County, what would we get if we took that \$11 million dollars for a single job and invested it in energy efficiency and clean energy upgrades. With that amount of money you would be able to insulate 1100 single family homes. You would also create 50 jobs in the process in the residential construction industry. According to a study it is an average of 10-12 jobs per \$1 Million invested in energy efficiency. So 50 is cutting that number in half for a very conservative estimate. A recent analysis from Food & Water Watch, a nonprofit tracking corporate overreach, found that in Virginia, the investment required to create a permanent data center job was nearly 100 times higher than other manufacturing projects.

We also echo the demands of the Tonawanda Seneca and ask the following:  
GCEDC must conduct a Supplemental Environmental Impact Statement (EIS) focused on data centers at STAMP  
GCEDC must conduct a Supplemental EIS for the entire STAMP site taking into account new laws and regulations as well as other changes, including changes in plans for the site since 2012  
GCEDC must ensure that SEQR analysis incorporates review of cultural and environmental justice impacts on the Tonawanda Seneca Nation and includes input from the Nation, NYS DEC and the State Historic Preservation Office on those impacts  
GCEDC must conduct SEQR review that includes detailed impacts analysis for both the construction and operations phases of the project, keeping in mind that constructive is forecast to take at least five years;  
GCEDC must require prior to completing SEQR review that independent studies on issues such as noise, air emissions, geotechnical analysis, traffic, and water impacts be completed and made available to the public;



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GCEDC must Require prior to completing SEQR review that a public hearing is held AFTER all studies and application materials are finalized and made available to the public

I reserve the right to submit further comments on the April 6 revised SEQR Application and related materials once I have reviewed and analyzed these materials in order to fully assess the STREAM project's impacts. There was not enough time for a further review.

Respectfully submitted,

Chris Murawski, Executive Director  
The Clean Air Coalition of Western New York  
[chris@cacwny.org](mailto:chris@cacwny.org)



April 16, 2026

Hello. My name is Marisa Riggi and I am the Executive Director of Western New York Land Conservancy, a non-profit land trust with a mission to permanently protect land with significant conservation value for the benefit of future generations. The proposed data center at the STAMP site will irreparably harm the conservation values the Land Conservancy exists to protect – the farms, forests, wildlife habitat, and natural resources that we all depend on for our survival. We oppose the financial incentives request submitted by STREAM US Data Centers and request that GCEDC follow all of NYS DEC's recommendations.

The STAMP facility sits at a critical bottleneck in the Western New York Wildway—a mapped wildlife corridor essential for biodiversity, species movement, water protection, and climate resilience. Built in partnership with more than 70 organizations, the Wildway connects forests and core habitats, enabling plants and animals to move, adapt, and survive in a changing climate. This site is one of the last remaining safe passages linking the Southern Tier's forests to the shore of Lake Ontario. It is vital to species that depend on Iroquois National Wildlife Refuge, Tonawanda Wildlife Management Area, Oak Orchard Wildlife Management Area, and the Big Woods. The damage from this project would be profound and irreversible. It must not proceed.

Instead of birdsong and leaves rustling in the wind, our ears will only hear the endless hum of cooling fans, diesel powered generators, and semi-trucks. Instead of quiet nights under dark skies, light pollution will outshine the stars and change wildlife activity for miles around. The once endangered bald eagles who are now thriving here will again lose their habitat and home.

Eleven hundred acres of farmland were removed from production when GCEDC acquired this land. According to the USDA, 98% of the STAMP site has highly productive agricultural soils. Soils like these are a finite resource. It takes generations to form soils of this quality for the production of food. Instead of growing fresh, local food for our families, the soil will be covered with the equivalent of 40 football fields of impervious surface – pavement and rooftops.

The amount of water and energy that will be needed to meet the data center's cooling needs is immense. This facility will require diesel trucks to haul 12,500 gallons of wastewater to Oakfield every single day. In a region where water resources are already strained and energy costs are rising, this will further strain the natural resources we rely on. Oak Orchard Creek supports a significant fishery for Lake Ontario and serves as an important regional economic driver. Any added stress or risk to water quality raises serious ecological and economic concerns.

Our region is already under immense pressure for energy development to meet the state's renewable energy goals and ever-growing electrical needs. While we rarely comment on those proposals, this project is different. The data center here would consume a fifth of the



clean energy produced by Niagara Falls. To make up the difference, countless other lands and open spaces will be at risk of development.

There are less impactful sites for a data center throughout WNY, including brownfields. Places where wildlife was driven out long ago, and that are ripe for redevelopment. Why not revitalize those sites and stop the irresponsible siting of this development next to places of such ecological and cultural significance? We strongly oppose this development and encourage GCEDC and all involved to rethink STAMP.

Marisa Riggi, Executive Director  
Western New York Land Conservancy



1 Steuben St  
Albany, NY 12207  
Tel: (518) 869-9731  
ny.audubon.org

VIA ELECTRONIC DELIVERY

April 17, 2026

**RE: National Audubon Society Comments on State Environmental Quality Review of Project Double Reed – STREAM U.S. Data Centers, LLC Proposed Data Center at WNY STAMP**

To Whom It May Concern,

On behalf of the National Audubon Society's office in New York State, with a membership of over 90,000 New Yorkers, I thank you for the opportunity to submit written comments on the State Environmental Quality Review Act ("SEQRA") Development Application submitted by STREAM U.S. Data Centers, LLC for their proposed Project Double Reed at the Western New York Science & Technology Advanced Manufacturing Park ("WNY STAMP") in the Town of Alabama, Genesee County.

As we described in our March 31, 2023, comments on the sitewide Part 182 Incidental Take Permit Application (Application ID: 8-1820-00032/00003) for the WNY STAMP site, this landscape is ecologically significant due to its high value to threatened and endangered bird species. The WNY STAMP site is located within Audubon's Iroquois NWR/Oak Orchard and Tonawanda Wildlife Management Areas Important Bird Area, which is designated as continentally significant; within the NYSDEC's Oak Orchard-Iroquois Grassland Bird Conservation Center and Western New York Grassland Focus Area 1 (Morgan and Burger 2008); within a Wintering Raptor Concentration Area; and within one of Audubon's grassland climate strongholds. All of these designations reflect the value of this exceptional landscape to vulnerable bird species.

We have been made aware of reports that the project site may contain occupied habitat for State-Threatened Bald Eagles and that an active nest may be present on the site. Community testimony at the Genesee County Economic Development Center's (GCEDC) March 19, 2026, public hearing also included statements by local residents that Bald Eagles are observed flying over the WNY STAMP site "almost daily". Additionally, the Full Environmental Assessment Form submitted by STREAM U.S. Data Centers as part of its revised SEQRA Development Application dated April 6, 2026 acknowledges at Section E.2.o that Bald Eagles have documented habitat on or near the project site. The project site is also located adjacent to the Iroquois National Wildlife Refuge and the Tonawanda and John White Wildlife Management Areas — landscapes that are well-documented as Bald

Eagle habitat — and lies within a designated Wintering Raptor Concentration Area. The reported presence of Bald Eagles on or in the vicinity of the project site is therefore not surprising and entirely consistent with the site's ecological designations.

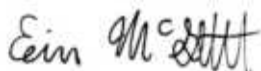
If Bald Eagles are present on the project site and engaging in essential behaviors such as nesting, the SEQRA Development Application must be revised to include an analysis of potential impacts to Bald Eagles, or a Supplemental Environmental Impact Statement must be prepared focusing on endangered and threatened species using the site. As Audubon noted in our 2023 comments on the sitewide Part 182 Incidental Take Permit, the 2012 WNY STAMP Generic Environmental Impact Statement and its 2016 amendments did not analyze impacts to threatened and endangered species that use the WNY STAMP site, and subsequent revisions have failed to do so as well. The current revised SEQRA Development Application submitted on April 6, 2026, also does not remedy this deficiency.

Under 6 NYCRR § 617.7(c)(1)(ii), substantial adverse impacts on a threatened or endangered species or their occupied habitat are among the criteria indicating that a significant adverse environmental impact may occur. If Bald Eagles or other listed species are present, the proposed construction activities, 24-hour artificial lighting, continuous operational noise from cooling equipment and diesel-powered backup generators, and increased human activity would certainly affect any individuals that use the site or the surrounding area for occupied habitat.

Additionally, a Part 182 Incidental Take Permit would be required before construction may proceed, as the existing sitewide permit is limited in scope to the take of Short-eared Owls and Northern Harriers. We note that the question of whether a new Part 182 Incidental Take Permit is required is ultimately one for the NYSDEC to resolve, and we urge the GCEDC to require STREAM U.S. Data Centers to consult with the NYSDEC Division of Fish and Wildlife on this question and request a jurisdictional determination. Without this determination, neither the applicant, the GCEDC, nor the public can know whether a permit is required. There may also be additional requirements from the United States Fish and Wildlife Service pursuant to the federal Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act, and STREAM U.S. Data Centers should be directed to consult with the Service as well.

Thank you for considering these comments. If you have questions, please contact our Policy Director, Erin McGrath, at [erin.mcgrath@audubon.org](mailto:erin.mcgrath@audubon.org).

Sincerely,

A handwritten signature in black ink that reads "Erin McGrath". The signature is written in a cursive, slightly slanted style.

Erin McGrath  
Policy Director  
National Audubon Society in New York



County of Orleans

**Department of Tourism**

Dawn L. Borchert  
Tourism Director

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Ron Bierstine  
Sportfishing Coordinator

The Oak Orchard River and the receiving waters of Lake Ontario are a World-Class year-round fishing destination. According to a 2017 NYSDEC study, the total annual economic impact from visitors coming to fish in Orleans County waters was nearly 28 million dollars. Applying a standard inflationary rate that value would be near 34 million in 2024.

The tributary waters of Oak Orchard River are one of the major use tributaries in Lake Ontario that have prolific trout and salmon migrations supported by substantial stakeholder stocking efforts and some natural reproduction. The downstream waters of Lake Ontario at Point Breeze, NY are enjoyed by thousands of recreational boaters and trolling anglers alike.

The good health and non-impacted clean water of the Oak Orchard River is vitally important to the sport fishery and boating interests which support the tourism economy for Orleans County.

Concerns for any STAMP site sanitary or process wastewater discharge into Oak Orchard River at any location include increased volumes that could impact existing run of the river flows, most especially the NYS Canal Corp and NY Power Authority's Reimagine the Canals Fall Fishing Program and degradation of water quality from sanitary effluent or harmful chemical process wastewater constituents.

With unknown future and ever-changing STAMP site tenants to include the proposed hyperscale STREAM US Data Center it is nearly impossible to quantify what could be the makeup of the STAMP site wastewater effluent going forward.

Discharge into a high gradient section of Oak Orchard River downstream of swamp and Refuge waters at Shelby, NY via a force main moving STAMP wastewaters across County lines was and remains an ill-advised option – especially considering the crossing of the Oak Orchard River twice before the eventual Shelby discharge point. And - discharge into low gradient upstream headwaters of Oak Orchard River upstream of swamp and Refuge waters at Oakfield, NY via a different force main or by tanker truck transport for STAMP wastewaters is no better an option and cannot be supported.

A responsible siting and development of the STAMP site and future tenant buildout should include reasonable water intake and use with the treatment and discharge of wastewaters done on site or within originating county boundaries – and not to include the Oak Orchard River.