

## **MEMORANDUM**

**To:** Honorable Members of the Erie County Legislature  
**From:** Department of Environment and Planning  
**Re:** Buffalo Bills - Proposed New Stadium - Environmental Review  
**Date:** October 1, 2025

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### **SUMMARY**

In an environmental review process that ended in January 2023, the County of Erie (“County”) through its legislative body, the Erie County Legislature (“Legislature”) conducted a coordinated environmental review for the Buffalo Bills New Stadium Project (the Stadium Project), which entailed: (1) the conveyance of certain portions of land located in the Town of Orchard Park (SBLs: 161.00-5-1, 161.00-5-3.1, 161.00-5-16.1, 161.17-6-1, 161.17-6-3, 161.17-6-4.2, 161.17-6-10) to the Erie County Stadium Corporation (“ECSC”) and the subsequent lease of the parcels by ECSC to the Buffalo Bills, LLC, Western New York’s National Football League franchise team together with the Bills Stadium and Events Company, LLC (the “Bills Stadium Affiliate”), as (the “Team”); (2) the construction of a new stadium to replace the existing Highmark Stadium (“New Stadium”); (3) the demolition of Highmark Stadium (“Existing Stadium”) on the east side of Abbott Road between Big Tree Road and Southwestern Boulevard; and (4) the continued operation of the Team’s complex; (the “Project” or the “Action”).

Since the Stadium Project has been underway, the development team has asked the County to evaluate certain proposed changes to the Stadium Project to determine if the proposed changes to determine if the previously issued Negative Declaration should be amended or rescinded by reason of any impacts of the changes, if any. The proposed changes are: (1) retention of the 1973-built, 30,000 sq.ft. Administration Building (the “Old Admin Building”) attached to the Existing Stadium, which was originally proposed for demolition as part of the Project; (2) the addition of a shuttle bus drop-off and pick-up area for the Niagara Frontier Transportation Authority’s (the “NFTA”) Metro Game Day Express Shuttle service adjacent to the New Stadium; (3) the addition of two, 1,600 sq.ft. exterior markets (“Exterior Markets”) located at northeastern and northwestern entries to the New Stadium for food and beverage operations on game days; (4) other minor design changes including the location, size and design changes to the proposed Auxiliary Building, the addition of a curb cut on Southwestern Boulevard and updates to the Stormwater Pollution Prevention Plan (the “SWPPP”); (5) amendments to the following agreements (A) Stadium Development and Construction Coordination Agreement by and among the County, ECSC, and the Bills Stadium Affiliate (the “CCA”), (B) the March 29, 2023 Lease Agreement between ECSC and the Bills Stadium Affiliate (the “Stadium Lease”), (C) the 2013 Master Lease by and between Erie County and ECSC, and (D) the 2013 Stadium Lease by and between ECSC and the Team, including amendments to provide for conveyance of the Current Stadium Land, the Existing Stadium Complex, the New Stadium Land and New Stadium Complex from the County to ECSC upon Substantial Completion of the New Stadium Complex, and the conveyance of Additional Land from the Bills Stadium Affiliate to ECSC ; (6) the execution of a Reciprocal Easement Agreement by and among Erie County, ECSC and the Bills Stadium Affiliate to provide pedestrian and vehicular ingress and egress to and from

Southwestern Boulevard and Big Tree Road on a portion of the Erie County Community College (“ECC”) Parcels; (8) the execution of a Revocable License Agreement by and among the County and the Bills Stadium Affiliate to provide access to a portion of the ECC Parcels for purposes of the construction, operation and maintenance of two wet pond stormwater retention basins and one bio retention area for the purpose of stormwater discharge; and (9) a correction to the amount of soil to be excavated and transported from the site of the Project (hereinafter collectively referred to as the “Project Revisions”). A summary of the proposed changes are contained in a September 4, 2025 report (with exhibits) prepared by Labella P.C entitled New Highmark Stadium- Site Plan Revisions.

The Department of Environment and Planning has facilitated the review of the proposed changes by transmitting on or about September 8<sup>th</sup>, 2025 to all potentially Interested and Involved Agencies (as those terms are defined pursuant to SEQRA) a notice of the Legislature’s intent to reestablish Lead Agency for the review of the Project Revisions pursuant to SEQRA; and no other potentially Involved Agencies objected to the Legislature’s declaration of its notice of intent to serve as Lead Agency, such that the Legislature is the SEQRA lead Agency.

As the approving entity pursuant to SEQRA, it is requested that the Erie County Legislature review the proposed Project Revisions to determine if they threaten any significant adverse environmental impact(s) which would provide a basis to amend or alter the previously issued Negative Declaration.

Based upon a thorough review and examination of the known facts and careful review of all potentially adverse environmental impacts, it is the County Development Team’s ( Department of Environment and Planning, Department of Public Works, and Department of Law’s) recommendation that the honorable body should determine the Project Revisions when reviewed collectively, and individually, are generally minor, and will not have a significant adverse impact on the environment, and accordingly, rescission of the 2023 Negative Declaration is not warranted.

## **FISCAL IMPLICATIONS**

There is no fiscal impact to the County associated with the Environmental Review.

## **REASONS FOR RECOMMENDATION**

See attached September 4, 2025 report (with exhibits) prepared by Labella P.C entitled New Highmark Stadium- Site Plan Revisions, and draft Resolution prepared by Department of Environment and Planning,

## **BACKGROUND INFORMATION**

The 2023 Negative Declaration adopted by the Erie County Legislature, and the full SEQRA record prepared prior to its adoption.

## **CONSEQUENCES OF NEGATIVE ACTION**

The consideration of the environmental impact of certain actions is a requirement under New York State Law prior to a governmental body funding or approving a Project. Failure to act on this item will impact the timeline of the Project and potentially the Project.

### **STEPS FOLLOWING APPROVAL**

A Determination of Significance will be circulated to Interested and Involved Agencies and other required parties. The environmental review of the Project Revision, and the Project will continue to progress.

A RESOLUTION SUBMITTED BY:  
DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: Project Revisions to the Buffalo Bills New Stadium Project - Environmental Review

WHEREAS, beginning in July 2022 and ending in January 2023, the County of Erie (“County”), through its legislative body, the Erie County Legislature (“Legislature”) conducted a coordinated environmental review for the Buffalo Bills New Stadium Project, which entailed: (1) the conveyance of certain portions of land located in the Town of Orchard Park (SBLs: 161.00-5-1, 161.00-5-3.1, 161.00-5-16.1, 161.17-6-1, 161.17-6-3, 161.17-6-4.2, 161.17-6-10) to the Erie County Stadium Corporation (“ECSC”) and the subsequent lease of the parcels by ECSC to the Buffalo Bills, LLC, Western New York’s National Football League franchise team together with the Bills Stadium and Events Company, LLC (the “Bills Stadium Affiliate”), as (the “Team”); (2) the construction of a new stadium to replace the existing Highmark Stadium (“New Stadium”); (3) the demolition of Highmark Stadium (“Existing Stadium”) on the east side of Abbott Road between Big Tree Road and Southwestern Boulevard; and (4) the continued operation of the Team’s complex; (the “Project” or the “Action”); and

WHEREAS, the County, pursuant to and in accordance Article 8 of the New York Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended (the “SEQR Act”) and the regulations adopted pursuant thereto by the New York State Department of Environmental Conservation (“NYSDEC”), being 6 NYCRR Part 617, et. seq., as amended (the “Regulations” and collectively with the SEQR Act, “SEQRA”), was required to satisfy the requirements contained in SEQRA prior to making a final determination whether to undertake the Project; and

WHEREAS, following extensive environmental analysis, including the consideration of the full Environmental Assessment Form Part I-III, associated supporting studies, a detailed technical addendum to the EAF Part I and responses to all comments received in a public scoping meeting held on the Project, the Legislature, acting as Lead Agency in that Coordinated Review (as those terms are defined in SEQRA), determined that the Project would not have a significant adverse impact on the environment and issued a Negative Declaration on January 5, 2023 (hereinafter the “2023 Negative Declaration”); and

WHEREAS, with the construction of the New Stadium now well underway, the County is currently evaluating certain proposed changes to the Project including: (1) retention of the 1973-built, 30,000 sq. ft. Administration Building (the “Old Admin Building”) attached to the Existing Stadium, which was originally proposed for demolition as part of the Project; (2) the addition of a shuttle bus drop-off and pick-up area for the Niagara Frontier Transportation Authority’s (the “NFTA”) Metro Game Day Express Shuttle service adjacent to the New Stadium; (3) the addition of two, 1,600 sq. ft. exterior markets (“Exterior Markets”) located at northeastern and northwestern entries to the New Stadium for food and beverage operations on game days; (4) other minor design changes including the location, size and design changes to the proposed Auxiliary Building, the addition of a curb cut on Southwestern Boulevard and updates to the Stormwater Pollution Prevention Plan (the “SWPPP”); (5) amendments to the following agreements (A) Stadium Development and Construction Coordination Agreement by and among



the County, ECSC, and the Bills Stadium Affiliate (the “CCA”), (B) the March 29, 2023 Lease Agreement between ECSC and the Bills Stadium Affiliate (the “Stadium Lease”), (C) the 2013 Master Lease by and between Erie County and ECSC, and (D) the 2013 Stadium Lease by and between ECSC and the Team, including amendments to provide for conveyance of the Current Stadium Land, the Existing Stadium Complex, the New Stadium Land and New Stadium Complex from the County to ECSC upon Substantial Completion of the New Stadium Complex, and the conveyance of Additional Land from the Bills Stadium Affiliate to ECSC; (6) the execution of a Reciprocal Easement Agreement by and among Erie County, ECSC and the Bills Stadium Affiliate to provide pedestrian and vehicular ingress and egress to and from Southwestern Boulevard and Big Tree Road on a portion of the Erie County Community College (“ECC”) Parcels; (8) the execution of a Revocable License Agreement by and among the County and the Bills Stadium Affiliate to provide access to a portion of the ECC Parcels for purposes of the construction, operation and maintenance of two wet pond stormwater retention basins and one bio retention area for the purpose of stormwater discharge; and (9) a correction to the amount of soil to be excavated and transported from the site of the Project (hereinafter collectively referred to as the “Project Revisions”); and

WHEREAS, given the Project Revisions, the Legislature has a responsibility to evaluate whether the 2023 Negative Declaration should be amended or rescinded; and

WHEREAS, on September 8, 2025, the Legislature transmitted to all potentially Interested and Involved Agencies (as those terms are defined pursuant to SEQRA) a notice of the Legislature’s intent to reestablish Lead Agency for the review of the Project Revisions pursuant to SEQRA; and

WHEREAS, no other potentially Involved Agencies objected to the Legislature’s declaration of its notice of intent to serve as Lead Agency, such that the Legislature is the SEQRA lead Agency; and

WHEREAS, to aid the Legislature in determining whether the Project Revisions may have a significant adverse impact upon the environment such that an amendment or rescission of the 2023 Negative Declaration is warranted, the Legislature has considered:

- 1) The 2023 Negative Declaration including the full SEQRA record;
- 2) The September 4, 2025 Report titled, *New Highmark Stadium - Plan Revisions since SEQR Documents*, prepared by LaBella P.C., with Exhibits, specifically:
  - a. August 2025 Site Plan
  - b. The November 22, 2022, Full Environmental Assessment Form, Part 1
- 3) The September 8, 2025 Notice of Intent to Reestablish Lead Agency; and
- 4) Other relevant environmental information (collectively, 1-4, together with all analysis and supporting documentation referenced therein or relied upon thereby, are incorporated

by reference herein in their entirety and shall be referred to as the “Environmental Information”); and

WHEREAS, the Legislature has duly considered the Project, the Project Revisions, the Environmental Information, the criteria for determining significance set forth in 6 N.Y.C.R.R. § 617.7(c), the requirements for the amendment or rescission of a negative declaration set forth in 6 N.Y.C.R.R. § 617.7(e) and, (f) such other information deemed appropriate; and

WHEREAS, the Legislature has identified the relevant areas of environmental concern, has taken a hard look at these areas, and has made a reasoned elaboration of the basis for its determination.

NOW, THEREFORE, BE IT RESOLVED BY THE ERIE COUNTY LEGISLATURE AS FOLLOWS:

Section 1. Based upon a thorough review and examination of the known facts relating to the Project Revisions and upon the Agency’s careful review of all potentially adverse environmental impacts, and the entire record and proceedings, including the Environmental Information, the Legislature makes the following findings with respect to the Project Revisions:

- (A) The Legislature formally reestablished and declares itself Lead Agency for the Project Revisions and accepts all responsibilities associated with same.
- (B) As detailed below and in the Environmental Information, the Project Revisions are generally minor modifications to the Project that will not have a significant adverse impact on the environment, and accordingly, rescission of the 2023 Negative Declaration is not warranted.
- (C) As detailed below and in the Environmental Information, the Project Revisions do not materially alter the lead agency’s analysis of environmental impacts as detailed in the 2023 Negative Declaration, and accordingly, amendment of the 2023 Negative Declaration is not warranted.
  - a. Retention of the Old Admin Building - Built in 1973 for the Team’s administrative offices, the three-story, 30,000 sq. ft. Old Admin Building was originally proposed for demolition and would be retained under the Project Revisions. Located at the east end-zone of the Existing Stadium, no modifications or upgrades are necessary to retain the building following demolition of the Existing Stadium as the building is structurally independent. The building will remain connected to the municipal sewer and water infrastructure, ensuring that groundwater resources are not impacted. Retaining of the Old Admin Building, which is not a historic structure, will maintain the character of the area and is compliant with zoning. It will also reduce the area to be disturbed by 0.6 acres, or 0.3% of the total Site. Current game and event day uses in the building, including food and beverage operations, staff check-ins, and event command operations, will cease and

move to the New Stadium, as was analyzed the 2023 Negative Declaration. Staff occupying the building on weekdays will remain consistent with current use at approximately 25 or increase slightly (to approximately 35). Future utility demand of the building itself will decrease due to the reduced use of the building on event and game days, and its retention will result in a negligible increase in energy demand for the Project overall. Retaining the building will not alter traffic patterns. Parking availability and pedestrian circulation will remain the same as discussed in the 2023 Negative Declaration.

- b. The NFTA Transportation Hub - To improve public transportation access, a 600-sq.ft. NFTA Transportation Hub will be located on the west side of Abbott Road across from the Family Circle where the Existing Stadium parking lots are located, an area that is currently impervious asphalt pavement. The Hub will include an additional 2,500-sq.ft. covered canopy area, allowing riders to gather and safely unload and board the NFTA buses. The NFTA is coordinating on the design to enhance public transportation accessibility. No changes are required to the studied stormwater management system. While adding the Transportation Hub will result in a slight increase in disturbed area, the net increase with the retention of the Old Admin Building is .4% or 1.3 acres. While this .4% increase is in an archeologically sensitive area, this area has been previously disturbed. Further, executed in and June the Affiliate has established protocols that ensure that new construction associated with the Project will not have an adverse impact upon archeological resources. Overall, these are minor modifications to the Project that will not change the 2023 analysis or have a significant impact on the environment.
- c. Exterior Markets for Game Day Food and Beverage Service - Two 80 ft. x 26 ft. x 14 ft. high Exterior Markets are proposed within the secured perimeter security fence on the northwest and northeast sides of the New Stadium, in areas previously designated as impervious asphalt pavement. Both Exterior Markets will include beverage and food service areas as well as several self-serve markets with pre-packaged items and a warming area. The Exterior Markets do not have a proposed water connection and additional sanitary demand is limited to floor drains. The project modifications do not involve additional excavation, dewatering, or changes to stormwater infiltration that would affect groundwater levels or quality and overall will not have a significant impact on the environment or materially alter the 2023 analysis.
- d. Minor Design Changes -
  - i. Auxiliary Building Redesign. The original 2022 Concept Site Plan and SEQRA documents included a 75,000-sq.ft. Auxiliary Building to the south of the New Stadium, along the west boundary of the Hammer Lot. The revised Concept Site Plan includes two auxiliary buildings: an 18,800-sq.ft. Technology Building and a 6,000-sq.ft. Electrical Service Building, providing the same support uses in a reduced area of

24,000 sq. ft. in total, within the two buildings. The Technology Building does not border the Hammer Lot and has been shifted further north, closer to the New Stadium. The Electric Service Building is located along the north side of the Hammer Lot along Abbott Road at the point of interconnection with the overhead power source. The proposed change will not require new blasting activities, significant new land clearing, additional tree removal, or impacts to habitats or threatened or endangered animals.

- ii. Curb Cut on Southwestern Boulevard. After review of the Project Plans by the New York State Department of Transportation (“NYS DOT”), NYS DOT requested that the ECC driveway entrance be relocated further west to align with the existing Dollar General driveway on the north side of Southwestern Boulevard. The stormwater management was reconfigured to address the curb cut and is adequate to handle the runoff. There is also no increase into the nearby water bodies as a result of this change. Further, the curb cut does not create new traffic concerns.
- iii. SWPPP Revisions. The 2023 Determination of Significance evaluated the Preliminary SWPPP. Since that time, the SWPPP has been updated in Volume I (encompassing the excavation and demolition) and Volume II (full Project build-out) to address that actual Project disturbance instead of the estimated disturbance used in the preliminary SWPPP. Updated drainage areas have been designed, in the Volume II SWPPP, which has been approved by NYSDEC. These changes more closely match the Project site conditions, are minor, and improve stormwater detention, slow runoff, and improve water quality.

These include:

- Reduction to the drainage area of Discharge Point (“DP”) #1 Rush Creek Tributary from 56.21 acres to 46.69 acres to reflect the removal of areas along the south side of ECC campus from the Project area.
- Reduction of the DP #2 Smokes Creek’s drainage area from 83.81 acres to 40.36 acres due to portions of the New Stadium and areas north of the New Stadium being redirected to DP #3.
- Reduction of DP #3 DOT Pond/Rush creek’s drainage area from 55.98 acres to 52.95 acres. This includes additional areas from the New Stadium and area north of the New Stadium redirected from DP #2 as well as a reduction in areas along the north end of ECC campus that were not included in the Project.
- Additionally, the addition of Bioretention #4 to the southeast corner of the new stadium and within the same drainage area

(DP #2) as the previous design. This update eliminated the need for stormwater chambers within the existing stadium footprint.

Overall, these minor design changes will not alter the analysis of 2023 Negative Declaration and will not result in a significant adverse impact on the environment.

- e. Changes to CCA, Lease, 2013 Master Lease and 2013 Stadium Lease. Proposed changes to the CCA and Stadium Lease include amendments to provide for conveyance of the Current Stadium Land, the Existing Stadium Complex, the New Stadium Land and New Stadium Complex from the County to ECSC upon substantial completion of the New Stadium Complex, and the conveyance of additional land from the Bills Stadium Affiliate to ECSC. Amendments to the 2013 Master Lease and the 2013 Stadium Lease, are also proposed to adjust the terms of both. These minor modifications to the timing of the transfer and the length of the lease terms will not alter the analysis or the conclusions of the 2023 Negative Declaration. Similarly, the conveyance of the Additional Land (the Barco Lot) from the Bills Stadium Affiliate to ECSC will not change land use or alter the 2023 Negative Declaration analysis of parking impacts from the Project, as the lot's parking spaces were included within the analysis of parking availability and considered within the game-day and event-day traffic flow. Thus, the analysis and the conclusions will remain unchanged. Overall, the amendments to the Project documents will not result in a significant adverse impact on the environment.
- f. ECC Roadway Reciprocal Easement Agreement and Drainage License. The County and the Buffalo Bills Affiliate will execute a reciprocal roadway access agreement to provide pedestrian and vehicular access for the perimeter roadway, straddling the property line between the Team's future leasehold space and ECC. This agreement will allow maintenance access for the proposed perimeter loop road and will maintain driveway connections to Southwestern Boulevard and Big Tree Road. Additionally, a Revocable Draining License Agreement between the County and the Buffalo Bills Affiliate will provide access to a portion of the ECC Parcels for purposes of the construction, operation, and maintenance of two wet pond stormwater basins and one bio retention area #5 to increase the capacity to hold stormwater and slow discharge into the stormwater system. These Agreements will allow maintenance of the driveway connections and the addition of pond and retention basins, which will improve detention, reduce runoff rates, and improve water quality treatment overall. These documents do not change the 2023 analysis, nor will they result in a significant adverse impact on the environment.

- g. Revised Estimates to Excavated Soil - The amount of soil (including soils, rock, earth, sediments and other materials) to be excavated as part of the Project was estimated within the prior SEQRA review and 2023 Determination of Significance to be approximately 500,000 cubic yards. Further, it was noted that most of the excavated soil would remain on-site, with some to be used for other County projects, at the County's discretion. Current estimates for the excavated materials are approximately 650,000 cubic yards, with a maximum of about 350,000 cubic yards that may need to be transported off-site. The remaining 300,000 cubic yards would remain on site to be used at the County's discretion. Per the LaBella Report, the increase in the estimated excavated soils and need to move some soils off-site will add less than 1% of average annual daily traffic ("AADT") to Southwestern Boulevard, a negligible increase in the traffic during the construction period. As noted with regard to construction deliveries in the 2023 Negative Declaration, these loads will be scheduled to avoid peak traffic times as much as possible and will travel on routes identified to minimize impacts. The addition of these vehicles will be temporary, minor and will conclude as the stages of construction are completed. Thus, it will result in negligible impacts to adjacent roadways. This slight modification will not change the analysis in the 2023 Negative Declaration, nor will it result in a significant adverse impact.

Section 2. Certified copies of this resolution shall be sent to the County Executive, the Director of Budget and Management, the Department of Law, and Mark Rountree, Department of Environment and Planning, and any other required parties pursuant to the SEQRA regulations.

Section 3. This Resolution shall take effect immediately.

Doc #12937767.5



## COUNTY OF ERIE

### DEPARTMENT OF ENVIRONMENT AND PLANNING

DANIEL R. CASTLE, AICP  
COMMISSIONER

THOMAS E. BAINES, ESQ  
DEPUTY COMMISSIONER

September 8, 2025

RE: Erie County Department of Environment & Planning (“**DEP**”) on behalf of the Erie County Legislature (the “**Legislature**”) Notice of Coordinated Review and Intent to Reestablish Lead Agency pursuant to and in accordance with Article 8 of the Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended, the State Environmental Quality Review Act and the regulations adopted pursuant thereto by the New York State Department of Environmental Conservation, being 6 N.Y.C.R.R. Part 617, as amended (collectively, “**SEQRA**”).

Dear Potentially Interested and Involved Agencies:

Erie County is currently evaluating the following proposed changes to the Buffalo Bills Stadium Project including proposed revisions to the March 29, 2023 *Stadium Development and Construction Coordination Agreement* by and among Erie County, Erie County Stadium Corporation (“**ECSC**”), and the Bills Stadium and Events Company, LLC (the “**Bills Stadium Affiliate**”) (the “**CCA**”), the March 29, 2023 Lease Agreement between ECSC and the Bills Stadium Affiliate (the “**Stadium Lease**”), the 2013 Master Lease by and between Erie County and ECSC and the 2013 Stadium Lease by and between ECSC and Buffalo Bills, LLC (together with the Bills Stadium Affiliate, the “**Team**”). These proposed changes include: (1) retention of the 1973-built 30,000 sq.ft. Administration Building (the “**Old Admin Building**”), which was originally proposed for demolition as part of the Project; (2) the addition of a shuttle bus drop-off and pick-up area for the Niagara Frontier Transportation Authority’s (the “**NFTA**”) Metro Game Day Express Shuttle service adjacent to the New Stadium; (3) the addition of two, 1,600 sq.ft. exterior markets (“**Exterior Markets**”) located at northeastern and northwestern entries to the New Stadium for food and beverage operations on game days; (4) other minor design changes including the location, size and design changes to the proposed Auxiliary Building, the addition of a curb cut on Southwestern Boulevard and updates to the Stormwater Pollution Prevention Plan (the “**SWPPP**”); (5) changes to the CCA, and the Lease Agreement, including amendments to provide for conveyance of the Current Stadium Land, the Existing Stadium Complex, the New Stadium Land and New Stadium Complex from the County to ECSC upon Substantial Completion of the New Stadium Complex, and the conveyance of Additional Land from the Bills Stadium Affiliate to ECSC; (6) amendments to the 2013 Master Lease and 2013 Stadium Lease to adjust the term of the 2013 Master Lease and 2013 Stadium Lease; (7) the execution of a Reciprocal Easement Agreement by and among Erie County, ECSC and the Bills Stadium Affiliate to provide pedestrian and vehicular ingress and egress to and from

Southwestern Boulevard and Big Tree Road on a portion of the Erie County Community College (“ECC”) Parcels; (8) the execution of a Revocable License Agreement by and among Erie County and the Bills Stadium Affiliate to provide access to a portion of the ECC Parcels for purposes of the construction, operation and maintenance of two wet pond stormwater retention basins and one bio retention area for the purpose of stormwater discharge; and (9) a correction to the amount of soil to be excavated and transported from the site of the Project (hereinafter collectively referred to as the “**Project Revisions**”). A more detailed description of the Project Revisions is included as **Exhibit A**.

For your reference, we enclose herewith the following documentation:

**Exhibit A:** Detailed Description of Project Revisions

**Exhibit B:** Notice of Intent to Reestablish Lead Agency

**Exhibit C:** List of Potentially Interested and Involved Agencies

**Exhibit D:** The September 4, 2025 Report titled, *New Highmark Stadium - Plan Revisions Since SEQRA Documents*, prepared by LaBella P.C., with Exhibits.

**Exhibit E:** Acknowledgment of Legislature to Reestablish Lead Agency and Conduct a Coordinated Review Pursuant to SEQRA

**Exhibit F:** The January 5, 2023 Negative Declaration for the Buffalo Bills New Stadium

The Legislature desires to reestablish itself as lead agency to review the Project Revisions to this Type I Action, the Buffalo Bills New Stadium, which included the conveyance of certain parcels from Erie County to ECSC, the subsequent lease by ECSC to the Team, the construction of the new stadium, and the demolition of the existing stadium as well as the continued operation of the Team’s complex, pursuant to and in accordance with SEQRA. Accordingly, the Legislature is providing your agency, board or department with its Notice of Intent to Reestablish Lead Agency for the Project, attached as **Exhibit B**. All potentially involved and interested agencies identified to date are listed on the attached **Exhibit C**. Also, a copy of the September 4, 2025 Report titled, the *New Highmark Stadium - Plan Revisions Since SEQRA Documents*, prepared by LaBella P.C., with Exhibits is attached as **Exhibit D**.

Under SEQRA, potentially involved agencies have thirty (30) days from the date the lead agency package was transmitted to contest the Legislature’s role as lead agency. We request that your agency accept and approve this reestablishment of lead agency for the Project by signing the “Acknowledgment of Legislature to Reestablish Lead Agency and Conduct a Coordinated Review Pursuant to SEQRA” form attached as **Exhibit E**. The form may be directed to the Legislature via mail (Erie County Environment and Planning, Attn: Mark Rountree, Edward A Rath County Office Building, 95 Franklin Street, 10th Floor, Buffalo, New York 14202), or via e-mail ([mark.rountree@erie.gov](mailto:mark.rountree@erie.gov)). Any involved agency that does not respond within 30 days of the date that the lead agency package was transmitted will be deemed to have consented to the Legislature acting as lead agency for the coordinated environmental review, pursuant to and in accordance with SEQRA, for the Project.



# Exhibit A

## **Project Revisions to the Buffalo Bills Stadium Project**

### **I. Introduction**

Beginning in July 2022 and ending in January 2023, the Erie County Legislature (“**Legislature**”), as lead agency, conducted a coordinated review for the Buffalo Bills Stadium Project (the “**Project**” or the “**Action**” as described below) pursuant to and in accordance with Article 8 of the Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended, the State Environmental Quality Review Act (“**SEQRA**”). With construction of the New Stadium (defined below) as part of the Project now well underway, certain proposed revisions to the Project and proposed revisions to the March 29, 2023 *Stadium Development and Construction Coordination Agreement* by and among Erie County, Erie County Stadium Corporation (“**ECSC**”), and the Bills Stadium and Events Company, LLC (the “**Bills Stadium Affiliate**”) (the “**CCA**”), March 29 2023 Lease Agreement between ECSC and the Bills Stadium Affiliate (the “**Stadium Lease**”), the 2013 Master Lease by and between Erie County and ECSC and the 2013 Stadium Lease by and between ECSC and Buffalo Bills, LLC (together with the Bills Stadium Affiliate, the “**Team**”) require evaluation under SEQRA. These revisions, which are explained in greater detail below, include (1) retention of the 1973-constructed 30,000 sq.ft. Administration Building (the “**Old Admin Building**”), which was originally proposed for demolition as part of the Project; (2) the addition of a shuttle bus drop-off and pick-up area for the Niagara Frontier Transportation Authority’s (the “**NFTA**”) Metro Game Day Express Shuttle service adjacent to the New Stadium; (3) the addition of two, 1,600 sq.ft. exterior markets (“**Exterior Markets**”) located at the northeastern and northwestern entries to the New Stadium for food and beverage operations on game days; (4) other minor design changes including the location, size and design changes to the proposed Auxiliary Building, the addition of a curb cut on Southwestern Boulevard, and updates to the Stormwater Pollution Prevention Plan (the “**SWPPP**”); (5) changes to the CCA and the Lease Agreement, including amendments to provide for conveyance of the Current Stadium Land, the Existing Stadium Complex, the New Stadium Land and New Stadium Complex from the County to ECSC upon Substantial Completion of the New Stadium Complex, and the conveyance of Additional Land from the Bills Stadium Affiliate to ECSC; (6) amendments to the 2013 Master Lease and 2013 Stadium Lease to adjust the term of the 2013 Master Lease and 2013 Stadium Lease; (7) the execution of a Reciprocal Easement Agreement by and among Erie County, ECSC and the Bills Stadium Affiliate to provide pedestrian and vehicular ingress and egress to and from Southwestern Boulevard and Big Tree Road on a portion of the Erie County Community College (“**ECC**”) Parcels; (8) the execution of a Revocable License Agreement by and among Erie County and the Bills Stadium Affiliate to provide access to a portion of the ECC Parcels for purposes of the construction, operation and maintenance of two wet pond stormwater retention basins and one bio retention area for the purpose of stormwater discharge; and (9) a correction to the amount of soil to be excavated and transported from the site of the Project (hereinafter collectively referred to as the “**Project Revisions**”).

### **II. Background of the SEQRA Review for the Buffalo Bills Stadium Project**

The Legislature provided all Interested and Involved Agencies (as those terms are defined in SEQRA) a notice of its intent to act as Lead Agency on July 1, 2022, for the purposes of

evaluating the Project, which includes: (1) the conveyance of certain portions of land located in the Town of Orchard Park (SBLs: 161.00-5-1, 161.00-5-3.1, 161.00-5-16.1, 161.17-6-1, 161.17-6-3, 161.17-6-4.2, 161.17-6-10) to the ECSC and the subsequent lease of the parcels by ECSC to Buffalo Bills, LLC, Western New York's National Football League franchise team (together, with the Bills Stadium Affiliate, the "**Team**"); (2) the construction of a new stadium to replace the existing Highmark Stadium ("**New Stadium**"); (3) the demolition of Highmark Stadium ("**Existing Stadium**") on the east side of Abbott Road between Big Tree Road and Southwestern Boulevard; and (4) the continued operation of the Team's complex (collectively the "**Project**" or the "**Action**").

As no other Interested and Involved Agencies objected, the Legislature assumed the role of Lead Agency on August 1, 2022, and commenced its evaluation of the Project under SEQRA. After extensive environmental analysis, as is detailed in the 2023 Determination of Significance, the Legislature determined that the Project would not have a significant adverse impact on the environment and issued a Negative Declaration on January 5, 2023 (hereinafter the "**2023 Determination of Significance**").

### III. Project Revisions

#### A. Retention of the Old Admin Building

Built in 1973 to house the Team's football and administrative offices, the three-story, 30,000 sq.ft. Old Admin Building is currently used as a day-to-day office space for approximately 25 staff and serves as a hub for staff check-ins, game production, IT infrastructure and event command operations. Located at the east end-zone of the Existing Stadium and designated with an "E" on the attached August 2025 Concept Site Plan, the Old Admin Building was proposed for demolition as part of the Project. Currently, the first floor of the Old Admin Building contains food and beverage operations on game days. Following construction of the New Stadium, it is anticipated that 25-35 staff will occupy the Old Admin Building as day-to-day office space, but all of the gameday operations will cease and move to the New Stadium. The Old Admin Building is structurally independent of the Existing Stadium and no significant modifications or upgrades to the Old Admin Building are necessary to maintain the building in place after the Existing Stadium's demolition. A portion of the tunnel on the bottom floor of the building will be filled in, but no other physical changes to the Old Admin Building are necessary or proposed.

The Old Admin Building includes approximately 30 parking spaces in the Tunnel Lot, and over 100 spaces in the Commissary Lot for overflow parking for staff and visitors. Both lots will remain fully intact and there will be no impact on the available parking spaces allocated to the Old Admin Building.

#### B. The NFTA Transportation Hub

An NFTA Transportation Hub will be located east of Abbott Road across from Family Circle and include roughly 660 sq.ft. of space plus an additional 2,500 sq.ft. of covered canopy area for riders to gather and safely unload/board the NFTA buses. The design is being coordinated with

the NFTA to enhance public transportation accessibility. The Transportation Hub is proposed in an area that is currently impervious asphalt pavement. No changes to the SWPPP are required.

### **C. Exterior Markets for Game Day Food and Beverage Service**

Two 80 ft. x 26 ft. x 14 ft. high Exterior Markets are proposed within the secured perimeter security fence on the northwest and northeast sides of the New Stadium, in areas previously designated as impervious asphalt pavement, each indicated as “G” on the revised, attached August 2025 Concept Site Plan. Both Exterior Markets will include beverage and food service areas as well as several self-serve markets with pre-packaged items and a warming area. The Exterior Markets do not have a proposed water connection and additional sanitary demand is limited to floor drains.

### **D. Other Minor Design Changes**

1. Auxiliary Building Redesign. The original 2022 Concept Site Plan and SEQR documents included a 75,000-sq.ft. Auxiliary Building to the south of the New Stadium, along the west boundary of the Hammer Lot, noted as “B” on the July 1, 2022 Concept Site Plan. The revised Concept Site Plan includes two auxiliary buildings: an 18,800 sq.ft. Technology Building and a 6,000 sq.ft. Electrical Service Building. The Technology Building does not border the Hammer Lot and has been shifted further north, closer to the New Stadium. The Electric Service Building is located along the north side of the Hammer Lot along Abbott Road at the point of interconnection with the overhead power source.
2. Curb Cut on Southwestern Boulevard. After review of the Project Plans by the New York State Department of Transportation (“NYS DOT”), NYS DOT requested that the ECC driveway entrance be relocated further west to align with the existing Dollar General driveway on the north side of Southwestern Boulevard.
3. SWPPP Revisions. The 2023 Determination of Significance evaluated the Preliminary SWPPP. Since that time, the SWPPP has been updated in Volume I (encompassing the excavation and demolition) and Volume II (full Project build-out).

As the preliminary SWPPP’s design accounted for any potential project disturbance, the Volume II SWPPP updated drainage areas to more closely match site conditions, specifically:

- Discharge Point (“DP”) #1 Rush Creek Tributary was reduced from 56.21 acres to 46.69 acres, primarily due to removal of areas along the south side of ECC campus that were not included in the project.
- DP #2 Smokes Creek drainage area was reduced from 83.81 acres to 40.36 acres, due to portions of the new stadium and north of the new stadium redirected to DP #3.
- DP #3 DOT Pond/Rush creek drainage area was reduced from 55.98 acres to 52.95 acres. This includes additional areas from the new stadium and north of the new

stadium redirected from DP #2 and a reduction in areas along the north end of ECC campus that were not included in the project.

The Volume II SWPPP added a bioretention area (Bioretention #4) to the southeast corner of the new stadium and within the same drainage area (DP #2) as the previous design. This update eliminated the need for stormwater chambers within the existing stadium footprint.

Due to the revised curb cut location described above, the stormwater management facility (“**SWMF**”) was reconfigured to accommodate this new location. The SWMF, including Bioretention #5 and Wet Pond #2, is bisected by the new location of the road. The approximate size and shape of each practice remains similar to the design outlined in the Preliminary SWPPP.

The Volume I and II SWPPP have been reviewed and approved by NYSDEC.

#### **E. Changes to CCA, Lease, 2013 Master Lease and 2013 Stadium Lease**

Proposed changes to the CCA and Stadium Lease include amendments to provide for conveyance of the Current Stadium Land, the Existing Stadium Complex, the New Stadium Land and New Stadium Complex from the County to ECSC upon Substantial Completion of the New Stadium Complex, and the conveyance of Additional Land from the Bills Stadium Affiliate to ECSC. Amendments to the 2013 Master Lease, by and between Erie County and ECSC, and the 2013 Stadium Lease, by and between ECSC and the Buffalo Bills, LLC are proposed to adjust the term of each document.

#### **F. ECC Roadway Reciprocal Easement Agreement and Drainage License**

The County and the Buffalo Bills Affiliate will execute a reciprocal roadway access agreement for the perimeter roadway that straddles the property line between Team’s future leasehold space and ECC. This access agreement will allow maintenance access for the proposed perimeter loop road and will maintain driveway connections to Southwestern Boulevard and Big Tree Road. Further, the County and the Buffalo Bills Affiliate will execute a Revocable Drainage License Agreement to authorize the proposed detention basins on the ECC Parcel adjacent to the Southwestern Boulevard in the northwest corner of the Project.

#### **G. Revised Estimates to Excavated Soil**

The amount of estimated soil (including soils, rock, earth, sediments and other materials) to be excavated as part of the Project was about 500,000 cubic yards and the prior SEQRA review and 2023 Determination of Significance stated that most of the excavated material would remain on-site, with the remaining materials to be used at Erie County’s discretion for other County projects. Current estimates for excavated materials are now approximately 650,000 cubic yards, an approximately 150,000 cubic yard increase above the initial estimate. It is now anticipated that some excavated materials will need to be transported off-site. A maximum of 350,000 cubic yards may need to be transported off-site, and the remaining materials will be used on-site or at

Erie County's discretion for other County or local development projects. Hauling the additional material off-site will create an estimated maximum haul of 100 loads (200 total trips) per day on Southwestern Boulevard, equaling less than 1% of the Average Annual Daily Traffic ("**AADT**") of 20,892 noted on the NYS DOT traffic data viewer.



CONCEPT SITE PLAN





# Exhibit B



**NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT NOTICE OF  
COORDINATED REVIEW AND DECLARATION OF INTENT TO REESTABLISH  
LEAD AGENCY**

This notice is issued on behalf of the Erie County Legislature (“**Legislature**”), pursuant to and in accordance with Article 8 of the Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended the State Environmental Quality Review Act and the regulations adopted pursuant thereto by the New York State Department of Environmental Conservation, being 6 N.Y.C.R.R. Part 617, as amended (collectively “**SEQRA**”).

**Project Name:** Buffalo Bills Stadium Project - Project Revisions

**Location:** 1 Bills Drive, Orchard Park, NY 14127 (SBLs: 161.00-5-3.1; 161.00-5-1; 161.00-5-16.1; 161.17-6-1; 161.17-1-3; 161.17-1-4.2; 161.17-6-10; 160.16-1-12 and 160.19-1-4.1) (“**Property**”)

**Classification:** Type I:   X   Unlisted:       

**Project Description:**

The Erie County Legislature is currently evaluating the following proposed changes to the Buffalo Bills Stadium Project including proposed revisions to the March 29, 2023 *Stadium Development and Construction Coordination Agreement* by and among Erie County, Erie County Stadium Corporation (“**ECSC**”), and the Bills Stadium and Events Company, LLC (the “**Bills Stadium Affiliate**”) (the “**CCA**”) and the March 29, 2023 Lease Agreement between ECSC and the Bills Stadium Affiliate (the “**Stadium Lease**”), the 2013 Master Lease by and between Erie County and ECSC and the 2013 Stadium Lease by and between ECSC and Buffalo Bills, LLC (together with the Bills Stadium Affiliate, the “**Team**”). These proposed changes include: (1) retention of the 1973-built 30,000 sq.ft. Administration Building (the “**Old Admin Building**”), which was originally proposed for demolition as part of the Project; (2) the addition of a shuttle bus drop-off and pick-up area for the Niagara Frontier Transportation Authority’s (the “**NFTA**”) Metro Game Day Express Shuttle service adjacent to the New Stadium; (3) the addition of two, 1,600 sq.ft. exterior markets (“**Exterior Markets**”) located at northeastern and northwestern entries to the New Stadium for food and beverage operations on game days; (4) other minor design changes including the location, size and design changes to the proposed Auxiliary Building, the addition of a curb cut on Southwestern Boulevard and updates to the Stormwater Pollution Prevention Plan (the “**SWPPP**”); (5) changes to the CCA and the Lease Agreement including amendments to provide for conveyance of the Current Stadium Land, the Existing Stadium Complex, the New Stadium Land and New Stadium Complex from the County to ECSC upon Substantial Completion of the New Stadium Complex, and the conveyance of Additional Land from the Bills Stadium Affiliate to ECSC; (6) amendments to the 2013 Master Lease and 2013 Stadium Lease to adjust the term of the 2013 Master Lease and 2013 Stadium Lease; (7) the execution of a Reciprocal Easement Agreement by and among Erie County, ECSC and the Bills Stadium Affiliate to provide pedestrian and vehicular ingress and egress to and from Southwestern Boulevard and Big Tree Road on a portion of the Erie County Community College (“**ECC**”) Parcels; (8) the execution of a Revocable License Agreement by and among Erie County and the Bills Stadium Affiliate to provide access to a portion of the ECC Parcels for purposes of the construction, operation and maintenance of two wet pond stormwater retention basins and one bio retention area for the purpose of stormwater discharge; and (9) a correction to

the amount of soil to be excavated and transported from the site of the Project (hereinafter collectively referred to as the “**Project Revisions**”). A more detailed description of the Project Revisions is included as **Exhibit A**.

**Notice Details:**

The Project may require discretionary approvals from: Office of the Governor of New York State; New York State Urban Development Corporation d/b/a Empire State Development; New York State Office of Parks, Recreation and Historic Preservation, NYOPRHP; New York State Division of Historic Preservation; New York State Division of Historic Preservation, Technical Preservation Bureau; New York State Department of Environmental Conservation, Region 9; New York State Division of Budget; New York State Department of Environmental Conservation, Commissioner; New York State Department of Transportation; New York State Department of Transportation, Region 5; New York State Police, Troop A; Public Authorities Control Board; The State University of New York Board of Trustees; The State University of New York, Chancellor; Niagara Frontier Transportation Authority; New York State Urban Development Corporation d/b/a Empire State Development WNY Region; Erie County Executive's Office; Erie County Legislature; Erie County Stadium Corporation c/o Empire State Development Corporation; Erie County Water Authority; Erie County Sewer District #3 Board of Managers; Erie County Department of Public Works; Erie County Department of Health; Erie County Sheriff; SUNY Erie Community College Board of Trustees; SUNY Erie Community College, President; Erie County Department of Health; Erie County Industrial Development Agency; Town of Orchard Park; Orchard Park Building Inspector/Code Enforcement; Orchard Park Planning Board; Orchard Park Zoning Board of Appeals; Orchard Park Police Department; Orchard Park Fire District; Town of Hamburg; Hamburg Planning Board; Hamburg Zoning Board of Appeals; Hamburg Building/Code Enforcement; Hamburg Police Department; Hamburg Fire Department; U.S. Army Corps of Engineers.

**Action Requested:**

Under SEQRA, potentially involved agencies have thirty (30) days from the date the lead agency package was transmitted to contest the Legislature’s role as lead agency. We request that your agency accept and approve the designation of the Legislature as lead agency for the Project by signing the “Acknowledgment of Legislature to Reestablish Lead Agency and Conduct a Coordinated Review Pursuant to SEQRA” form that the Legislature sent to your agency. The form may be directed to the Legislature via mail (Erie County Environment and Planning, Attn: Mark Rountree, Edward A Rath County Office Building, 95 Franklin Street, 10th Floor, Buffalo, New York 14202), or via e-mail (mark.rountree@erie.gov). Any agency that does not respond within 30 days of the date that the lead agency package was transmitted will be deemed to have consented to the Legislature acting as lead agency for the coordinated environmental review, pursuant to and in accordance with SEQRA, for the Project.

**For Further Information Contact:**

Mark Rountree, Chief Planner  
Erie County Environment and Planning  
Attn: Mark Rountree  
Edward A Rath County Office Building  
95 Franklin Street, 10th Floor

Buffalo, New York 14202

Phone: (716) 858-8008

Email: [Mark.Rountree@erie.gov](mailto:Mark.Rountree@erie.gov)

# Exhibit C

**Buffalo Bills Stadium Project**  
**List of Potentially Interested and Involved Agencies**

The following is a list of potentially interested and involved agencies:

1. Office of the Governor of New York State  
Attn: The Honorable Kathy Hochul  
NYS State Capitol Building  
State St. and Washington Ave  
Albany, NY 12224
2. New York State Urban Development Corporation d/b/a Empire State Development  
Attn: Hope Knight, President and CEO  
633 Third Avenue, 37th Floor  
New York, NY 10017-6754
3. New York State Office of Parks, Recreation and Historic Preservation, NYOPRHP  
Attn: Randy Simons, Commissioner Pro Tempore/Chief of Staff  
Albany, NY 12238
4. New York State Division of Historic Preservation, NYOPRHP  
Attn: R. Daniel Mackay, Deputy Commissioner  
1 Delaware Avenue North  
Cohoes, NY 12047
5. New York State Division of Historic Preservation  
Attn: Nancy Herter, Director, Technical Preservation Bureau  
1 Delaware Avenue North  
Cohoes, NY 12047
6. New York State Department of Environmental Conservation, Region 9  
Attn: Lisa Porter Czechowicz, Regional Permit Administrator  
700 Delaware Avenue  
Buffalo, NY 14209
7. New York State Division of Budget  
Attn: Blake G. Washington, Budget Director  
State Capitol, Room 113  
Albany, NY 12224
8. New York State Department of Environmental Conservation  
Attn: Amanda Lefton, Commissioner  
625 Broadway  
Albany, NY 12233-1010
9. New York State Department of Transportation

Attn: Marie Therese Dominguez, Esq., Commissioner  
50 Wolf Road  
Albany, NY 12232

10. New York State Department of Transportation, Region 5  
Attn: Eric A. Meka, P.E., Regional Director  
100 Seneca Street  
Buffalo, NY 14203
11. New York State Police, Troop A  
Attn: Major Amie P. Feroletto  
4525 West Saile Drive  
Batavia, NY 14020
12. Public Authorities Control Board  
Attn: Elyse Young, Secretary  
NYS Division of Budget, State Capitol Room 119  
Albany, NY 12224
13. The State University of New York Board of Trustees  
Attn: Dr. Merryl H. Tisch, Chairperson  
353 Broadway  
Albany, NY 12246
14. The State University of New York  
Attn: John B. King, Jr., Chancellor  
H. Carl McCall SUNY Building  
Albany, NY 12246
15. Niagara Frontier Transportation Authority  
Attn: Kimberley A. Minkel, Executive Director  
181 Ellicott Street  
Buffalo, NY 14203
16. New York State Urban Development Corporation d/b/a Empire State Development WNY  
Region  
Attn: Karen Utz, Regional Director  
95 Perry Street, Suite 500  
Buffalo, NY 14203-3030
17. Erie County Executive's Office  
Attn: Honorable Mark Poloncarz  
95 Franklin Street, 16th Floor  
Buffalo, NY 14202
18. Erie County Legislature

Attn: Honorable Timothy J. Meyers  
92 Franklin Street, 4th Floor  
Buffalo, NY 14202

19. Erie County Stadium Corporation c/o Empire State Development Corporation  
Attn: Steven Ranalli, President and CEO  
633 Third Avenue, 37th Floor  
New York, NY 10017-6754
20. Erie County Water Authority  
Attn: Charles Eaton, Chief Operating Officer  
Ellicott Square Building, 295 Main Street, Room 350  
Buffalo, NY 14203
21. Erie County Sewer District #3 Board of Managers  
Attn: David Millar, P.E., Secretary of the Board  
Erie County Division of Sewerage Management,  
95 Franklin Street, Room 1034  
Buffalo, NY 14202
22. Erie County Department of Public Works  
Attn: William Geary, Commissioner  
95 Franklin Street, 14th Floor  
Buffalo, NY 14202
23. Erie County Department of Health  
Attn: Dr. Gale Burstein, Commissioner  
95 Franklin Street, 9th Floor  
Buffalo, NY 14202
24. Erie County Sheriff  
Attn: John C. Garcia, Sheriff  
10 Delaware Avenue  
Buffalo, NY 14202
25. SUNY Erie Community College Board of Trustees  
Attn: Jeffrey Stone, Board Chair  
6205 Main Street  
William, NY 14221
26. SUNY Erie Community College  
Attn: Dr. Adiam Tsegai, President  
North Campus  
6205 Main Street  
Williamsville, NY 14221

27. Erie County Department of Health  
Environmental Health Division  
503 Kensington Avenue  
Buffalo, NY 14214
28. Erie County Industrial Development Agency  
Attn: John Cappellino, President & CEO  
95 Perry Street, Suite 403  
Buffalo, NY 14203
29. Town of Orchard Park  
Attn: Hon. Eugene L. Majchrzak, Supervisor  
4295 South Buffalo Street  
Orchard Park, NY 14127
30. Orchard Park Building Inspector/Code Enforcement  
Attn: John Wittman, Building Inspector  
4295 South Buffalo Street  
Orchard Park, NY 14128
31. Orchard Park Planning Board  
4295 South Buffalo Street  
Orchard Park, NY 14127
32. Orchard Park Zoning Board of Appeals  
4295 South Buffalo Street  
Orchard Park, NY 14127
33. Orchard Park Police Department  
Attn: Patrick M. Fitzgerald, Police Chief  
4295 South Buffalo Street  
Orchard Park, NY 14127
34. Orchard Park Fire District  
Attn: Mark Szczepanik, Commissioner  
4222 S. Taylor Road  
Orchard Park, NY 14128
35. Town of Hamburg  
Attn: Cathy Rybczynski, Supervisor  
6100 South Park Avenue  
Hamburg, NY 14075
36. Hamburg Planning Board  
6100 South Park Avenue  
Hamburg, NY 14075



37. Hamburg Zoning Board of Appeals  
6100 South Park Avenue  
Hamburg, NY 14075
38. Hamburg Building/Code Enforcement  
Attn: Scott Courteau, Code Enforcement Officer  
6100 South Park Avenue  
Hamburg, NY 14075
39. Hamburg Police Department  
Attn: Peter Dienes, Chief  
6100 South Park Avenue  
Hamburg, NY 14075
40. Hamburg Fire Department  
Attn: David Sekuterski, Chief  
P/O Box 82  
Hamburg, NY 14075
41. U.S. Army Corps of Engineers  
Attn: Molly Connerton  
Regulatory Branch, Buffalo District  
1776 Niagara Street  
Buffalo, NY 14207

# Exhibit D

September 4, 2025

Mark Rountree  
Erie County Department of Environment and Planning  
95 Franklin Street  
10th Floor  
Buffalo, NY 14202

**RE: New Highmark Stadium – Plan Revisions Since SEQR Documents**  
*LaBella Project No. 2221770*

Mr. Rountree:

This memorandum is intended to document revisions to the January 19, 2023 SEQR determination documents based on Construction Documents issued September 23, 2023 last revised August 11, 2025. Also attached hereto is an updated Concept Site Plan dated August 2025 and the original Part 1 of the Environmental Assessment Form dated November 22, 2022.

Administration Building

The New Highmark Stadium plans dated September 29, 2023 have been revised since the SEQR determination to include keeping the Administration Building in place in lieu of demolishing.

The Administrative Building is an existing building located in the east end zone of the existing stadium adjacent to the Commissary Building and Operations Building, both of which will also remain in place as outlined in the original SEQR documents. The Administration Building is three (3) stories, approximately 30,000 SF in size, and primarily used by the Buffalo Bills for operations offices.

Built in 1973 and formerly the home to all of the team's football and business administration offices, the "Old Admin" building now serves as day-to-day office space for approximately 25 staff. Additionally, the Old Admin Building serves as a hub for gameday activities including staff check in/meetings, game production, IT infrastructure and event command operations. The first floor contains food and beverage operations utilized on gameday. Following the opening of the new stadium, it is anticipated that 25-35 staff will occupy the Old Admin Building as day-to-day office space but all of the gameday operations that currently occur in that building will no longer be active.

Parking for the Old Admin Building includes approximately 30 spaces in the Tunnel Lot with overflow parking for staff and visitors in the Commissary Lot which includes over 100



parking spaces. Both the Tunnel Lot and Commissary Lot will remain fully intact with the same number of parking spaces as noted above following demolition of the existing stadium. Therefore, there will be no impact on the available parking space allocated for this building.

Regarding utility demand, the table below outlines existing utility demand against estimated utility demand following the opening of the new stadium:

Utility	Existing Utility Demand	Estimated Future Demand
Gas	4,354 Cubic Feet per Hour	4,140 Cubic Feet per Hour
Water	Peak Demand 214 GPM	Peak Demand 208 GPM
Electric	2,028 kVA Peak Load	1,886 kVA Peak Load

In summary, it is anticipated that utility demand for the Old Admin Building will remain relatively similar with a slight estimated decrease in overall utility demand within the building, and a slight estimated increase in overall utility demand for the project as a whole.

The building is structurally independent of the stadium and no upgrades are needed to keep the building in place. A portion of the tunnel on the bottom floor of the building will be filled in, but no other physical changes to the building are proposed.

### Concept Site Plan

The Concept Site Plan has been updated since the Concept Site Plan dated July 1, 2022 and included in the SEQR documents. Refer to the attached updated Concept Site Plan dated August 2025. A summary of the revisions are as follows:

#### 1. Auxiliary Building

Within the SEQR documents the Auxiliary Building was noted as 75,000 sf for maintenance, media, overflow, and staging purposes south of the new stadium. On the original Concept Site Plan, it is located along the west boundary of the Hammer Lot.

The current design shows two auxiliary buildings including one 18,800 sf Technology Building and a 6,000 sf Electrical Service Building, serving the same purpose as originally intended. The Technology Building was shifted further north and closer to the stadium for convenience and ease of access and no longer borders the Hammer Lot. The Electric Service Building is located along the north side of the Hammer Lot along Abbott Road at the point of interconnection with the overhead power source.



## 2. Curb Cut on Southwestern Boulevard

Plans were sent to the NYS DOT for review of a new entrance on Southwestern Blvd on ECC campus. In working with DOT, they requested the driveway entrance to be relocated further west to align with the Dollar General driveway on the north side of Southwestern Boulevard.

Our plans were updated to comply with the DOT's request, including a reconfiguration of the stormwater management system further described below.

3. Administration Building shown as remaining in place (as described above).
4. Exterior Market Buildings have been added as described below.
5. The NFTA Transportation hub has been added as described below.

## Stormwater Pollution Prevention Plan

The Stormwater Pollution Prevention Plan (SWPPP) has been updated since the Preliminary SWPPP included in the January 19, 2023 SEQR documents. Volume I of the SWPPP, last revised June 1, 2023 has been prepared for mass excavation and demolition operations. Volume II of the SWPPP, last revised September 22, 2023, includes full build-out for the project.

A summary of revisions from the Preliminary SWPPP to the final Volume II SWPPP are as follows:

### 1. Updated Drainage Areas

The Preliminary SWPPP was designed conservatively. The Proposed Drainage Conditions Map accounted for any potential project disturbance; much of which was not utilized in the final design. Therefore, the drainage areas to each discharge point were revised as follows:

- DP #1 Rush Creek Tributary was reduced from 56.21 acres to 46.69 acres, primarily due to removal of areas along the south side of ECC campus that were not included in the project.
- DP #2 Smokes Creek drainage area was reduced from 83.81 acres to 40.36 acres, due to portions of the new stadium and north of the new stadium redirected to DP #3.
- DP#3 DOT Pond/Rush creek drainage area was reduced from 55.98 acres to 52.95 acres. This includes additional areas from the new stadium and north of the new stadium redirected from DP #2 and a reduction in areas along the



north end of ECC campus that were not included in the project.

2. Addition of Bioretention #4 and subsequent elimination of chambers

An additional bioretention area (Bioretention #4) was added at the southeast corner of the stadium and within the same drainage area (DP #2) as the previous design. This update eliminated the need for stormwater chambers within the existing stadium footprint.

3. Reconfigured Stormwater Management Facility along Southwestern Boulevard

As a result of the revised curb cut location on Southwestern as described above, the stormwater management facility (SWMF) in the area needed to be reconfigured to accommodate the new location. The SWMF, including Bioretention #5 and Wet Pond #2, is bisected by the new location of the road. The approximate size and shape of each practice remains similar to what was outlined in the Preliminary SWPPP.

Refer to the attached Proposed Drainage Conditions Map dated September 15, 2023 which reflects the latest design for the project.

These proposed changes are not substantive because the design still meets NYSDEC requirements for runoff reduction, water quality treatment, and detention, including reduced runoff rates to all discharge points to below existing conditions. The Volume II SWPPP has been reviewed and approved by NYSDEC.

### Proposed Access & Drainage Agreements

The Bills and ECC plan to execute a reciprocal roadway access agreement for the perimeter roadway that straddles the property line between the two entities. The agreement will allow maintenance access within the proposed perimeter loop road and maintain driveway connections to Southwestern Boulevard and Big Tree Road.

An additional revocable drainage license agreement is proposed between the Bills and ECC for the use of the proposed detention basins on ECC property adjacent to Southwestern Boulevard in the northwest corner of the project.

Both agreement areas are included in the Project Area Plan as part of the SEQR documents and no additional disturbance or changes to the design within these areas are proposed.



### Excavated Materials

The estimated excavated materials for the project is tracking to be 650,000 cubic yards of materials (rock, earth, sediments, etc.) in lieu of the 500,000 cubic yards estimated within the EAF. It is now anticipated that some excavated materials will need to be transported off-site. Approximately 350,000 cubic yards may need to be transported off-site, and the remaining material will be used first as backfill for the existing stadium site and then at the County's discretion for other County projects and/or other local needs.

Hauling of the excess material off-site will create additional vehicle traffic on Southwestern Boulevard with both standard dump trucks (10-yard capacity) or 18-wheel dump trucks (25-yard capacity). Based on our discussions with the Construction Team, we estimate a maximum haul of 100 loads (200 trips) per day, or less than 1% of the Average Annual Daily Traffic (AADT) of 20,892 noted on the NYSDOT's traffic data viewer.

### Exterior Markets

Two (2) "Exterior Market" structures have been added to the project within the secured perimeter security fence, one located at the northwest side of the stadium and another along the northeast side. Each market structure will be approximately 80 feet x 26 feet x 14 feet high and serves as an area for fans to purchase pre-packaged food and beverages.

Both markets are located in areas previously designated as impervious asphalt pavement, resulting in no impact to stormwater or stormwater management. There is no proposed water connection and additional sanitary demand is limited to floor drains. Electrical consumption is negligible in the overall utility consumption for the project.

### Niagara Frontier Transportation Authority (NFTA) Transportation Hub

As per the Community Benefits Agreement, a Transportation Hub will be located on the campus to enhance public transportation accessibility. The Transportation Hub will be located east of Abbott Road across from Family Circle and include roughly 660 SF of space plus an additional 2,500 SF of covered canopy area for riders to gather and safely unload/board the NFTA buses. The design is being coordinated with the NFTA.

The Transportation Hub will be located in an area that is currently impervious asphalt pavement, resulting in no impact on stormwater or stormwater management. The only utility usage will be electric, and consumption is negligible in the overall utility consumption for the project.

### Summary

According to 6 NYCRR §617.7(e)(1) of the SEQRA regulations, at any time prior to its decision



to undertake, fund or approve an action, a lead agency, at its discretion, may amend a negative declaration when substantive:

- (i) changes are proposed for the project; or
- (ii) new information is discovered; or
- (iii) changes in circumstances related to the project arise that were not previously considered and the lead agency determines that no significant adverse environmental impacts will occur.

LaBella has reviewed the Full Environmental Assessment Form (FEAF) to determine what changes may be necessary and if the proposed revisions are substantive. Our findings are as follows:

A. Project and Applicant/ Sponsor Information

*Project Description does not require any revision. However, the description references the Concept Site Plan (Exhibit C of Lead Agency Notice), which can be updated with the latest version of the Conceptual Site Plan.*

B. Government Approvals

*No additional government approvals are required.*

C. Planning and Zoning

*The Administration Building is located adjacent to existing buildings that will remain in place (Operations Building, Commissary) and is therefore consistent with land use plans. The building is in conformance with all planning and zoning requirements.*

*The building will not create an additional demand for staff and therefore will not affect the suitability of existing community services.*

D. Project Details

*Keeping the Administration Building in place will reduce the disturbed area by approximately 0.6 acres. Adding the NFTA transportation hub will increase the disturbed area by 1.3 acres, totalling a net increase in 0.7 acres of disturbed area or approximately 0.4% of the 185 +/- total disturbed acreage for the project. No adjustment is required for Part D.1.b of the FEAF.*

*The proposed revisions will create a negligible reduction in the impervious surface area. No changes to the stormwater management design or Stormwater Pollution Prevention Plan are required.*





*The project is tracking to excavate approximately 650,000 cubic yards of materials (rock, earth, sediments, etc.) in total, whereas 500,000 cubic yards were estimated in the EAF.*

*The proposed revision will create a negligible reduction in air emissions created by demolition operations.*

*The building's utilities (storm, sanitary, water, gas, electric) are offline of the existing Highmark Stadium. The utility consumption of the building in its current use (office space and gameday support space) will decrease slightly in its proposed use (office space). There are no proposed utility upgrades as a result of this proposed revision.*

#### E. Site Setting of Proposed Action

*The proposed revision will create a negligible reduction in impervious surface areas and a negligible increase in manicured lawn.*

*There are no other revisions or impacts to bedrock, surface waters, floodways, species, or public resources as a result of this proposed revision.*

In summary, there are no line items in the FEAF that are required to be updated as a result of this proposed revision. Therefore, these revisions do not create a substantive change or change in circumstances. As indicated below in the discussion of each criterion specified in 6 NYCRR § 617.7(c)(1), there are no potentially significant environmental impacts associated with these changes that were not considered at the time of the negative declaration, and the Action will not have a significant adverse impact on the environment.

#### A. Impact on Land

The modification to retain the Administration Building will reduce the disturbed area by approximately 0.6 acres, which is only 0.3% of the total project area. This reduction minimizes soil excavation and erosion concerns. *Adding the NFTA transportation hub will increase the disturbed area by 1.3 acres, totalling a net increase in 0.7 acres of disturbed area or approximately 0.4% of the 185 +/- total disturbed acreage for the project.* The updated Concept Site Plan also includes modifications to the auxiliary buildings and parking structures, none of which introduce significant new land disturbances. The proposed changes do not introduce new construction on sensitive landforms and will not require additional land clearing.

#### B. Impact on Geological Features

No unique geological features are present in the affected area. The modification does not involve additional excavation in bedrock or areas prone to sinkholes, nor does it



introduce additional blasting activities. Thus, there is no adverse impact on geological stability.

C. Impact on Surface Water

The proposed change results in a minor reduction in impervious surfaces. Additionally, the stormwater management facility along Southwestern Boulevard has been reconfigured to accommodate the revised curb cut location requested by NYSDOT. The existing stormwater management plan remains adequate to handle runoff, with no increase in discharge rates to nearby water bodies, such as Smokes Creek. The inclusion of Bioretention #4 further enhances runoff reduction.

D. Impact on Groundwater

The project modifications do not involve additional excavation, dewatering, or changes to stormwater infiltration that would affect groundwater levels or quality. The Administration Building remains connected to the existing municipal water and sewer infrastructure, ensuring that groundwater resources are not impacted. Additionally, no new groundwater withdrawals or discharges are proposed, and the revised stormwater management plan continues to comply with NYSDEC requirements.

E. Impact on Flooding

The site remains outside designated floodplains. The minor reduction in impervious surfaces and maintained stormwater management infrastructure, including the addition of Bioretention #4, will not alter flood risks.

F. Impact on Air

The change will lead to a slight reduction in air emissions due to avoided demolition activities. Overall, the modification does not introduce new stationary or mobile sources of air pollution.

G. Impact on Plants and Animals

The modification does not impact any known habitats for threatened or endangered species. No additional tree removal or disturbance to existing green spaces is proposed. The reconfiguration of the stormwater management facility does not affect any critical habitats.

H. Impact on Agricultural Resources

The site is not designated as agricultural land, and no farming activities exist in the project area. Therefore, there is no impact on agricultural resources.

I. Impact on Aesthetic Resources



The Administration Building remains consistent with the existing built environment. No significant changes to visual character or scenic views will result. The modified auxiliary building placements and slight shift in site layout maintain consistency with prior planning.

J. Impact on Historic and Archaeological Resources

The retained building is not a designated historic structure, and an increase in only 0.4% of additional disturbance to potentially archaeologically sensitive areas is proposed. The modification does not affect previously evaluated historic resources.

K. Impact on Open Space and Recreation

The modification does not reduce recreational areas or open spaces. The surrounding land use remains consistent with prior assessments.

L. Impact on Critical Environmental Areas

No designated Critical Environmental Areas are within the project site. The modification does not introduce new risks to nearby environmentally sensitive locations.

M. Impact on Transportation

The retention of the Administration Building does not alter traffic patterns. Parking availability and pedestrian circulation remain unchanged from the original assessment. The relocation of the curb cut along Southwestern Boulevard aligns with NYSDOT's recommendations and does not create new traffic concerns.

The increase in excavated materials estimated for the project will add less than 1% of the average annual daily traffic (AADT) on Southwestern Boulevard, a negligible increase in traffic during the construction period.

N. Impact on Energy

Utility consumption is expected to be slightly reduced within the Administration Building. No new energy-intensive equipment is proposed.

O. Impact on Noise, Odor, and Light

The modification does not introduce new noise-generating activities. Existing lighting and operational characteristics remain unchanged, ensuring no new light pollution or odor impacts. The realignment of infrastructure elements does not create additional noise concerns.

P. Impact on Human Health



The change does not introduce new environmental hazards or public health concerns. Existing safety and environmental protocols remain applicable.

Q. Consistency with Community Plans

The modification aligns with local land use policies and zoning regulations. It remains consistent with the original project purpose.

R. Consistency with Community Character

The retention of the Administration Building maintains the established character of the area. No significant changes in land use or community function result.

S. Cumulative/Growth Inducing Impacts

The modification does not introduce new growth-inducing impacts. The project remains within the scope of prior planning considerations.

It appears to us, based on our analysis, that proposed modifications do not result in any new significant environmental impacts that were not previously considered. Therefore, the existing Negative Declaration should be reaffirmed.

If you have any questions, please contact me directly at [bsteehler@labellapc.com](mailto:bsteehler@labellapc.com) or at (585) 295-6696.

Respectfully submitted,

**LaBella Associates**

Robert J. Steehler  
Vice President / Senior Civil Engineer



CONCEPT SITE PLAN





**Full Environmental Assessment Form**  
**Part 1 - Project and Setting**

**Instructions for Completing Part 1**

**Part 1 is to be completed by the applicant or project sponsor.** Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

**A. Project and Applicant/Sponsor Information.**

Name of Action or Project: New Bills Stadium		
Project Location (describe, and attach a general location map): Towns of Orchard Park and Hamburg, Erie Co., NY (All or parts of SBLs: 160.16-1-12, 160.19-1-4.1, 161.00-5-3.1, 161.00-5-1, 161.00-5-16.1, 161.17-6-1, and 161.17-6-3). See attached concept plan.		
Brief Description of Proposed Action (include purpose or need): See attached project description for more information. See attached Project Description.		
Name of Applicant/Sponsor: Buffalo Bills - Kathryn D'Angelo, Assistant General Counsel		Telephone: (716) 312-8607
		E-Mail: kathryn.d'angelo@bills.nfl.net
Address: One Bills Drive		
City/PO: Orchard Park	State: NY	Zip Code: 14127
Project Contact (if not same as sponsor; give name and title/role):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor): Erie County		Telephone: (716) 858-8008
		E-Mail: Mark.Rountree@erie.gov
Address: 95 Franklin Street, 10th Floor		
City/PO: Buffalo	State: NY	Zip Code: 14202

**B. Government Approvals** See attached list of government entities and approvals

**B. Government Approvals, Funding, or Sponsorship.** (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No or Village Board of Trustees		
b. City, Town or Village <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Planning Board or Commission		
c. City, Town or <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Village Zoning Board of Appeals		
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	County (transfer), County DPW (planning), County Water (water/sewer), County Leg. (transfer)	TBD
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	ESD, ECSC, SUNY, ECC (land transfer/funding approvals);	TBD
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	(State cont.) SHPO (consult only), NYSDOT (stormwater discharge/traffic consult)	TBD
i. Coastal Resources. i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No iii. Is the project site within a Coastal Erosion Hazard Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

**C. Planning and Zoning**

**C.1. Planning and zoning actions.**

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☐Yes☒No

- If Yes, complete sections C, F and G.
- If No, proceed to question C.2 and complete all remaining sections and questions in Part 1

**C.2. Adopted land use plans.**

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☒Yes☐No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☒Yes☐No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☒Yes☐No

If Yes, identify the plan(s):

NYS Heritage Areas:West Erie Canal Corridor

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐Yes☒No

If Yes, identify the plan(s):

### C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☒ Yes ☐ No  
If Yes, what is the zoning classification(s) including any applicable overlay district?

Town of Hamburg - R3

Town of Orchard Park - R1

b. Is the use permitted or allowed by a special or conditional use permit? ☒ Yes ☐ No

c. Is a zoning change requested as part of the proposed action? ☐ Yes ☒ No

If Yes,

i. What is the proposed new zoning for the site? \_\_\_\_\_

### C.4. Existing community services.

a. In what school district is the project site located? Orchard Park Central School District, Hamburg Central School District

b. What police or other public protection forces serve the project site?

Orchard Park Police Department, Town of Hamburg Police Department, Erie County Sheriff, NYS Troopers

c. Which fire protection and emergency medical services serve the project site?

Orchard Park Fire District EMS, Orchard Park Fire District, Town of Hamburg Fire Chiefs Association

d. What parks serve the project site?

Orchard Acres Park, California Road Recreational Area, Burmon Recreational Area, Blasdell Fireman's Memorial Park, Honeycrest Playground, Yates Park, Birdsong Park Nature Trail, Penn Dixie Fossil Park and Nature Preserve

### D. Project Details

#### D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Construction of new athletic stadium facility (including new parking lots/improvements to existing lots and pedestrian walking connections) and demolition of existing athletic stadium facility

b. a. Total acreage of the site of the proposed action?	<u>+/- 185</u>	<u>+</u> acres	*Approx. 40 acres of the Erie Community College Campus will be used for construction laydown, trade contractor parking, and storage. Applicant does not intend to completely demolish and reconstruct those areas.
b. Total acreage to be physically disturbed?	<u>+/- 185*</u>	acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?	<u>+/- 284</u>	acres	

c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☒ No

i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % \_\_\_\_\_ Units: \_\_\_\_\_

d. Is the proposed action a subdivision, or does it include a subdivision? ☒ Yes ☐ No

If Yes,

i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)  
commercial subdivision

ii. Is a cluster/conservation layout proposed? ☐ Yes ☒ No

iii. Number of lots proposed? 2

iv. Minimum and maximum proposed lot sizes? Minimum +/- 1.0 acres Maximum +/-243 acres land transfer

e. Will the proposed action be constructed in multiple phases? ☒ Yes ☐ No

i. If No, anticipated period of construction: \_\_\_\_\_ months

ii. If Yes:

- Total number of phases anticipated 2
- Anticipated commencement date of phase 1 (including demolition) 3 month 2023 year
- Anticipated completion date of final phase 10 month 2026 year

• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: \_\_\_\_\_

The project consists of two phases: 1): all work associated with the new stadium build. As the construction schedule is developed, additional detail can be provided as required, and 2) demolition of the existing stadium and site restoration.



f. Does the project include new residential uses? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>			
If Yes, show numbers of units proposed.			
	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>
	<u>Multiple Family (four or more)</u>		
Initial Phase	_____	_____	_____
At completion	_____	_____	_____
of all phases	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span>	
If Yes,	
i. Total number of structures <u>2</u>	
ii. Dimensions (in feet) of largest proposed structure: <u>+/- 190</u> height; <u>+/- 730</u> width; and <u>+/- 880</u> length	
iii. Approximate extent of building space to be heated or cooled: <u>+/- 700,000</u> square feet	

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span>	
If Yes,	
i. Purpose of the impoundment: <small>Bioretention facilities, underground chambers, wet ponds, and wastewater attenuation will be designed to reduce runoff rates below existing conditions and improve control of runoff.</small>	
ii. If a water impoundment, the principal source of the water: <input type="checkbox"/> Ground water <input type="checkbox"/> Surface water streams <input checked="" type="checkbox"/> Other specify: _____	
Stormwater runoff from the project site and tributary surface run-on to it. Some wastewater will also be impounded.	
iii. If other than water, identify the type of impounded/contained liquids and their source.	
In addition to stormwater runoff, wastewater from sources including bathrooms, locker room showers, sports facilities, and cooking facilities is anticipated.	
iv. Approximate size of the proposed impoundment. Volume: <u>+/-65,000</u> cubic yards surface area: <u>+/-15</u> acres	
v. Dimensions of the proposed dam or impounding structure: <u>4'-5'</u> height; <u>500'</u> length average dimensions	
vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____	
Bioretention facilities (shallow depression and biosoil filter), underground chambers (prefab underground detention system), wet ponds (ditch with grass and landscaping) and wastewater attenuation (concrete box) <u>+</u>	

### D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span>	
(Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)	
If Yes:	
i. What is the purpose of the excavation or dredging? <u>Required for construction of new stadium, setback perimeter, and ancillary building location</u>	
ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?	
• Volume (specify tons or cubic yards): <u>Approx. 500,000 cubic yards</u>	
• Over what duration of time? <u>The duration of mass excavation is currently anticipated to be 6/1/23 – 12/1/23</u>	
iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.	
<u>Soil, gravel, and shale will be excavated. Any material not suitable for re-use on this site will be recycled off-site.</u>	
iv. Will there be onsite dewatering or processing of excavated materials? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span>	
If yes, describe. <u>Onsite watering will occur during construction. Some of the excavated materials may be processed (crushed to make excavated materials suitable for re-use).</u>	
v. What is the total area to be dredged or excavated? <u>Approx. 14.4</u> acres	
vi. What is the maximum area to be worked at any one time? <u>* See note</u> <u>+</u> acres	
vii. What would be the maximum depth of excavation or dredging? <u>approx. 35</u> feet	
viii. Will the excavation require blasting? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>	
ix. Summarize site reclamation goals and plan: _____	
<u>The project's objectives are to re-use all excavated material as fill either on the new stadium site, on the existing stadium site, at other nearby locations and/or as needed cover at nearby landfills.</u>	

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span>	
If Yes:	
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): <u>Wetland 1, a small isolated palustrine forested wetland (PFO) approximately 0.56 acres in size would be impacted by the proposed project.</u>	

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres: Fill material will be placed for construction of driveways, walkways, and an entrance gate serving the proposed project. The improvements will disturb all of the 0.56-acre wetland.

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iii. Will the proposed action cause or result in disturbance to bottom sediments? ☐ Yes ☒ No  
If Yes, describe: \_\_\_\_\_

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? ☒ Yes ☐ No  
If Yes:

- acres of aquatic vegetation proposed to be removed: 0.56 acres
- expected acreage of aquatic vegetation remaining after project completion: 0.0 acres
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): \_\_\_\_\_  
Within limits of proposed development.
- proposed method of plant removal: Excavation utilizing construction equipment
- if chemical/herbicide treatment will be used, specify product(s): N/A

v. Describe any proposed reclamation/mitigation following disturbance: \_\_\_\_\_ This wetland may not be regulated, in which case neither a permit nor mitigation would be required. However, a Jurisdictional Determination is required and, if it is regulated and over 0.5 acres is impacted, applicant will comply with any mitigation, if required.

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c. Will the proposed action use, or create a new demand for water? ☒ Yes ☐ No  
If Yes:

i. Total anticipated water usage/demand per day: 30,000 to 40,000 gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☒ Yes ☐ No  
If Yes: A majority of the existing field site east of Abbott Road is in Water District #17, while the ECC Campus and all areas west of Abbott Road are in Water District #6.

- Name of district or service area: \_\_\_\_\_
- Does the existing public water supply have capacity to serve the proposal? ☒ Yes ☐ No
- Is the project site in the existing district? ☒ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☒ No
- Do existing lines serve the project site? ☒ Yes ☐ No

iii. Will line extension within an existing district be necessary to supply the project? ☒ Yes ☐ No  
If Yes:

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_  
The existing domestic cold water service line already to the site will be extended within the same site to the point of interconnection at the new stadium.
- Source(s) of supply for the district: Lake Erie

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☒ No  
If Yes:

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- Proposed source(s) of supply for new district: \_\_\_\_\_

v. If a public water supply will not be used, describe plans to provide water supply for the project: \_\_\_\_\_  
N/A

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: N/A gallons/minute.

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d. Will the proposed action generate liquid wastes? ☒ Yes ☐ No  
If Yes:

i. Total anticipated liquid waste generation per day: 27,000-35,000 gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): \_\_\_\_\_  
Sanitary wastewater will be generated from cooling tower, bathroom, locker room showers, team facilities, and cooking facilities. Peak flows will continue to be managed using on-site retention that allows for timed releases within the capacity of the sewage infrastructure, including the servicing treatment plant.

iii. Will the proposed action use any existing public wastewater treatment facilities? ☒ Yes ☐ No  
If Yes:

- Name of wastewater treatment plant to be used: Southtowns Advanced Wastewater Treatment Facility
- Name of district: Erie County Sewer District # 3
- Does the existing wastewater treatment plant have capacity to serve the project? ☒ Yes ☐ No
- Is the project site in the existing district? ☒ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☒ No

<ul style="list-style-type: none"> <li>Do existing sewer lines serve the project site?</li> <li>Will a line extension within an existing district be necessary to serve the project?</li> </ul> <p>If Yes:</p> <ul style="list-style-type: none"> <li>Describe extensions or capacity expansions proposed to serve this project: _____</li> </ul>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>	
If Yes: <ul style="list-style-type: none"> <li>Applicant/sponsor for new district: _____</li> <li>Date application submitted or anticipated: _____</li> <li>What is the receiving water for the wastewater discharge? _____</li> </ul>	
v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans): _____ _____	
vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____ There are no current plans or design to capture, recycle, or reuse liquid waste.	

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes: <ul style="list-style-type: none"> <li>How much impervious surface will the project create in relation to total size of project parcel?            _____ Square feet or <u>45+</u> acres (impervious surface) Approx. acreage of impervious surface.            _____ Square feet or <u>18+</u> acres (parcel size) Approx. project area in acres.</li> <li>Describe types of new point sources. Bioretention facilities and ponds will have point source discharges but will connect to existing storm sewer piping or existing point source locations. See table at bottom of page for receiving points/discharge points.</li> <li>Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?            Most stormwater will be directed to on-site stormwater management facilities. Some runoff may be collected in the NYSDOT storm sewer (as under existing conditions). Other runoff will be directed to existing stormwater systems or new stormwater systems similar to existing conditions.</li> </ul>	
<ul style="list-style-type: none"> <li>If to surface waters, identify receiving water bodies or wetlands:            RP #1: Unnamed Tributary of Rush Creek, RP#2: Smokes Creek South Branch. Some runoff may be collected in the NYSDOT storm sewer (as under existing conditions) prior to discharge to RP #1 and #2.</li> <li>Will stormwater runoff flow to adjacent properties? _____            The perimeter project area may have minor runoff that sheet drains over adjacent properties as with existing conditions.</li> </ul>	
iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span>	

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, identify: <ul style="list-style-type: none"> <li>Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)            Equipment, trucks and vehicles _____</li> <li>Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)            Batch plant _____</li> <li>Stationary sources during operations (e.g., process emissions, large boilers, electric generation)            Power generation for life safety (emergency/standby power generation), large boilers, and water heaters _____</li> </ul>	

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes: <ul style="list-style-type: none"> <li>Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year)             <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> </li> <li>In addition to emissions as calculated in the application, the project will generate:             <ul style="list-style-type: none"> <li>_____ Tons/year (short tons) of Carbon Dioxide (CO<sub>2</sub>)</li> <li>_____ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)</li> <li>_____ Tons/year (short tons) of Perfluorocarbons (PFCs)</li> <li>_____ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)</li> <li>_____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)</li> <li>_____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)</li> </ul> </li> </ul>	

**D.2.e.ii:** Receiving Point #1: Unnamed Tributary of Rush Creek.

Discharge Point #1A: Direct Discharge to Creek

Discharge Point #1B: To NYSDOT St. Sewer System in S.R. 20A that is believed to discharge to Creek (to be confirmed).

Receiving Point #2: Southern Branch of Smokes Creek

Discharge Point #2A: Direct Discharge to Creek

Discharge Point #2B: to NYSDOT St. Swr. System in S.R. 20 that is believed to discharge to Creek (to be confirmed).

<p>h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Estimate methane generation in tons/year (metric): _____</p> <p>ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____</p>			
<p>i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____</p>			
<p>j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? See note below. <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. When is the peak traffic expected (Check all that apply): <input type="checkbox"/> Morning <input type="checkbox"/> Evening <input type="checkbox"/> Weekend  <input type="checkbox"/> Randomly between hours of _____ to _____.</p> <p>ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____</p> <p>iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____</p> <p>iv. Does the proposed action include any shared use parking? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____</p> <p>vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p>			
<p>k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Estimate annual electricity demand during operation of the proposed action: _____  17,700,000 kWh</p> <p>ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):  NYSEG grid</p> <p>iii. Will the proposed action require a new, or an upgrade, to an existing substation? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p>			
<p>l. Hours of operation. Answer all items which apply.</p> <table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>i. During Construction: <span style="float: right;">Construction team will coordinate with the Bills on Game Days.</span></p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____ 6 AM -11 PM</li> <li>• Saturday: _____ 7 AM to 6 PM</li> <li>• Sunday: _____ 8 AM to 5 PM</li> <li>• Holidays: _____ N/A</li> </ul> </td> <td style="width: 50%; vertical-align: top;"> <p>ii. During Operations: <span style="float: right;">Security presence is 24/7/365.</span></p> <ul style="list-style-type: none"> <li>• Monday - Friday: <u>Reg. business hours on campus</u> are 9 AM to 5 PM</li> <li>• Saturday: _____ Hours will vary on event days</li> <li>• Sunday: _____ Hours will vary on event days</li> <li>• Holidays: _____ Hours will vary on event days</li> </ul> </td> </tr> </table>		<p>i. During Construction: <span style="float: right;">Construction team will coordinate with the Bills on Game Days.</span></p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____ 6 AM -11 PM</li> <li>• Saturday: _____ 7 AM to 6 PM</li> <li>• Sunday: _____ 8 AM to 5 PM</li> <li>• Holidays: _____ N/A</li> </ul>	<p>ii. During Operations: <span style="float: right;">Security presence is 24/7/365.</span></p> <ul style="list-style-type: none"> <li>• Monday - Friday: <u>Reg. business hours on campus</u> are 9 AM to 5 PM</li> <li>• Saturday: _____ Hours will vary on event days</li> <li>• Sunday: _____ Hours will vary on event days</li> <li>• Holidays: _____ Hours will vary on event days</li> </ul>
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**D.2.j.**:No. The function, use and operation of the new Stadium will be similar to the existing Highmark Stadium which will be demolished. The current 71,600 seat capacity of Highmark Stadium generates an established traffic demand on event days. The new Stadium will have a reduced approximate 60,000 seat capacity of about 16%. Thus, it is anticipated that trip counts on the largest events such as Bills games and concerts will be reduced accordingly. The existing site controlled by the Buffalo Bills contains approximately 9,600 public use parking spaces and the proposed action will result in approximately 10,300 public use parking spaces, therefore the parking demand on the surrounding neighborhood is anticipated to be reduced.

<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration:</p> <p>Construction activities would exceed existing ambient noise levels. Once the stadium is operational, ambient noise would be comparable to the existing stadium. The partial canopy and extent of exterior envelope enclosure may help contain sound levels as compared to existing conditions.</p> <p>ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>Describe: _____</p>
<p>n. Will the proposed action have outdoor lighting? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:</p> <p>The parking areas altered by the project will replace the existing lighting with shorter poles and will consider use of lower poles near the stadium, pedestrian pathway areas, and adjacent to the residential property near Abbott Road. See note below for additional information.</p> <p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>Describe: _____</p>
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____</p> <p>Odors would be created by cooking food at the stadium. The stadium will feature concession stands will generate food odors on game and event days. Similarly, tailgating activities in parking lots on game days would generate food odors. Any odors generated would be similar to existing conditions.</p>
<p>p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes: <span style="float: right;">See note below.</span></p> <p>i. Product(s) to be stored <u>Liquid Fertilizer, Pesticides, and Fungicides as well as #2 diesel for emergency power generation</u></p> <p>ii. Volume(s) <u>200 gallon</u> per unit time <u>year</u> (e.g., month, year) for liquid fertilizer, pesticides, and fungicides.</p> <p>iii. Generally, describe the proposed storage facilities: <u>There will be two (2) 500 gallon above-ground diesel storage tanks.</u></p> <p>Restricted use products will be stored in a fertilizer/pesticide cabinet that can be locked. Other fertilizers will stored on shelving in controlled access room.</p>
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Describe proposed treatment(s):</p> <p>No pesticide use is anticipated during construction. Once the project is operational, there will be bi-weekly applications of fertilizer and monthly applications of fungicides. Pesticide application will be completed once annually (May/June) and then done on an as needed basis the remainder of the year.</p> <p>ii. Will the proposed action use Integrated Pest Management Practices? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p>
<p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> <li>• Construction: <u>approx. 2100-2800 tons per construction period</u> (unit of time)</li> <li>• Operation : <u>approx. 84 tons per year</u> (unit of time) <span style="float: right;">Note: Assumes 12 Bills home games and 3 other major events.</span></li> </ul> <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> <li>• Construction: <u>Based on data from similar projects, demolition of the existing stadium would produce approx. 1,000 tons of debris (55% recycled), approx. 18,000 tons of concrete ( 95% recycled), and 100 tons of aluminum and metals (100% recycled).</u></li> <li>• Operation: <u>Recyclable materials will primarily consist of cardboard, aluminum cans and paper products. Cardboard balers and trash and dedicated recycling containers will be provided in the loading dock and service area of the stadium.</u></li> </ul> <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> <li>• Construction: <u>The exact disposal method will be determined by the contractor and will follow all applicable NYSDEC guidelines and standards.</u></li> <li>• Operation: <u>The Buffalo Bills are aware of NYS laws regarding food waste regulations and requires its food service operator and vendors comply with all applicable laws. The stadium uses Modern Waste and Disposal for trash and recycling services.</u></li> </ul>

**D.2.n.:** All light sources will be LED. Sky glow will be limited to be the same or less than it is now for the existing stadium. Care will be taken at the edges of the property to not have light spillage / trespass. All site pole light fixtures will be aimed in a downward direction. All up-lights and stadium lighting will be on a time controlled clock. The types of sources will all be LED and will include a combination of post lights, bollards, steplights, low level pathlights, integral lighting within furniture, and adjustable general illumination lights mounted within trees. Uplighting will be sensitively used to accentuate key features of the New Stadium structure as well as specific moments within the plazas/landscaped areas. Any fixture that sits close to the perimeter of site will be equipped with shielding to prevent light trespass. A lighting control system will be implemented and will play a key role in the outdoor environment, allowing fixtures to be regulated to appropriate light levels during evening hours when guests are on site as well as after hours for security.

**D.2.p.:** The stadium facility currently stores diesel fuel, pesticides, and fungicides on site. With respect to pesticides and fungicides, all products, usage, frequency and process will be similar to what is currently done to the practice fields at the Training Facility. However, the existing stadium field is artificial turf so a new natural grass field at the new stadium will increase the overall quantity used annually. The new stadium will also increase the storage of diesel from existing conditions.

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☒ No  
 If Yes:  
 i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): \_\_\_\_\_  
 ii. Anticipated rate of disposal/processing:  
     • \_\_\_\_\_ Tons/month, if transfer or other non-combustion/thermal treatment, or  
     • \_\_\_\_\_ Tons/hour, if combustion or thermal treatment  
 iii. If landfill, anticipated site life: \_\_\_\_\_ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☒ No  
 Hazardous waste, if encountered during demolition, will be disposed of according to local, state, and federal guidelines.  
 If Yes:  
 i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: \_\_\_\_\_  
 \_\_\_\_\_  
 ii. Generally describe processes or activities involving hazardous wastes or constituents: \_\_\_\_\_  
 \_\_\_\_\_  
 iii. Specify amount to be handled or generated \_\_\_\_\_ tons/month  
 iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: \_\_\_\_\_  
 \_\_\_\_\_  
 v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No  
 If Yes: provide name and location of facility: \_\_\_\_\_  
 \_\_\_\_\_  
 If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:  
 \_\_\_\_\_  
 \_\_\_\_\_

## E. Site and Setting of Proposed Action

**E.1. Land uses on and surrounding the project site**

a. Existing land uses.  
 i. Check all uses that occur on, adjoining and near the project site.  
☐ Urban ☐ Industrial ☒ Commercial ☒ Residential (suburban) ☐ Rural (non-farm)  
☒ Forest ☐ Agriculture ☒ Aquatic ☒ Other (specify): Educational Facility (Erie County Community College)  
 ii. If mix of uses, generally describe:  
 Bills Stadium is located in a suburban area and is surrounded by residential and commercial uses and a community college.  
 \_\_\_\_\_

b. Land uses and covertypes on the project site.

Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	95.0	120.0	+25.0
• Forested	2.0	0	-2.0
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	0	0	
• Agricultural (includes active orchards, field, greenhouse etc.)	0	0	
• Surface water features see note below (lakes, ponds, streams, rivers, etc.)	0	1.5	+1.5
• Wetlands (freshwater or tidal)	0		
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: <u>manicured/dense lawn</u>	88.0	63.5	-24.5

Surface Water Features: 1.5 acres of permanent retention features are added by new stadium design.

Acreage represented in land use table equals the limit of disturbance.

<p>c. Is the project site presently used by members of the community for public recreation?  i. If Yes: explain: <u>Highmark Stadium hosts public events at their facility.</u></p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site?  If Yes,  i. Identify Facilities:  <u>Erie Community College is located to the west of Highmark Stadium. Windom Elementary School is located to the northwest of Highmark Stadium.</u>  <u>Southtowns Childrens Associates is a special education school located north of Highmark Stadium.</u></p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>e. Does the project site contain an existing dam?  If Yes:  i. Dimensions of the dam and impoundment:  <ul style="list-style-type: none"> <li>• Dam height: _____ feet</li> <li>• Dam length: _____ feet</li> <li>• Surface area: _____ acres</li> <li>• Volume impounded: _____ gallons OR acre-feet</li> </ul> ii. Dam's existing hazard classification: _____  iii. Provide date and summarize results of last inspection: _____  _____  _____</p>	<p>Does not include impoundments discussed in D.1.h. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility?  If Yes:  i. Has the facility been formally closed?  <ul style="list-style-type: none"> <li>• If yes, cite sources/documentation: _____</li> </ul> ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____  _____  _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  <input type="checkbox"/> Yes <input type="checkbox"/> No
<p>g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste?  If Yes:  i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:  <u>ECC handles hazardous wastes according to federal (RCRA) and state requirements.</u></p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site?  If Yes:  i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply:  <input checked="" type="checkbox"/> Yes – Spills Incidents database  <input type="checkbox"/> Yes – Environmental Site Remediation database  <input type="checkbox"/> Neither database  ii. If site has been subject of RCRA corrective activities, describe control measures: _____  None _____  _____</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No  <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database?  If yes, provide DEC ID number(s): _____  iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):  <u>No current violations or active spills</u></p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

v. Is the project site subject to an institutional control limiting property uses? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>																			
<ul style="list-style-type: none"> <li>• If yes, DEC site ID number: _____</li> <li>• Describe the type of institutional control (e.g., deed restriction or easement): _____</li> <li>• Describe any use limitations: _____</li> <li>• Describe any engineering controls: _____</li> <li>• Will the project affect the institutional or engineering controls in place? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></li> <li>• Explain: _____</li> </ul>																			
<b>E.2. Natural Resources On or Near Project Site</b>																			
a. What is the average depth to bedrock on the project site? <span style="float: right;">_____ +/- 7.8 feet</span>																			
b. Are there bedrock outcroppings on the project site? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %																			
c. Predominant soil type(s) present on project site: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">MfA - Marilla shaly silt loam</td> <td style="width: 40%; text-align: right;">33 %</td> </tr> <tr> <td>MaB - Manlius shaly silt loam</td> <td style="text-align: right;">33 %</td> </tr> <tr> <td>DbA - Darien silt loam</td> <td style="text-align: right;">34 %</td> </tr> </table>		MfA - Marilla shaly silt loam	33 %	MaB - Manlius shaly silt loam	33 %	DbA - Darien silt loam	34 %												
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d. What is the average depth to the water table on the project site? Average: _____ +/- 6.4 feet																			
e. Drainage status of project site soils: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 40%;"><input checked="" type="checkbox"/> Well Drained:</td> <td style="width: 60%; text-align: right;">33 % of site</td> </tr> <tr> <td><input checked="" type="checkbox"/> Moderately Well Drained:</td> <td style="text-align: right;">33 % of site</td> </tr> <tr> <td><input checked="" type="checkbox"/> Poorly Drained</td> <td style="text-align: right;">34 % of site</td> </tr> </table>		<input checked="" type="checkbox"/> Well Drained:	33 % of site	<input checked="" type="checkbox"/> Moderately Well Drained:	33 % of site	<input checked="" type="checkbox"/> Poorly Drained	34 % of site												
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f. Approximate proportion of proposed action site with slopes: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 40%;"><input checked="" type="checkbox"/> 0-10%:</td> <td style="width: 60%; text-align: right;">100 % of site</td> </tr> <tr> <td><input type="checkbox"/> 10-15%:</td> <td style="text-align: right;">_____ % of site</td> </tr> <tr> <td><input type="checkbox"/> 15% or greater:</td> <td style="text-align: right;">_____ % of site</td> </tr> </table>		<input checked="" type="checkbox"/> 0-10%:	100 % of site	<input type="checkbox"/> 10-15%:	_____ % of site	<input type="checkbox"/> 15% or greater:	_____ % of site												
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<input type="checkbox"/> 10-15%:	_____ % of site																		
<input type="checkbox"/> 15% or greater:	_____ % of site																		
g. Are there any unique geologic features on the project site? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> If Yes, describe: _____																			
h. Surface water features. <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)?</td> <td style="width: 20%; text-align: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</td> </tr> <tr> <td>ii. Do any wetlands or other waterbodies adjoin the project site?</td> <td style="text-align: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</td> </tr> </table> If Yes to either <i>i</i> or <i>ii</i> , continue. If No, skip to E.2.i. <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency?</td> <td style="width: 20%; text-align: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</td> </tr> </table> iv. For each identified regulated wetland and waterbody on the project site, provide the following information: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;">• Streams:</td> <td style="width: 40%;">Name <u>837-226, 837-229, 837-235</u></td> <td style="width: 50%;">Classification <u>C</u></td> </tr> <tr> <td>• Lakes or Ponds:</td> <td>Name _____</td> <td>Classification _____</td> </tr> <tr> <td>• Wetlands:</td> <td>Name <u>See note below</u></td> <td>Approximate Size <u>+/- 4 acres</u></td> </tr> <tr> <td>• Wetland No. (if regulated by DEC)</td> <td colspan="2">_____</td> </tr> </table>		i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	ii. Do any wetlands or other waterbodies adjoin the project site?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	• Streams:	Name <u>837-226, 837-229, 837-235</u>	Classification <u>C</u>	• Lakes or Ponds:	Name _____	Classification _____	• Wetlands:	Name <u>See note below</u>	Approximate Size <u>+/- 4 acres</u>	• Wetland No. (if regulated by DEC)	_____	
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• Wetlands:	Name <u>See note below</u>	Approximate Size <u>+/- 4 acres</u>																	
• Wetland No. (if regulated by DEC)	_____																		
v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span> See note below If yes, name of impaired water body/bodies and basis for listing as impaired: <u>Name - Pollutants - Uses: Rush Creek and tribs – Pathogens; Nutrients - Recreation; Public Bathing; Aquatic Life, Name - Pollutants - Uses: South Branch Smoke Creek (lower) Branch Smoke Creek, Lower, and tribs – Nutrients; Silt/Sediment – Recreation; Aquatic Life</u>																			
i. Is the project site in a designated Floodway? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span>																			
j. Is the project site in the 100-year Floodplain? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span>																			
k. Is the project site in the 500-year Floodplain? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span>																			
l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> If Yes: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">i. Name of aquifer: _____</td> <td style="width: 20%;"></td> </tr> </table>		i. Name of aquifer: _____																	
i. Name of aquifer: _____																			

**E.2.h.iv** Wetland 1 (palustrine forested wetland approximately 0.56 acres in size) located on the project site

**E.2.h.v** Wetland 1 is possibly not regulated, however a Jurisdictional Determination is required and, if regulated and if more than 0.5 acres is impacted, mitigation may be required.



<p>m. Identify the predominant wildlife species that occupy or use the project site:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%; border-bottom: 1px solid black;">Typical suburban species such as</td> <td style="width: 33%; border-bottom: 1px solid black;">foxes, coyotes, squirrels, rabbits,</td> <td style="width: 33%; border-bottom: 1px solid black;">raccoons, woodchucks, chipmunks,</td> </tr> <tr> <td style="border-bottom: 1px solid black;">rodents, deer, songbirds, crows,</td> <td style="border-bottom: 1px solid black;">raptors, crows, frogs, and snakes</td> <td style="border-bottom: 1px solid black;">may pass through the site.</td> </tr> </table>			Typical suburban species such as	foxes, coyotes, squirrels, rabbits,	raccoons, woodchucks, chipmunks,	rodents, deer, songbirds, crows,	raptors, crows, frogs, and snakes	may pass through the site.
Typical suburban species such as	foxes, coyotes, squirrels, rabbits,	raccoons, woodchucks, chipmunks,						
rodents, deer, songbirds, crows,	raptors, crows, frogs, and snakes	may pass through the site.						
<p>n. Does the project site contain a designated significant natural community? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Describe the habitat/community (composition, function, and basis for designation): _____</p> <p style="margin-left: 20px;">ii. Source(s) of description or evaluation: _____</p> <p style="margin-left: 20px;">iii. Extent of community/habitat:</p> <ul style="list-style-type: none"> <li>• Currently: _____ acres</li> <li>• Following completion of project as proposed: _____ acres</li> <li>• Gain or loss (indicate + or -): _____ acres</li> </ul>								
<p>o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Species and listing (endangered or threatened): _____</p> <p>_____</p> <p>_____</p>								
<p>p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Species and listing: _____</p> <p>_____</p> <p>_____</p>								
<p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If yes, give a brief description of how the proposed action may affect that use: _____</p> <p>Recreational fishing activities take place in Smokes Creek and Rush Creek.</p> <p>_____</p>								
<p><b>E.3. Designated Public Resources On or Near Project Site</b></p>								
<p>a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes, provide county plus district name/number: _____</p>								
<p>b. Are agricultural lands consisting of highly productive soils present? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p style="margin-left: 20px;">i. If Yes: acreage(s) on project site? +/- 1 acre _____</p> <p style="margin-left: 20px;">ii. Source(s) of soil rating(s): <u>USDA Farmland Classification (Prime Soils)</u></p>								
<p>c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature</p> <p style="margin-left: 20px;">ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____</p> <p>_____</p> <p>_____</p>								
<p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. CEA name: _____</p> <p style="margin-left: 20px;">ii. Basis for designation: _____</p> <p style="margin-left: 20px;">iii. Designating agency and date: _____</p>								

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>	
If Yes: i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District ii. Name: _____ iii. Brief description of attributes on which listing is based: _____	
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span>	
g. Have additional archaeological or historic site(s) or resources been identified on the project site? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> If Yes: i. Describe possible resource(s): _____ ii. Basis for identification: _____	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes: i. Identify resource: <u>Woodlawn Beach State Park</u> ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): <u>State Park</u> iii. Distance between project and resource: _____ <u>approx. 5</u> miles.	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> If Yes: i. Identify the name of the river and its designation: _____ ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>	

#### F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

#### G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Kathryn D'Angelo Date 11/22/2022

Signature  Title Assistant General Counsel

# Exhibit E

To: All Potentially Interested and Involved Agencies

September 8, 2025

**Acknowledgment of the Erie County Legislature ("Legislature")  
to Reestablish Lead Agency and Conduct a Coordinated Review Pursuant to the  
New York State Environmental Quality Review Act**

Project: Buffalo Bills Stadium Project - Project Revisions

Location: 1 Bills Drive, Orchard Park, NY 14127 (SBLs: 161.00-5-3.1; 161.00-5-1; 161.00-5-16.1;  
161.17-6-1; 161.17-1-3; 161.17-1-4.2; 161.17-6-10; 160.16-1-12 and 160.19-1-4.1)  
("Property")

The \_\_\_\_\_ consents to the designation of the Legislature as the lead  
agency for the above-referenced project.

\_\_\_\_\_  
Completed by (Agency Representative)

\_\_\_\_\_  
Agency

\_\_\_\_\_  
Date

This notice has been provided to the following Potentially Interested and Involved Agencies:

1. Office of the Governor of New York State
2. New York State Urban Development Corporation d/b/a Empire State Development
3. New York State Office of Parks, Recreation and Historic Preservation, NYOPRHP
4. New York State Division of Historic Preservation
5. New York State Division of Historic Preservation, Technical Preservation Bureau
6. New York State Department of Environmental Conservation, Region 9
7. New York State Division of Budget
8. New York State Department of Environmental Conservation, Commissioner
9. New York State Department of Transportation
10. New York State Department of Transportation, Region 5
11. New York State Police, Troop A
12. Public Authorities Control Board
13. The State University of New York Board of Trustees
14. The State University of New York, Chancellor
15. Niagara Frontier Transportation Authority
16. New York State Urban Development Corporation d/b/a Empire State Development WNY  
Region
17. Erie County Executive's Office
18. Erie County Legislature
19. Erie County Stadium Corporation c/o Empire State Development Corporation
20. Erie County Water Authority
21. Erie County Sewer District #3 Board of Managers
22. Erie County Department of Public Works
23. Erie County Department of Health
24. Erie County Sheriff
25. SUNY Erie Community College Board of Trustees
26. SUNY Erie Community College, President
27. Erie County Department of Health

28. Erie County Industrial Development Agency
29. Town of Orchard Park
30. Orchard Park Building Inspector/Code Enforcement
31. Orchard Park Planning Board
32. Orchard Park Zoning Board of Appeals
33. Orchard Park Police Department
34. Orchard Park Fire District
35. Town of Hamburg
36. Hamburg Planning Board
37. Hamburg Zoning Board of Appeals
38. Hamburg Building/Code Enforcement
39. Hamburg Police Department
40. Hamburg Fire Department
41. U.S. Army Corps of Engineers

**For Further Information Contact:**

Mark Rountree, Chief Planner  
Erie County Environment and Planning  
Attn: Mark Rountree  
Edward A Rath County Office Building  
95 Franklin Street, 10th Floor  
Buffalo, New York 14202

Phone: (716) 858-8008  
Fax: (716) 858-7248

# Exhibit F

# STATE OF NEW YORK

## LEGISLATURE OF ERIE COUNTY CLERK'S OFFICE

*BUFFALO, N.Y., January 19, 2023*

TO WHOM IT MAY CONCERN:

**I HEREBY CERTIFY**, that at the *2nd Session of the Legislature of Erie County, held in the Legislative Chambers, in the City of Buffalo, on the 19th day of January, 2023 A.D., a Resolution was adopted, of which the following is a true copy:*

WHEREAS, the County of Erie ("County"), through its legislative body, the Erie County Legislature ("Legislature") is currently evaluating: (1) the conveyance of certain portions of land located in the Town of Orchard Park (SBLs: 161.00-5-1, 161.00-5-3.1, 161.00-5-16.1, 161.17-6-1, 161.17-6-3, 161.17-6-4.2, 161.17-6-10) to the Erie County Stadium Corporation ("ECSC") and the subsequent lease of the sold parcels by ECSC to Buffalo Bills, LLC, Western New York's National Football League franchise team (together, with its stadium affiliate, the "Team"); (2) the construction of a new stadium to replace the existing Highmark Stadium ("New Stadium"); (3) the demolition of Highmark Stadium ("Existing Stadium") on the east side of Abbott Road between Big Tree Road and Southwestern Boulevard; and (4) the continued operation of the Team's complex (collectively, the "Project" or "Action"); and

WHEREAS, pursuant to Article 8 of the New York Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended (the "SEQR Act") and the regulations adopted pursuant thereto by the New York State Department of Environmental Conservation ("NYSDEC"), being 6 NYCRR Part 617, et. seq., as amended (the "Regulations" and collectively with the SEQR Act, "SEQRA"), the County must satisfy the requirements contained in SEQRA prior to making a final determination whether to undertake the Project; and

WHEREAS, on July 1, 2022, the Legislature transmitted to all potentially Interested and Involved Agencies (as those terms are defined pursuant to SEQRA) a notice of the Legislature's intent to act as Lead Agency for the review of the Project (together with a completed Part 1 of the Full Environmental Assessment Form), as that term is defined pursuant to SEQRA; and

WHEREAS, on July 14, 2022, a public scoping meeting was held to garner public input on the scope of the SEQRA review of the Project, with public comments accepted following the public scoping meeting; and

WHEREAS, no other potentially Involved Agencies objected to the Legislature's declaration of its notice of intent to serve as Lead Agency, such that the Legislature became the Lead Agency as of August 1, 2022; and

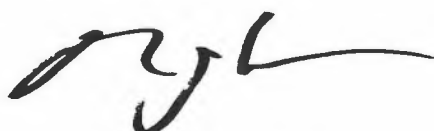
WHEREAS, on October 14, 2022, extensive environmental analysis including a detailed technical addendum to Part I of the Full environmental Assessment Form ("TA") along with associated supporting studies in addition to responses to all public scoping comment responses received, as well as the draft Environmental Assessment Form Parts II and III were made publicly available for review and comment, with notice sent to all Potentially Interested and Involved Agencies; and

WHEREAS, on October 27, 2022, a public hearing was held at the Orchard Park Community Activity Center to garner public input on the environmental analysis, Technical Addendum, and documentation completed to date; and

WHEREAS, public comments on Part 1 of the Full Environmental Assessment Form and the environmental analysis were collected from October 14, 2022 until November 2, 2022; and

WHEREAS, to aid the Legislature in determining whether the Project may have a significant adverse impact upon the environment, the Legislature has received, or reviewed:

ATTEST



ROBERT M. GRABER

*Clerk of the Legislature of Erie County*

# STATE OF NEW YORK

## LEGISLATURE OF ERIE COUNTY CLERK'S OFFICE

*BUFFALO, N.Y., January 19, 2023*

TO WHOM IT MAY CONCERN:

**I HEREBY CERTIFY**, that at the *2nd Session of the Legislature of Erie County, held in the Legislative Chambers, in the City of Buffalo, on the 19th day of January, 2023 A.D., a Resolution was adopted, of which the following is a true copy:*


- 1) A Full Environmental Assessment Form, Part 1 ("FEAF")
- 2) A Technical Addendum to the FEAF ("TA"), the appendices to which are listed separately herein;
- 3) Project Plans
- 4) Lead Agency Notice;
- 5) Summary of Sustainable Design Elements;
- 6) Public Scoping Comments and Responses;
- 7) Alternatives Analysis;
- 8) Lighting Design Narrative;
- 9) Geotechnical Engineering Assessment Report;
- 10) Ecological Review;
- 11) Phase 1 Environmental Site Assessment;
- 12) Preliminary Stormwater Pollution Prevention Plan ("SWPPP");
- 13) Final Phase 1A Archaeological Investigation and Consultation Correspondence;
- 14) Water and Sanitary Sewer Report;
- 15) Electrical Demand Narrative;
- 16) WJHW Environmental Sound Study;
- 17) GHD Noise Impact Study;
- 18) Traffic Management Plan ("TMP");
- 19) Traffic Assessment;
- 20) Demolition Mitigation Plan ("DMP");
- 21) Viewshed Analysis;
- 22) Photosimulations;
- 23) Historic Survey;
- 24) TA Public Comments and Responses;
- 25) Final Letter of Resolution;
- 26) New Stadium Rendering;
- 27) Revised Part 2 and 3 of the Full Environmental Assessment Form;
- 28) Responses to NYSDOT Comments;
- 29) Progress Report for Phase 1A/Partial Phase 1B;
- 30) Traffic Management Plan - Version 2.0 and
- 31) other relevant environmental information (collectively, 1-32, together with all analysis and supporting documentation referenced therein or relied upon thereby, are incorporated by reference herein in their entirety and shall be referred to as the "Environmental Information"); and

WHEREAS, prior to making a determination about the potential environmental significance of the Project, the Legislature has completed Parts 2 and 3 of the FEAF, has reviewed the Environmental Information, consulted various information sources, and considered the list of activities which are Type I Actions outlined in Section 617.4 of the SEQRA regulations, the list of activities that are Type II Actions outlined in Section 617.5 of the SEQRA regulations and the criteria for determining significance outlined in Section 617.7 of the SEQRA regulations; and

WHEREAS, the Legislature has duly considered the Action, the full Environmental Assessment Form Parts I-III, the criteria for determining significance set forth in 6 N.Y.C.R.R. § 617.7(c), the draft Negative Declaration, and such other information deemed appropriate; and

WHEREAS, the Legislature has identified the relevant areas of environmental concern, has taken a hard look at these areas, and has made a reasoned elaboration of the basis for its determination.

ATTEST



ROBERT M. GRABER  
*Clerk of the Legislature of Erie County*



# STATE OF NEW YORK

## LEGISLATURE OF ERIE COUNTY CLERK'S OFFICE

*BUFFALO, N.Y., January 19, 2023*

TO WHOM IT MAY CONCERN:

**I HEREBY CERTIFY**, that at the *2nd Session of the Legislature of Erie County, held in the Legislative Chambers, in the City of Buffalo, on the 19th day of January, 2023 A.D., a Resolution was adopted, of which the following is a true copy:*

NOW, THEREFORE, BE IT

RESOLVED, that the Legislature formally declares itself Lead Agency and accepts all responsibilities associated with same; and be it further

RESOLVED, that the Project is a Type I Action pursuant to SEQRA, as it involves the disturbance of land totaling over 10 acres; and be it further

RESOLVED, that based upon a thorough review and examination of the known facts relating to the Action and its careful review of all potentially adverse environmental impacts, and the entire record and proceedings, including the Environmental Information, relating to the Action, the Legislature finds that the Action will not have a significant adverse impact on the environment and that a Draft Environmental Impact Statement will not be prepared; and be it further

RESOLVED, that the attached Negative Declaration, incorporated herein by reference, is issued and adopted for the reasons stated in the determination of non-significance; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the Director of Budget and Management, the Department of Law, and Mark Rountree, Department of Environment and Planning and any other required parties pursuant to the SEQRA regulations.

### NEGATIVE DECLARATION Determination of Non-Significance

Lead Agency: Erie County Legislature  
Date: January 5, 2023

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act, or "SEQRA") of the Environmental Conservation Law.

The County of Erie Legislature ("County"), as lead agency, has reviewed the proposed resolution regarding the Buffalo Bills New Stadium Project (the "Project" or "Action") and determined that it will not have a significant adverse environmental impact and that a Draft Environmental Impact Statement will not be prepared. \* Terms not defined herein have the same meaning given to them in the Technical Addendum.

Name of Action: Buffalo Bills New Stadium

Location of Project Site: Towns of Orchard Park and Hamburg, New York (SBLs: 161.00-5-1, 161.00-5-3.1, 161.00-5-16.1, 161.17-6-1, 161.17-6-3, 161.17-6-4.2, 161.17-6-10).

SEQRA Status: Type I

Description of Action: Erie County is currently evaluating: (1) the conveyance of certain portions of land located in the Town of Orchard Park (SBLs: 161.00-5-1, 161.00-5-3.1, 161.00-5-16.1, 161.17-6-1, 161.17-6-3, 161.17-6-4.2, 161.17-6-10) to the Erie County Stadium Corporation ("ECSC") and the subsequent lease of the sold parcels by ECSC to Buffalo Bills, LLC, Western New York's National Football

ATTEST



ROBERT M. GRABER  
*Clerk of the Legislature of Erie County*

# STATE OF NEW YORK

## LEGISLATURE OF ERIE COUNTY CLERK'S OFFICE

*BUFFALO, N.Y., January 19, 2023*

TO WHOM IT MAY CONCERN:

**I HEREBY CERTIFY**, that at the *2nd Session of the Legislature of Erie County, held in the Legislative Chambers, in the City of Buffalo, on the 19th day of January, 2023 A.D., a Resolution was adopted, of which the following is a true copy:*

League ("NFL") franchise team (together, with its stadium affiliate, the "Team"); (2) the construction of a new stadium facility ("New Stadium" or "New Stadium Complex") to replace the existing Highmark Stadium ("Existing Stadium"); (3) the demolition of Highmark Stadium; and (4) the continued operation of the Team's complex (collectively, the "Project"). Reference is made to the Technical Addendum ("TA") for a more detailed description of the Project.

### Reasons Supporting this Determination:

The County has identified the relevant areas of environmental concern and has taken a hard look at each of the identified areas as required by SEQRA. The County compared the Action with the criteria for determining significance identified in 6 NYCRR § 617.7(c)(1) and in accordance with 6 NYCRR § 617.7(c)(2) and (3). The County has completed Parts 2 and 3 of the Full Environmental Assessment Form ("FEAF"), and, as indicated below in the discussion of each criterion specified in 6 NYCRR § 617.7(c)(1), the Action will not have a significant adverse impact on the environment.

#### A. Impact on Land

The New Stadium and surrounding parking lots and pedestrian walking connections will be constructed on a previously developed site directly across the street from the Existing Stadium, on the west side of Abbott Road. The addition of improved drainage and parking lot runoff management will be a significant improvement when compared to the current conditions associated with the Existing Stadium and surrounding facilities. There will not be any significant construction activity on lands where the depth to the water table is less than 3 feet. The Project does not involve construction on slopes of greater than 15%. There will not be any blasting of bedrock necessary nor construction over limestone bedrock which typically has caves, cracks and/or sinkholes that could expose the groundwater table.

The footprint of the New Stadium is smaller than the Existing Stadium. Almost all of the excavated material will be reused and remain on the Site. During demolition, the Existing Stadium's concrete structure will be ground up and recycled as fill material within its existing bowl area to reduce off-Site waste. Many of the large boulders used as vehicular barriers around the Site will be reused. Any metal and concrete materials not suitable for reuse on the Site will be recycled off-Site. Excavated clean and suitable soils maybe reused off-Site, at the County's discretion, as a source of clean cover material and fill for other County projects. The Project will not result in increased erosion. All required soil and erosion control measures during construction will be implemented. Furthermore, no state or federally mapped wetlands will be impacted by the construction of the New Stadium Complex.

Overall, the Project will involve significant amounts of construction lasting for three years. However, the Project essentially replaces the Existing Stadium, which has been operational for approximately 50 years, with a brand new, state of the art stadium on an adjacent, already developed parcel. Accordingly the Project will not have a significant adverse impact on land.

#### B. Impact on Geological Features

The Site contains no unique or unusual land forms (e.g. cliffs, dunes, minerals, fossils, or caves), nor are there any National Natural Landmarks at or around the Site of the New Stadium Complex. Accordingly, the Project will not have a significant adverse impact upon geological features.

ATTEST



ROBERT M. GRABER  
*Clerk of the Legislature of Erie County*

# STATE OF NEW YORK

## LEGISLATURE OF ERIE COUNTY CLERK'S OFFICE

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C. Impact on Surface Water

Overall, proposed improvements to the New Stadium Complex's drainage conditions have been designed to meet all State and Federal requirements and will result in significant improvements to stormwater management over current practices, which are intended to result in a beneficial impact on downstream drainage conditions as compared with existing conditions. There are no proposed impacts to the mapped streams within the Project Area. The Project will result in new impervious surfaces which will require stormwater management systems to properly handle stormwater flows and ensure proper management of such stormwater on Site. Soil and erosion control measures will be implemented so there are no inappropriate discharges of contaminants to surface waters during construction. Following site stabilization and construction of the Project, erosion and control measures will control the water quality and quantity of stormwater runoff. Unlike existing conditions, the stormwater management system for the New Stadium Complex will provide treatment in accordance with NYSDEC criteria, and will control the peak runoff to Smoke Creek and Rush Creek Tributary, to rates at or below existing rates. The methods being employed will provide water quality treatment to address specific pollutants, such as phosphorus. This treatment will greatly enhance the quality of the post construction discharge as compared to current conditions.

Based on these facts, the Project will not have any significant adverse impacts on surface water.

D. Impact on Groundwater

Because both the Existing Stadium and the New Stadium Complex receive water from the Erie County Water Authority ("ECWA") sourced from Lake Erie, the Project will not require new water supply wells, nor place any additional demand on existing water supply wells. While the New Stadium Complex will require storage and use of fertilizers, fungicides, diesel, and pesticides, such storage will be in accordance with applicable federal, state, and local requirements to avoid any impacts to any groundwater resources, and is consistent with existing conditions resulting from the Existing Stadium. Groundwater in the vicinity of the New Stadium Complex is not a source of potable drinking water due to the existing municipal water supply system. In addition, the SWPPP and SPDES Permit controls will be in place to limit any impacts from construction and excavation. The Existing Stadium's demolition will adhere to all applicable federal, state, and local statutes, laws, codes, and ordinances, as well as industry standard practices for responsible environmental controls. Based on these facts, the Project will not have any significant adverse impacts on groundwater.

E. Impact on Flooding

As detailed in the TA, while there is a 100-year floodplain on the south end of the Project Area, the Project Area itself is not located in a designated floodway, a 100-year floodplain, and a 500-year floodplain. The New Stadium Complex will achieve an 18% reduction in peak stormwater runoff as compared to existing conditions by utilizing stormwater controls. Stormwater controls include the installation/improvement of six bioretention facilities, the existing on-site storm sewer system, an underground detention chamber which will serve to attenuate peak discharge rates, two wet ponds, the use of hydrodynamic water quality units, and the use of impervious cover reduction with soil restoration practices. Based on these facts, the Project will not have any significant adverse impacts on flooding or flooding conditions, and will result in a net benefit to existing flood conditions in the vicinity of the New Stadium Complex.

ATTEST



ROBERT M. GRABER

*Clerk of the Legislature of Erie County*

# STATE OF NEW YORK

## LEGISLATURE OF ERIE COUNTY CLERK'S OFFICE

*BUFFALO, N.Y., January 19, 2023*

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F. Impact on Air

The New Stadium will have a reduced seating capacity compared to the Existing Stadium, thereby reducing vehicle trips per event as compared to the Existing Stadium and thereby reducing associated indirect air pollution impacts. During construction, in addition to indirect air pollution from vehicles, the demolition of the Existing Stadium could result in fugitive dust emissions, however those time periods will generally be limited to the initial construction stage when excavation work takes place and during demolition of the Existing Stadium. In order to ensure that the construction activities and demolition of the Existing Stadium do not have an adverse impact on air quality, the comprehensive Demolition Mitigation Plan ("DMP") will be implemented. Additionally, the activities associated with the demolition of the Existing Stadium will adhere to all applicable federal, state, and local statutes, laws, codes, and ordinances, as well as industry standard practices for responsible environmental controls. Accordingly, the Project will not have any significant adverse impacts on air quality.

G. Impact on Plants and Animals.

The Site is largely developed, and there are no significant natural habitats on the Site. Several public comments raised concerns with respect to the impact of the design of the New Stadium on migratory birds. The façade of the stadium is generally split into two horizontal curved bands of solid materials at its base, and perforated screens at the upper levels of the stadium. Primary exterior cladding materials include: perforated metal panels (approximately 43%), solid metal panels (approximately 25.5%), brick (approximately 19%), glass (approximately 9.5%), and concrete (approximately 1.5%). As further detailed in the TA, the location of exterior glass has been strategically placed to maximize daylighting to key interior spaces at consolidated zones, is limited in height, and makes up less than 10% of the overall exterior façade, and will not be highly reflective, and up to approximately 25% of the glass surface is located behind perforated metal panels, all of which will further reduce impacts on avian species. Further, the New Stadium will be located further away from the existing wildlife habitat present in Smokes Creek compared to the Existing Stadium. As the vast majority of the Site is already developed and there is no significant natural habitat present, nor any threatened or endangered species, and due to the building materials, integration of field lighting, and use of newer technology and lighting controls, the Project will not have any significant adverse impacts on plants and animals.

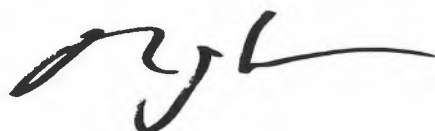
H. Impact on Agricultural Resources

The Site has not been used for agriculture, since at least 1972, and is not considered prime farmland, and is not located in a NYS certified Agricultural District. Accordingly, the Project will not have any significant adverse impacts upon agriculture or agricultural uses.

I. Impact on Aesthetic Resources

While the New Stadium's compact footprint is smaller than the Existing Stadium by approximately 50' in length and 100' in width, its roof canopy could extend approximately 50' higher than adjacent grade as compared to the Existing Stadium's field lights. Nevertheless, the nearest officially designated and publicly accessible federal, state, or local scenic or aesthetic resource (Woodlawn Beach State Park) is located approximately 5 miles from the New Stadium Complex, and the New Stadium will not be visible from this resource. The location where the difference in stadium height will be most noticeable is when walking or driving along Abbott Road and on the Erie Community College ("ECC") South Campus. In addition, the

ATTEST



ROBERT M. GRABER  
*Clerk of the Legislature of Erie County*



# STATE OF NEW YORK

LEGISLATURE OF ERIE COUNTY

## CLERK'S OFFICE

*BUFFALO, N.Y., January 19, 2023*

TO WHOM IT MAY CONCERN:

**I HEREBY CERTIFY**, that at the *2nd Session of the Legislature of Erie County, held in the Legislative Chambers, in the City of Buffalo, on the 19th day of January, 2023 A.D., a Resolution was adopted, of which the following is a true copy:*

parking areas servicing the New Stadium Complex will have improved paved pedestrian pathways and landscaping consisting of trees, shrubs and groundcover as compared to the existing conditions. Multiple landscaped bioswales will be used to manage a portion of the stormwater runoff while also providing additional landscaped green infrastructure area.

The New Stadium will be substantially screened by existing vegetation from surrounding neighborhoods and other locations, including major roadways. While the New Stadium will be visible from Chestnut Ridge Park, such visibility is consistent with the skyline view of the Existing Stadium and City of Buffalo currently available to visitors.

Generally, due to topography and mature trees, even with the New Stadium's increased height, views from adjacent vantage points, particularly surrounding residential neighborhoods, are not adversely altered. Given the New Stadium's notable separation from the residential properties and the presence of existing trees in the surrounding area, the Project will not create a significant adverse aesthetic impact compared with existing conditions.

### J. Impact on Historic and Archaeological Resources

There are no buildings, archeological sites or districts listed or nominated for inclusion on the State or National Register of Historic Places on the Site. The Existing Stadium was built between 1972-1973 and is now approximately 50 years old, however, significant modifications have been made to the original structure of the Existing Stadium since it was first constructed. The NYS Office of Parks, Recreation, and Historic Preservation ("OPRHP") has determined that the

The Site adjoins some historic cemeteries and is located on the historic homelands of several Indigenous Nations, including the Seneca, Erie, and Wenro, and Neutral. Thus, the area is considered sensitive for Indigenous archaeological resources, including the potential for burials and/or human remains. In accordance with Section 14.09 of the State Historic Preservation Act, a consultation process was initiated among Involved Agencies (Empire State Development, OPRHP, the NYS Department of Environmental Conservation ("NYSDEC") and the County). As part of this process, the region's three Indigenous Nations, the Seneca Nation of Indians, the Tonawanda Seneca Nation, and the Tuscarora Nation (collectively the "Interested Nations") were invited to participate by providing input into documentary research and to monitor on-Site investigations. The Involved Agencies have entered into a Letter of Resolution ("LOR") documenting stipulations to be implemented to ensure protection and preservation of archaeological resources encountered. The Team and the Interested Nations have been invited to sign the LOR as Concurring Parties. Based on the above, the Project will not have a substantial adverse impact upon historic or archeological resources.

### K. Impact on Open Space and Recreation

The New Stadium Complex will not result in a loss of recreational opportunities or a reduction in open space resources. With respect to the underutilized athletic fields on the ECC Campus, the ECC Board of Trustees has determined the ECC Campus land containing the athletic fields is no longer necessary for community college use or purposes. In terms of off-Site recreational resources, the closest is the California Road Recreational Area which is 1.5 miles away and will be unaffected by the Project. The nearest park is the Woodlawn Beach State Park which is approximately 5 miles away and, also, will be unaffected by the Project. Accordingly, the Project will not have a substantial adverse impact upon open spaces or recreation.

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**L. Impact on Critical Environmental Areas**

There are no Critical Environmental Areas as described in subdivision 6 NYCRR 617.14(g) on the Site or in proximity to the Site. Accordingly, the Project will not have any significant adverse impacts upon Critical Environmental Areas.

**M. Impact on Transportation**

Overall, the New Stadium Complex will feature approximately 10,000 parking spaces controlled by the Buffalo Bills, similar to the approximately 9,950 spaces currently controlled with the Existing Stadium. Importantly, the New Stadium's location, west of Abbott Road, will allow for patrons and vehicles to enter and exit more equally in all directions as compared to the Existing Stadium, which constrained on the east side by Smoke Creek. Further, new driveways will offer additional ingress and egress opportunities for parking areas, alleviating some existing game day traffic congestion for the New Stadium Complex.

The existing operations, outlined in the Traffic Management Plan ("TMP"), to accommodate and manage game day traffic and pedestrian operations for the New Stadium Complex will remain similar as to what is done today for the Existing Stadium Complex. Traffic management for Game Day and other events is reviewed at the end of the Team's season to discuss any changes necessary for the coming year, and then again before the start of a season. As detailed below, the New Stadium Complex is expected to result in similar impacts to roadway facilities, vehicle trips, parking, public transportation facilities, travel patterns, and pedestrian conditions as the Existing Stadium, thus no significant change is expected to result from the Proposed Action.

**i. Roadway Facilities**

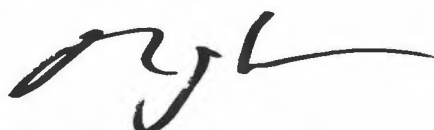
As the New Stadium will be located on the west side of Abbott Road (across from the Existing Stadium), the same existing regional street network will be used by patrons of the New Stadium. Notably, an additional driveway will provide a new connection between Southwestern Boulevard and Big Tree Road, adjacent to ECC Campus. Given the reduced seating capacity of the New Stadium, no increase to traffic volumes on the existing regional street network are anticipated.

Accordingly, the New Stadium Complex will not have a significant adverse impact on roadway facilities as compared to existing conditions.

**ii. Vehicle Trips**

Game day traffic volumes and parking demand will be reduced as compared to existing conditions as a result of the reduction in the number of attendees due to the reduced seating capacity of the New Stadium. Overall, the New Stadium is projected to generate approximately 2,000 fewer vehicle trips than the Existing Stadium. Furthermore, game attendees' travel patterns and behavior will largely resemble travel that of the Existing Stadium Complex. Accordingly, the New Stadium Complex will not have a significant adverse impact on vehicle trips.

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iii. Parking Facilities

The New Stadium Complex is expected to incorporate expedited parking validation processes that will help to move pre-game traffic queues for parking areas more expeditiously. Between the Team/owner-controlled parking spaces, ECC Campus, and secondary and tertiary parking, 20,089 spaces are proposed for the New Stadium Complex. The identified demand for parking spaces at the New Stadium Complex is 18,080. During post-game operations, parking lot driveways are anticipated to retain their existing directional exit patterns to support traffic flow.

Accordingly, the New Stadium Complex will not have a significant adverse impact on parking facilities as compared to existing conditions.

iv. Public Transportation Facilities

NFTA is not proposing any changes to existing service along Route 14, Route 16, or Route 72 due to the Project. Beginning during the 2022 season, NFTA is piloting game day service that would operate between several locations across Western New York to a passenger drop-off on Abbott Road. This pilot service is in its initial phase as of the 2022 season and is subject to change throughout the season based on conditions and ridership. It is anticipated that this new direct service to the Site will continue on game days with the New Stadium.

Accordingly, the New Stadium Complex will not have a significant adverse impact on public transportation facilities.

v. Travel Patterns

Patrons parking in lots to the north and south of the Site will likely continue to equally approach/depart the Site from/to the west and east while patrons parking to the west will likely continue to approach/depart from/to the west and patrons parking to the east will likely continue to approach/depart from/to the east. New/modified internal roadways and access driveways will provide the flexibility needed to allow adjustments to the TMP based on actual operational experience with the New Stadium, and the TMP will be updated regularly.

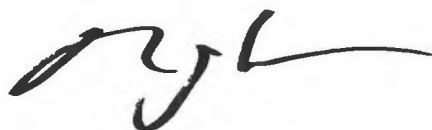
Game day use of local streets is expected to remain similar to existing conditions, and potentially experience reduced traffic volumes due to reduced seating capacity at the New Stadium. In addition, the increase in the total number of anticipated parking spaces to the east of Abbott Road is anticipated to reduce the potential for cut-thru traffic on these roadways which are all located to the west of Abbott Road.

Accordingly, the New Stadium Complex will not have a significant adverse impact on travel patterns, as compared to baseline conditions.

vi. Pedestrian Conditions

The New Stadium will incorporate several new internal walkways west of Abbott Road to enhance pedestrian accommodations. Existing sidewalks, pedestrian walkways and accommodations provided on-Site to the east of Abbott Road will remain and are detailed in the TMP. The closure of Abbott Road for pedestrian accommodation pre- and post-game as part of the TMP is planned to continue, along with the

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other measures detailed therein that have been highly effective in ensuring pedestrian safety. It is noted that during the public comment period on the Technical Addendum and supporting environmental reports, several commenters stated that they were concerned about sidewalks, guiderails, and other structures of the like not being implemented in the new stadium design. As detailed in the response to that comment, pedestrian safety is of the highest importance before and after a game. As explained on page 17 of the TA, the Traffic Management Plan (Appendix 16 to the TA) has been specifically designed to manage game day traffic with the goal of maximizing capacity of the adjacent roadways and protecting the high number of pedestrians in the vicinity of the Existing Stadium Complex. In order to maximize pedestrian safety, Abbott Road from Big Tree Road to Southwestern Boulevard is shut down for pedestrian crossing during event days. Furthermore, before a game, a pedestrian corridor is established within the rightmost northbound lane of Abbott Road from Southwestern Boulevard to Webster Road. After a game, there are lane restrictions on Abbott Road north of Southwestern Boulevard and on Big Tree Road to provide pedestrian corridors. After a game, a pedestrian corridor is established within the right of way of the northbound lane of Abbott Road from Southwestern Boulevard to Webster Road. Furthermore, Big Tree Road (Route 20A) closes to westbound traffic at U.S. Rt. 219 starting at approximately halfway through the game/event. Big Tree Road is then converted into eastbound only traffic to the U.S. Rt. 219 interchange ramp. The TMP calls for use of channelizing devices such as cones or drums to delineate the eastbound traffic on the eastbound shoulder and the travel lanes. The westbound shoulder is used for a pedestrian corridor.

Accordingly, the New Stadium Complex will not have a significant adverse impact on pedestrian conditions.

vii. Construction Implications

All construction site impacts to parking spaces will occur to either Team/owner-controlled parking lots or ECC Campus parking spaces. No changes to secondary or tertiary parking is anticipated as part of the New Stadium construction. The construction stages will temporarily reduce the available number of on-Site parking spaces, most of which includes the employee, RV and bus and limo parking. During construction, temporary shuttling will occur to transport staff between the Site and remote parking lots. This will help to reduce the demand for on-Site parking during construction.

Construction vehicle parking and staging will be accommodated on-Site. No off-Site parking or use of local roadways for construction vehicle parking is anticipated during the construction duration. Construction deliveries will be scheduled to avoid peak traffic times as much as possible. Delivery routes will be identified to minimize impacts to travel on adjacent roadways. The addition of these vehicles would result in negligible impacts to the operations of the roadways due to the available off-peak capacity of the network of roadways near the Site. The construction related traffic trips will be temporary, minor, and will conclude as the stages of construction are completed.

Overall, the addition of construction worker vehicles would result in negligible impacts to the operations of the roadways due to the available off-peak capacity of the network of roadways near the Site.

viii. Conclusion

The Project is expected to result in traffic volume and flow, parking, and pedestrian conditions that are similar to those of the Existing Stadium. This, combined with the reduced seating capacity and features included in the New Stadium, is not expected to result in significant adverse impacts to the transportation network above and beyond those experienced with the Existing Stadium.

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Thus, the New Stadium Complex will not have a significant adverse impact on transportation, as compared to baseline conditions.

N. Impact on Energy

The Existing Stadium uses one (1) incoming 35 kV service feeder from NYSEG, and is split into two feeders to service the Existing Stadium. The current peak utility electrical demand from the Existing Stadium on both feeders totals approximately 7,500 kW for event days. The New Stadium Complex will require two (2) new dedicated 35 kV service feeds from NYSEG. The utility peak demand for the New Stadium is anticipated to be between 9,500 and 11,000 kW, but expansion of the electrical grid is not anticipated to be necessary. The increased electrical load is due to the increased area of the building and increased amount of technology, equipment, and amenities in a modern NFL stadium. Newer technologies that are more energy efficient than existing systems will be employed at the New Stadium and throughout the New Stadium Complex. The source of electricity will be the Western New York power grid which already uses 91% zero-emission energy for the electrical grid. The New Stadium Complex will continue to draw from these renewable resources.

Although there is a decrease in seating capacity associated with the New Stadium, there will be an increase in square footage per ticket holder, and an increase in heated interior space, when comparing the New Stadium Complex to the Existing Stadium. This is specifically designed to increase fan comfort and enhance the Game Day experience. Even with the increase in heated interior space, because of the energy-efficient design of the New Stadium, the natural gas usage for the building, including space heating, cooking gas, and water heating, decreased by approximately 14% from existing conditions. However, overall, the natural gas usage will increase from 42,426 decatherms per year at the Existing Stadium Complex to 54,192 decatherms per year for the New Stadium Complex, an increase over existing conditions by 11,766 decatherms or approximately 27%. This increase in natural gas is attributable to the natural grass field, which requires heating through the use of underground boilers in winter. The natural grass field, as compared to the artificial turf at the Existing Stadium, is for purposes of enhanced player safety concerns, including the reduction of knee injury and concussion risks to players. To put this increase in some perspective, on an annual basis, the County's Rath Building utilizes approximately 11,422 decatherms per year. Thus, the increase in natural gas consumption associated with the Project is roughly equivalent to a large office building. Potential impacts from this increase in natural gas usage are mitigated by the more energy efficient design of the New Stadium.

Specifically, regarding the HVAC system, a more robust insulated building envelope will be developed that will result in conserving electricity when heating and cooling the building. The improved building envelope will use high performance glazing and increased exterior thermal insulation to reduce heating and cooling loads for interior spaces. The partially open, shaped roofline gives the New Stadium an aerodynamic form as a way to help drive Lake Erie winds over the facility, rather than to swirl around inside the bowl, as it does in the Existing Stadium. Improved HVAC automated controls and use of higher efficiency equipment including the use of airside economizers on all air handling systems will increase the New Stadium's energy efficiency and optimize its performance.

LED video displays used in the seating bowl and concourses, as well as illuminated signs, are more energy efficient than previously available models, thus use less electricity power per square foot than what currently exists at the Existing Stadium. Energy efficient LED lighting fixtures will be used both in the New Stadium, including the playing field, and throughout the New Stadium Complex to reduce the electrical demand. A

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more extensive lighting control system will be used to minimize the use of electricity and conserve energy when areas are unoccupied.

During construction of the New Stadium, the energy demand associated with construction activities will be less than the Existing Stadium's game day peak load. The New Stadium will not be operated concurrently with the Existing Stadium, thus there is no overlap of stadium operational electrical use.

As such, there will be no significant adverse impacts on energy usage.

O. Impact on Noise, Odor and Light

i. Noise

1. New Stadium Operations

For game day events the New Stadium speaker system levels are expected to result in similar community sound level impact as compared to the Existing Stadium speaker system.

For concert events, the New Stadium speaker system levels are expected to result in a significantly lower community sound level impact reducing the overall sound level impact by 8 to 11 dBA. A small area approximately 4,110 feet from the New Stadium (at Lynwood Ave. and Brookview Terrace) could see an increase in sound level of approximately 3 dBA due to the location of the New Stadium. However, this location is nearly a mile from the New Stadium and will likely be shielded by intermittent buildings and vegetation.

2. Construction


Equipment and activities associated with construction of the New Stadium have the potential to produce intermittent noise emissions in the vicinity of the New Stadium above the documented baseline limits, and changes to ambient noise levels and vibrations have the potential to impact existing sensitive receptors. The impacts would largely be associated with the excavation and foundations work stages of construction, which is over a limited time period, and it is anticipated that approximately 85 to 90% of the construction work will be performed during standard daytime work hours (Monday to Friday 7:00 a.m. to 6:00 p.m.) when noise sensitivity is lowest.

The noise levels during each stage of construction at the point of reception are predicted to be within applicable noise limits at the worst-case receptor locations. Active construction monitoring will be done throughout the construction period on an as needed basis. Additionally, where construction work is adjacent to residential areas and in proximity to the grade separation work sites, it will be determined whether there is a need to further reduce noise effects if persistent complaints arise, and additional mitigation measures will be implemented where appropriate.

3. Conclusion

Overall, during construction of the New Stadium, the Project will include increased noise levels within the New Stadium Complex and the surrounding area. However, the construction stage is temporary and

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short-term relative to the entire life cycle of the Project, most activities will be limited to daytime construction hours, construction activities will be within the construction noise guideline limit of 80 dBA at the worst-case receptor locations, and best practices and noise mitigating controls will be utilized where feasible. Additionally, the Project will replace the existing sound system with an enhanced system that will improve the fan experience and will reduce sound levels from concert events, and sound levels on game days will be similar to existing conditions. Accordingly, there will be no significant adverse impacts to noise.

ii. Odor

As mentioned in the TA, the Existing Stadium Complex tends to emit food odors from tailgating activities and concessions. These same activities are expected to continue with the New Stadium. Thus, there will be no significant adverse impacts to odor.

iii. Light

Overall, the Project will replace the existing, 140' tall free-standing stadium lighting and tall parking lot post lighting with modern lighting specifically designed to limit light impacts to adjoining properties, roadways and wildlife during construction and operation of the New Stadium, and improve lighting for pedestrian safety throughout the New Stadium Complex. All of the lighting for the New Stadium Complex is energy efficient light emitting diode ("LED") lighting. All façade and site lighting will to be controlled via a time clock with the overall controls system. Well-shielded LED light sources will be used throughout site will help minimize skyglow, which can be disorienting to birds and bats. Warm color temperatures, which are proven to have the least impact on birds and bats, will be used throughout New Stadium Complex. The new lighting controls will allow for modifications and creation of multiple lighting scenes or scenarios, where appropriate fixture wattages will be selected with the surrounding environment and energy codes in mind. The new controls will also be used as described above to limit the number of lights that are on at night, to help protect the sleep-wake cycles and reproductive patterns of surrounding wildlife. Accordingly, there will be no significant adverse impacts to light.


P. Impact on Human Health

Construction will be located within the larger New Stadium Complex, accordingly, the general public's exposure to any hazards will be limited. While certain hazardous materials will be stored on-Site, such storage will be in accordance with applicable federal, state, and local requirements and is consistent with existing conditions resulting from the Existing Stadium. Additionally, the Project will minimize risks to construction personnel by implementing the DMP prior to the commencement of demolition, as well as by fully complying with applicable federal Occupational Safety and Health Administration ("OSHA") and New York State Labor Law requirements.

No construction of, or modification to, any solid waste management facility will be necessary to accommodate the Project. As detailed in the Impact on Traffic section, supra, vehicle flow both on and off site is expected to improve from existing conditions, with increased efficiencies resulting from the design of the onsite parking and access driveways, with a corresponding increase in vehicular and pedestrian safety.

Accordingly, the Project will not have any significant adverse impact to human health.

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Q. Consistency with Community Plans

i. Land Use Components & Development Goals

No portion of the ECC Campus in the Town of Hamburg will be incorporated into the New Stadium Complex and the existing parking lots on the ECC Campus located in the Town of Hamburg will continue to service ECC going forward, while also servicing the New Stadium Complex on event days (as they currently service the Existing Stadium). The Town of Orchard Park Comprehensive Plan contemplates continued use of the Existing Stadium Complex for operations by the Team, and establishes the importance of the Team and a stadium on the Existing Stadium Complex to the Comprehensive Plan of the Town. The New Stadium will be located on currently underutilized and surplus athletic fields on the ECC Campus, and will otherwise occupy the footprint of parking lots that predominantly service the Existing Stadium. Thus, the Project is consistent with the overall development visions and goals of the Towns of Orchard Park and Hamburg. The Site has already been the home of the Buffalo Bills for the last fifty years. In that time, there has been some off-Site development to support the Existing Stadium Complex including adjacent bars, restaurants, and various types of commercial stores and lodging establishments. These businesses have used their proximity to the Existing Stadium as the basis for drawing in business and generating revenue. The introduction of the New Stadium across Abbott Road from the Existing Stadium Complex will continue to support these businesses but the Project is not expected to result in material ancillary development. Nonetheless, to the extent either the Towns of Orchard Park or Hamburg were to decide to make ancillary development a priority, this could certainly change.

ii. Public Infrastructure

1. Water

The New Stadium Complex will see a reduction in peak water usage on event days due to the new infrastructure and reduced capacity of the New Stadium. While there will be new water usage as a result of the field irrigation, the Project also provides sustainable design elements and upgrades to a 50 year old stadium, such that annual water usage is expected to drop from approximately 20 million gallons per year at the Existing Stadium to approximately 15 million gallons per year at the New Stadium, a 25% reduction in overall water used at the New Stadium Complex. Based on initial discussions with the ECWA, the primary water connection will occur on an existing transmission main separate from the mains used to service adjacent businesses and residences, alleviating water pressure issues on game days. Thus, there will be no significant adverse impacts on water usage.

2. Sewer

It is expected that the New Stadium Complex will see a reduction in peak sanitary sewer discharge to the attenuation tank system on event days given the reduction in capacity of the New Stadium, as well as the use of low water consumption toilet fixtures and flush valves to reduce the amount of sanitary waste drainage volume created during events. Thus, there will be no significant adverse impacts on the sewer system.

3. Telecommunications

A Cellular Distributed Antenna System ("DAS") and a separate public responder DAS will be provided in the New Stadium, in concert with a venue provided spectator Wi-Fi deployment equal to that provided at

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new or recently renovated NFL venues. Thus, there will be no significant adverse impacts on telecommunications service.

iii. Conclusion

The New Stadium Complex's land use components are essentially identical to the current land use pattern for the Existing Stadium Complex, and the Project is consistent with the overall development visions and goals of the Towns of Orchard Park and Hamburg. Additionally, no new or expanded public infrastructure is required for the Project. Thus, the Project will not have any significant adverse impact to community plans.

R. Consistency with Community Character

Overall, the Project is consistent with the longstanding usage of the Site to support Team operations in Western New York. The Team is a vital part of the community character and the Project keeps the Team in Buffalo, at a minimum, for the duration of the entire 30-year term of the New Stadium lease. The Existing Stadium has been in operation for approximately fifty years, and is reaching the end of its lifespan, requiring demolition and replacement. While the location and design of the New Stadium differ from the Existing Stadium, these differences are anticipated to mitigate existing conditions and provide the community with a new home for Western New York's NFL football franchise. Accordingly, the Project will not have a significant adverse impact on land use and zoning.

S. Cumulative/Growth Inducing Impacts

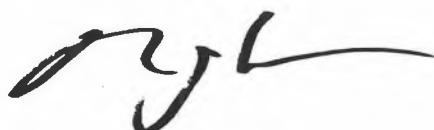
There are several projects that may take place in future years that are related to the Project, including: (i) potential improvements to mass transit routes and or other public transportation improvements to better serve the New Stadium Complex; (ii) bicycle paths/trails and/or additional off-site pedestrian walkways/sidewalks; and, (iii) the relocation of the ECC Cell Tower. At this point in time, it is unclear if any of these projects will be undertaken. In addition, none of these projects are sufficiently defined as to be able to analyze potential environmental impacts at this time. Accordingly, separate environmental reviews for these projects should they ever move forward are warranted under the circumstances. Further, each of these projects, if they ever move forward, will be subject to their own environmental impact analysis pursuant to SEQRA. Thus, not including these projects in the current SEQR process for the Project is no less protective of the environment.

The introduction of the New Stadium across Abbott Road from the Existing Stadium Complex will continue to support existing businesses but studies have shown that the Project will not result in material ancillary development.

II. Conclusion

A number of temporary and/or minor environmental impacts have been identified in connection with the New Stadium Complex when compared to existing baseline conditions. However, a thorough analysis of these potential impacts reveals that where necessary, such impacts have been mitigated to the greatest extent possible by the design of the Project and that none of these impacts will be significant. Accordingly, the issuance of a negative declaration for the Project is appropriate.

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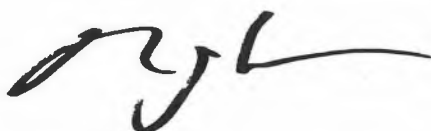
Contact Person: Mark Rountree, Department of Environment and Planning

Address: Erie County Department of Environment and Planning  
95 Franklin Street, 10<sup>th</sup> Floor  
Buffalo, New York 14202

Telephone Number: (716) 858-8008

REFERENCE: COMM. 22E-6 (2022) AS AMENDED

ATTEST



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