State Environmental Quality Review (SEQR)
FINDINGS STATEMENT
December 12, 2025

The New York State Department of Environmental Conservation (NYSDEC) is required to issue a Findings Statement that considers the relevant environmental impacts, facts, and conclusions disclosed in an Environmental Impact Statement (EIS). Under Environmental Conservation Law (ECL) § 8-0109 and 6 NYCRR Part 617.11, agencies are required to choose an alternative which, consistent with social, economic, and other essential considerations, to the maximum extent practicable, minimizes or avoids adverse environmental effects by incorporating as conditions to the decision those mitigation measures that were identified as practicable.

As an Involved Agency, NYSDEC makes these findings pursuant to Article 8 - State Environmental Quality Review Act (SEQR) of the ECL and Title 6 of the New York Codes, Rules, and Regulations (6 NYCRR) Part 617.

**Name of Action:** Micron Semiconductor Manufacturing Project

**Location(s):**

- White Pine Commerce Park, 5171 Route 31, Town of Clay, Onondaga County
- An approximately 38-acre parcel on the west side of Caughdenoy Road in the Town of Clay for the Rail Spur Site (Rail Spur Site)

**Project Sponsor:** Micron New York Semiconductor Manufacturing LLC (Micron)

**SEQR Lead Agency:** Onondaga County Industrial Development Agency (OCIDA)

**NEPA Lead Agency:** U.S. Department of Commerce-Chips Program Office (CPO)

**Description of the Action:** Micron proposes to construct and operate a semiconductor manufacturing facility on an approximately 1,377-acre site consisting primarily of the current White Pine Commerce Park (WPCP), in Onondaga County, New York (Proposed Project). The Proposed Project will include four dynamic random-access memory (DRAM) production fabrication facilities (fabs), ancillary support facilities, driveways, parking, and ingress and egress roads with access from New York State

(NYS) Route 31, U.S. Route 11, and Caughdenoy Road. Each fab will occupy approximately 1.2 million square feet (sq. ft.) of land and contain approximately 600,000 sq. ft. of semiconductor cleanroom manufacturing space. The fabs will be supported by central utility buildings, warehouse space, and product testing space. The Proposed Project also includes the construction of a rail spur and material conveyance facility on approximately 38 acres west of 8625 Caughdenoy Road, to economically transport fill and other aggregate construction material to the Micron Campus by rail (Rail Spur Site). The construction of the Proposed Project will take place in stages over approximately 16 years.

In addition to the Proposed Project, the Final Environmental Impact Statement (FEIS) evaluated the construction, expansion, and operation of various utility improvements by National Grid, Onondaga County Water Authority (OCWA), Onondaga County Department of Water Environment Protection (OCDWEP), and others to support the electricity, natural gas, water supply, wastewater, and telecommunication needs of the Proposed Project (Connected Actions). Construction and operation of regulated air emissions sources will also require Micron to obtain an Air Title V facility permit from DEC in the future. Findings related to the Connected Actions and the Micron Air Title V permit will be issued at the time of the relevant NYSDEC permit decision(s). Consequently, these SEQR findings only pertain to NYSDEC's decisions on the permit jurisdictions listed below, which are necessary for site preparation and associated wetland mitigation.

**NYSDEC Jurisdictions:**

| NYSDEC ID | Project | Description of NYSDEC Permits | Statutory and Regulatory Authority |
|---|---|---|---|
| 7-3124-00575/00003 | Proposed Project | Freshwater Wetlands | ECL article 24, 6 NYCRR Part 663 |
| 7-3124-00575/00007 | Proposed Project and associated mitigation sites | Water Quality Certification | Section 401, Clean Water Act |
| 7-3124-00575/00005 | Proposed Project | Incidental Take of a Threatened or Endangered Species | Article 11, 6 NYCRR Part 182 |
| 7-3554-00274/00001 | Buxton Creek Mitigation Site | Freshwater Wetlands | ECL article 24, 6 NYCRR Part 663 |
| 7-3554-00275/00001 | Fish Creek Mitigation Site | Freshwater Wetlands | ECL article 24, 6 NYCRR Part 663 |

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|---|---|---|---|
| 7-3554-00276/00001 | Oneida River Mitigation Site | Freshwater Wetlands | ECL article 24, 6 NYCRR Part 663 |
| 7-3554-00277/00001 | Six Mile Creek Mitigation Site | Freshwater Wetlands | ECL article 24, 6 NYCRR Part 663 |
| 7-3532-00242/00001 | Lower Caughdenoy Mitigation Site | Freshwater Wetlands | ECL article 24, 6 NYCRR Part 663 |
| 7-3599-00056/00001 | Upper Caughdenoy Mitigation Site | Freshwater Wetlands | ECL article 24, 6 NYCRR Part 663 |

**Facts and Conclusions in the NEPA EIS, Lead Agency Findings, and Supporting Documents Relied Upon to Support the Decision:**

In preparing this Findings Statement, NYSDEC has considered the DEIS, FEIS, and the SEQR Lead Agency Findings prepared by OCIDA. Additionally, as a SEQR involved agency, NYSDEC has also relied on information in the applications submitted by the Project Sponsors for the NYSDEC Jurisdictions listed in the above table. DEC's Findings Statement considers the relevant environmental impacts associated with the actions for which the above referenced permits have been applied for.

**Geology:**

Chapter 3.2 of the FEIS and Appendix E describes the subsurface geologic conditions that exist beneath the Proposed Project and the disturbances to the subsurface that will occur mostly through site preparation and construction activities. Discussion of existing geologic conditions includes details of bedrock types, depth to bedrock, bedrock competency, evaluation of karst features, dissolution potential, unconsolidated material types overlying bedrock, overburden surface topography, thickness, permeabilities, and erodibility. Discussion also includes information on geotechnical characteristics of bedrock and overburden soil in the Proposed Project area.

The site preparation and construction of the Proposed Project will change existing conditions mostly through large scale excavation and removal of overburden materials so that imported soil and aggregate materials with better geotechnical qualities for building can be placed. Imported material will be sourced from readily available NYSDOT and NYSDEC approved quarry sources. Management of excavated materials and imported materials will be done according to a NYSDEC approved Soil Material Management Plan (SMMT).

The fabs are in an area of the Proposed Project with shallow bedrock. For construction of the fabs, ten bedrock removal locations are planned. Bedrock removal in these areas will be performed using standard mechanical rock demolition and excavation techniques. If necessary, in limited locations, rock demolition may require blasting. Any blasting operations will be conducted according to local and state requirements and the Proposed Project's Blasting Plan (FEIS Appendix E-5).

Foundational support of buildings will require use of piers drilled into the subsurface. The drilled piers will extend from ground surface to several feet beneath the bedrock surface. Use of piers reduces need for more destructive and extensive overburden and bedrock excavation.

Site preparation and construction related impacts will be mitigated through appropriate erosion and sediment controls as described in the Proposed Project's Stormwater Pollution Prevention Plan (SWPPP) developed in accordance with the NYSDEC New York State Standards and Specifications for Erosion and Sediment Control. Additionally, soil disturbance activities associated with the Proposed Project will need to conform to the requirements detailed in the NYSDEC State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activities (GP-0-25-001) (CGP). The SWPPP and the SPDES permit each include mandatory site maintenance, monitoring, inspections, and reporting.

NYSDEC finds that the evaluation of geology in the FEIS adequately details the Proposed Project's substantial changes to existing subsurface geologic conditions and the localized topography. NYSDEC also finds that impacts on the geology will be minimized to the maximum extent practicable by adherence to the Proposed Project's specific plans (e.g., SMMT, Blasting Plan, SWPPP, SPDES, etc.), following industry standard practices, and use of other Best Management Practices.

**Water Resources:**

<u>Wetlands and Streams</u>

Impacts on wetlands and streams were evaluated in FEIS Chapters 3.3.3.1 and 3.3.3.2, respectively, and further discussed in Appendix F. Project activities causing impacts to these resources include vegetation clearing, excavation, sediment-laden stormwater runoff, and filling to construct level upland conditions required for construction of building foundations, walkways, parking lots, and all other associated Proposed Project components. Wetlands provide vital habitats for a wide variety of plant and animal species that rely on them. They are beneficial for flood attenuation and filtering

potentially harmful nutrients out of the waters that pass through them. Development of the Proposed Project will result in unavoidable impacts to both streams and wetlands. As stated in the FEIS, Ramboll Engineering (Ramboll), a consultant for Micron, delineated 430.39 acres of Federally jurisdictional wetlands, 8,728 linear feet of Federally jurisdictional streams, and 403.26 acres of State jurisdictional wetlands within the Proposed Project boundary. Ramboll classified the State-delineated wetlands as palustrine and lacustrine wetlands according to the classification of wetlands described in "Ecological Communities of New York State (Edinger et al. 2014)[1]."

Construction of the Proposed Project will result in a loss of 184.47 acres of Federal jurisdictional wetlands, 174.77 acres of State jurisdictional wetlands, and 6,283 linear feet of stream channels from all construction phases of the proposed Micron Campus, and 8.91 acres of Federal jurisdictional wetlands on the proposed Rail Spur Site. Additionally, the alteration to surface water flows on the Micron campus have the potential to reduce hydraulic inputs to offsite wetlands. Indirect impacts to the remaining wetlands are further described in Table 3.3-8 in the FEIS.

The Proposed Project's layout is designed to limit impacts within two large wetland complexes, identified in the FEIS as wetlands W34 and W35, to the greatest extent practicable. Specifically, the design would limit disturbance of W34 to 76.36 acres of Federal jurisdictional wetlands (saving 33.35 acres) and 73.06 acres of State jurisdictional wetlands (saving 33.37 acres). It would also minimize disturbance of W35 to 24.5 acres of Federal and State jurisdictional wetlands (saving 157.36 acres). Additionally, the layout avoids construction in the perennial main channel of Youngs Creek, as identified by Ramboll. Construction of the Micron Campus would only affect Youngs Creek in areas now defined as wetlands and other tributary features identified as intermittent or ephemeral.

Micron would employ various methods to avoid and reduce impacts to the remaining on-site wetlands. Micron and Ramboll created a Wetland Assessment and Monitoring Plan (Plan) to address potential impacts to surrounding groundwater, surface water, and wetland habitat. The Plan consists of a surface water, groundwater, and vegetation monitoring plan (Monitoring Plan); a surface water report; a wetland connectivity memo; and a Wetland Adaptive Management Plan. The Monitoring Plan details the approach for evaluating baseline hydrologic and ecological conditions, focusing on surface water and groundwater flow patterns, their interactions, and responses to various precipitation events. The surface water report evaluates surface water and groundwater flow patterns and includes a surface water report analysis that simulates flow patterns across various

[1] Edinger, G. J., Evans, D. J., Gebauer, S., Howard, T. G., Hunt, D. M., & Olivero, A. M. (Eds.). (2014). *Ecological communities of New York State* (2nd ed.). New York Natural Heritage Program, New York State Department of Environmental Conservation.

storm events, illustrating water interactions within the jurisdictional wetlands and floodplains. The Wetland Connectivity Memo demonstrates how hydrologic connectivity will be retained between the remaining wetlands on the campus. The adaptive management plan establishes a structured approach for the application of adaptive management practices in response to changing onsite conditions based on evaluation of collected data and results obtained as part of the Monitoring Plan. Micron proposes to mitigate unavoidable stream and wetlands losses through a Compensatory Mitigation Project (Mitigation Project) submitted to NYSDEC and the U.S. Army Corps of Engineers as a component of its wetland permit application. The Mitigation Project includes six sites in Oswego County, NY, each of which will have an individual mitigation plan which include post-construction hydraulic and vegetation monitoring to demonstrate wetland creation success. Additionally, the success of each mitigation site will be ensured through financial assurances. The Mitigation Project would be constructed by The Wetland Trust, Inc., and include the following:

- Restoration of 14,448 linear feet of stream channel
- Re-establishment/Restoration of approximately 135 acres of palustrine emergent marsh (PEM) including:
    - 59.5 acres of shallow emergent marsh
    - 75.5 acres of deep emergent marsh
- Re-establishment/Restoration of approximately 33.1 acres of palustrine scrub shrub (PSS)
- Re-establishment/Restoration of approximately 221.7 acres of palustrine forest (PFO), including
    - 149.2 acres of red maple-hardwood swamp
    - 10.7 acres of Hemlock-hardwood swamp
    - 61.8 acres of floodplain forest; and
- Rehabilitation/Enhancement of 79.43 acres of existing PEM or ag field wetlands, which will turn into 50.6 acres of PEM, 4.12 acres of PSS, and 24.71 acres of PFO.

NYSDEC's permit(s) for this project will incorporate conditions to ensure the impacts are limited to the scope identified in the FEIS and ensure that the mitigation measures described above are successfully achieved. Based on the facts above, DEC finds that impact to wetlands and streams will be minimized to the maximum extent practicable through the layout of the Proposed Project and the employment of the Monitoring Plan during construction. Additionally, unavoidable impacts to streams and wetlands will be mitigated to the maximum extent practicable through Micron's Mitigation Plan.

<u>Stormwater</u>
Stormwater impacts are discussed in Chapter 3.3.3.3 and Appendix F of the FEIS.

Construction of the Proposed Project may alter existing land cover and soil type characteristics that influence stormwater infiltration. Project activities such as clearing, grubbing, excavation, and grading involve the removal or disturbance of vegetation and soil within construction footprints.

Because vegetation and topography naturally slow the movement of stormwater, removing these features can directly affect runoff by reducing infiltration time and increasing flow volume. Consequently, this could exacerbate stream bank erosion and habitat destruction, or cause flooding and infrastructure damage, depending on precipitation intensity and the extent of impervious surfaces.

To avoid and minimize construction-related impacts, the project sponsors would be required to gain coverage under the NYSDEC SPDES CGP. This permit requires developing a SWPPP that includes the implementation of practices to protect water quality and to reduce future flooding risk associated with the project. CGP-required Stormwater Management Practices (SMPs) and Erosion and Sediment Control (ESC) practices included in the SWPPP must be designed in accordance with *NYS Standards and Specifications for Erosion and Sediment Control* (2016)[2] and *NYS Stormwater Management Design Manual*, (2024)[3] to effectively capture and treat stormwater runoff during and after construction.

SMPs must be designed and constructed to protect stream channels from erosion and attenuate post-construction stormwater peak flows to pre-development runoff rates for the 10-year and 100-year 24-hour storm event. Additional Best Management Practices (BMPs) must be included in the SWPPP to effectively reduce and/or eliminate contaminants in stormwater runoff using control measures. The designed practices will reduce stormwater runoff rates, reduce erosion of disturbed land and downgradient sedimentation, and protect stormwater from contamination before and during construction activities. Proposed SMPs, ESC practices, and BMPs designed to address water quality and quantity management are further discussed in the "Micron Campus Phase 1a SWPPP Draft" in Appendix F of the FEIS. Proposed practices include stone check dams, perimeter dikes and swales, rock outlet protections, sediment basins, erosion control blankets, stabilized construction access, truck wheel washes, and reinforced silt fences.

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[2] New York State Department of Environmental Conservation (NYSDEC). (2016). *New York State Standards and Specifications for Erosion and Sediment Control*. https://dec.ny.gov/environmental-protection/water/water-quality/stormwater/construction-stormwater-toolbox.
[3] New York State Department of Environmental Conservation (NYSDEC). (2024). *New York State Stormwater Management Design Manual*. https://www.dec.ny.gov/docs/water_pdf/stormwatermanual2010.pdf.

The project sponsors must gain coverage under the CGP prior to any soil disturbances. To gain coverage under the CGP, the SWPPPs must be reviewed and approved by the Town of Clay, with the Town issuing a Municipal Separate Storm Sewer System (MS4) SWPPP Acceptance Form to the project sponsors. Among other requirements, the project sponsor must submit a complete electronic Notice of Intent (eNOI) to DEC along with SWPPP Preparer Certification, MS4 SWPPP Acceptance Form, and Owner/Operator Certification forms.

Operation of the proposed project may require obtaining coverage under the DEC SPDES Multi-Sector General Permit, GP-0-23-001 (MSGP) for industrial activities for any potential discharge of stormwater to surface waters of the State. Similar to the CGP, the applicant would need to develop and implement a site-specific SWPPP, including implementation of stormwater controls and practices to minimize the potential for pollutant discharges. Chapter 3.3 of the FEIS discusses how CGP post-construction SMP effluent will be monitored to ensure MSGP effluent requirements are met.

Based on the facts above, DEC finds that impacts to land and stormwater will be minimized to the maximum extent practicable through the design of the Proposed Project and impacts to stormwater will be minimized to the maximum extent practicable by adhering to approved SWPPPs and conditions in DEC's CGP and MSGP.

Floodplains

Impacts to floodplains and floodways are discussed in Chapter 3.3.3.5 of the FEIS and Chapter F-3.5 in Appendix F of the FEIS. The Micron Campus and the Rail Spur Site are located outside the Federal Emergency Management Agency (FEMA) designated Special Flood Hazard Areas (SFHA), and the mapped 0.2% annual chance (500-year) floodplains. Given the Micron Campus and Rail Spur Site are located outside of both the SFHA and the 0.2% annual chance floodplains, NYSDEC finds that impacts to floodplains and floodways are avoided to the maximum extent practicable.

**Biological Resources:**

Grassland Birds

Biological resources impacts are discussed in Chapter 3.4 and Appendix G of the FEIS. The Proposed Project will result in the permanent loss of 591 acres of open fields and meadows comprising occupied habitat for breeding and wintering State listed threatened Northern Harriers and wintering State listed endangered Short-eared Owls through habitat conversion associated with the construction of the facility and associated road and utility access. The Proposed Project is in the vicinity of known occupied habitat, with the applicant also identifying the presence of breeding Northern

Harriers through their own onsite observations as detailed in Appendix G. Therefore, there will be direct impacts on habitat that is essential for foraging, breeding, nesting and overwintering for Northern Harrier and Short-eared Owls.

This habitat impact will be offset through completion of the Net Conservation Benefit Project (NCBP), which will satisfy the requirements of ECL § 11-0535 and 6 NYCRR Part 182. By reclaiming, creating and managing suitable grassland habitat, the NCBP will result in 616 acres of suitable grassland habitat at eight locations throughout Central New York. The goal is to maintain or restore grassland habitat to ensure it provides high quality breeding and wintering habitat for the affected species. The management required is at a 3:1 ratio and will be conducted on three, five-year rotations, totaling at least 1848 acres. Further, an implementation agreement has been signed by the Project Sponsor. This agreement commits the Project Sponsor to a funding schedule in support of this NCBP.

Additional minimization and mitigative measures for listed grassland birds on the Micron campus include conducting work during the non-breeding season before the wintering period. Permit conditions will be incorporated into the Part 182 permit which will require the use of best management practices to avoid and minimize impacts to listed grassland birds.

Additional specifics of these mitigation measures are discussed in Chapter 3.4.5, Table 3.4-11, and Appendix G-4 of the FEIS.

Based upon the discussion above, NYSDEC therefore finds that the impacts to biological resources are avoided to the maximum extent practicable.

Because of the steps being taken to avoid direct impacts to individual animals, minimize impacts during the breeding and wintering season, and other mitigation that will provide suitable habitat to offset permanent habitat losses (as discussed in the FEIS), NYSDEC finds that the unavoidable impacts to listed grassland birds species as a result of this Proposed Project, will be mitigated to the maximum extent practicable through the associated Part 182 permit requirements which include implementation of the NCBP.

<u>Bats</u>

Biological resources impacts were discussed in Section 3.4 and Appendix G of the FEIS. Three bat species, including the State and federally endangered Indiana and Northern Long eared bats and the Tricolored bat (a federal candidate for endangered status), are known to occur on the property. As federally protected resources, the United States Fish and Wildlife Service (USFWS) took the lead in evaluating impacts to these species. In addition to the documentation in the FEIS, the USFWS also issued a Biological Opinion (Appendix G-4 of the FEIS and appended to the Part 182 permit)

evaluating the effects of the project on these three bat species, which concluded that the project will not jeopardize the survival of these species.

The Proposed Project would result in the permanent loss of 695 forested acres of habitat for Indiana, Northern Long eared, and tricolored bats for the construction of the Proposed Project. All three bat species use on-site trees for roosting, with females raising their young within cavities in the trees. All three species also hibernate during the winter months, vacating forested habitats for underground mines and caves.

Minimization actions by Micron for the Proposed Project include wintertime tree clearing while the bats are offsite for hibernation, tree marking to delineate trees to be cleared versus forested areas that will be retained for onsite roosting and foraging, limits on nighttime construction, best management practices for outdoor lighting and noise reduction, water quality protection, implementation monitoring, and acoustic bat monitoring. Additional specifics of these mitigation measures are discussed in Chapter 3.4.5, Table 3.4-11, and Appendix G-4 of the FEIS.

Micron will permanently protect 1647 acres of forested habitat offsite while retaining 272 suitable acres onsite for roosting and foraging. The offsite mitigation will occur over nine parcels. These parcels were chosen due to proximity to maternity sites, acoustic survey information or known roosts. A local hibernation site is included in the mitigation package. Additional mitigation actions include artificial roost creation and research and monitoring to inform potential disturbance during the construction and operation phases. Micron has also committed to gating a hibernaculum to limit disturbance to overwintering bats and will fund a grant program to further knowledge and management of the impacted species.

Based upon the discussion above, NYSDEC therefore finds that the impacts to the three bat species are avoided to the maximum extent practicable. NYSDEC further finds that Micron's proposed activities, including the implementation of the conservation measures delineated above (which are also documented within the USFWS Biological Opinion for the project (Appendix G-4 to the FEIS and appended to the Part 182 permit), will result in a net conservation benefit to the species in New York State. Implementation of the minimization and mitigation actions will contribute to the continued existence of the three bats species on the New York State landscape.

**Cultural and Historic Resources**

Impacts to cultural and historic resources are discussed in Section 3.5 of the FEIS and supported by Appendix H-2 (NHPA Section 106 Process Summary). CPO is serving as the lead Federal agency for the Section 106 consultation process under the National Historic Preservation Act (NHPA) for the Proposed Project and Connected Actions.

CPO, in consultation with the New York State Historic Preservation Office (NYSHPO), the Advisory Council on Historic Preservation, NYSDEC, and Indigenous Nations, has identified areas of potential effect (APE) for both historic architectural properties and archaeological resources.

CPO has prepared a Programmatic Agreement (PA) in coordination with the Onondaga Nation, NYSHPO, OCIDA, and other Section 106 consulting and concurring parties for the Proposed Project and Connected Actions. The PA defines roles and responsibilities for all parties, establishes a process for Indigenous Nation consultation and monitoring, and provides a framework for continuing to identify historic properties and assess effects through a phased survey approach. The PA provides a series of protocols and procedures for ensuring that CPO meets its Section 106 commitments through the completion of archaeological surveys prior to ground-disturbing construction activities. The PA allows for portions of construction to commence after the Area of Potential Effects (APE) has been thoroughly investigated, Indigenous Nation monitors are in place, and a review of findings by CPO in coordination with consulting Section 106 parties has resulted in a determination of no adverse effect or that no historic properties will be affected.

At this time, identification of historic properties and assessment of effects remains incomplete and will be completed in accordance with the PA. To ensure that CPO's responsibilities under the NHPA and implementing regulations are met, as well as to ensure that historic and cultural resources are not adversely impacted, Micron will not be authorized to begin construction of the Proposed Project or commence use of staging, storage, or temporary work areas or new or to-be-improved access roads until Section 106 obligations have been met as defined under the PA, even if Micron obtains all required permits and funding.

*Proposed Project APEs*

The proposed project includes three major components: the Micron Campus, Rail Spur Site, and the wetland mitigation sites. While NYSHPO has reviewed these under one project number (23PR05779), they are briefly described below separately for clarity.

*Micron Campus*

The Micron Campus (Campus) is largely a mixture of open plains and dense forest. A total of eighteen potentially eligible properties were identified as part of the indirect survey for the Micron Campus and Rail Spur Site. These properties have either been determined "Not Eligible" or have yet to be determined. A Phase IA, Phase IB and Phase II workplan have been completed for this part of the Proposed Project. The Phase IB survey identified the Micron Campus Precontact Site 1 and W. Anderson

Historic Site. A Phase II workplan has been completed, and the survey is in progress. Neither NYSHPO nor CPO has issued a determination of effects.

*Rail Spur Site*

A Phase IA reconnaissance, Phase IA survey, and Phase IB survey have been completed for the APE. The Phase IB survey identified the Micron RS-01 Historic Site (06703.000475) on the southwest portion of the APE. On September 5, 2025, SHPO determined that the site was not eligible for listing on the State and National Registers of Historic Places and issued a No Historic Properties Affected letter.

*Wetland and Stream Mitigation Sites (25PR01429)*

A Phase IA and Phase IB workplan have been completed for the direct APE of the Wetland and Stream Mitigation Sites Connected Action. The Phase IB survey is in progress. A determination of effects has not been issued by NYSHPO or CPO.

*Minimization and Mitigation*

The PA describes the procedures that CPO, in coordination with all other PA signatories, will implement to avoid, minimize, or mitigate adverse effects to historic properties. If significant archaeological sites are identified in future surveys, the PA requires the development of an archaeological treatment plan, which could include a Site Avoidance Plan, Data Recovery Plan, or alternate mitigation measures in consultation with signatories and concurring parties. CPO has utilized Indigenous Nation monitoring for all phased archaeological investigations and commits to Indigenous monitoring for ground-disturbing construction activities. In addition, the PA outlines procedures for the unanticipated discovery of artifacts, materials of historic, cultural, or spiritual importance or evidence of burials or human remains during archaeological investigations and construction.

CPO and NYSHPO identification of and assessment of effects to cultural and historic resources in the Proposed Project and Connected Action APEs is ongoing in accordance with Section 106. The PA will provide an effective process for ensuring cultural resources are identified, assessed, and, if necessary, that impacts to them are avoided, minimized, or mitigated for as phased survey work continues. Based upon this information, NYSDEC finds impacts to cultural resources will be avoided, minimized, and mitigated to the maximum extent practicable.

**Air Quality**

Findings related to air quality impacts of the Proposed Project will be issued at the time of NYSDEC's permitting decision on the pending Air Title V application.[4]

**Greenhouse Gas Emissions, Climate Change, and Climate Resiliency**

Greenhouse Gas Emissions and Climate Change

Chapter 3.7 of the FEIS describes the Proposed Project's[5] potential impacts from energy use and greenhouse gas (GHG) emissions relating to climate change and climate resiliency.

In addition to the GHG requirements of SEQR, the Climate Leadership and Community Protection Act (CLCPA) became effective January 1, 2020 (Chapter 106 of the Laws of 2019) and is applicable to the review of Micron's permit applications and NYSDEC's permit decisions.

The CLCPA sets forth certain statewide GHG emissions milestones for years 2030 and 2050. NYSDEC has promulgated the corresponding regulations for those emission reductions in 6 NYCRR Part 496.

Section 7(2) of the CLCPA requires the Department to determine whether administrative decisions, such as permit issuance, would be inconsistent or would interfere with the attainment of the statewide emissions levels discussed above. If so, the Department must prepare a detailed statement of justification, if such justification is available. Further, where sufficient justification is available, the Department must also specify alternatives and GHG mitigation measures that will be required.

To aid the Department in addressing Section 7(2) of the CLCPA, Micron prepared a CLCPA analysis (CLCPA Analysis) following the requirements of the *DAR-21: The Climate Leadership and Community Protection Act and Air Permits* (DAR-21) guidance document.[6] As required by DAR-21, the analysis calculated the Proposed Project's

[4] The NYSDEC jurisdictions identified on pages 2 and 3 of this SEQR Findings Statement will not authorize construction of any regulated air emission sources, as construction is defined pursuant to 6 NYCRR 201-2.1(b)(9). Such construction may only occur after NYSDEC's decision on the pending Air Title V application.
[5] Note that, per purposes of this Findings Statement, "Proposed Project" does not include construction of the Connected Actions.

[6] Micron, *Micron Semiconductor Fabrication Clay, NY: Climate Leadership and Community Protection Act Analysis (October 2025)*, https://assets.micron.com/adobe/assets/urn:aaid:aem:60a75ad5-0759-47bc-beb6-b3fe5de0114f/renditions/original/as/clcpa-analysis-combined.pdf (last accessed December 11, 2025).

potential and projected actual emissions of GHGs from all proposed activities using the 20-year global warming potentials found in 6 NYCRR Section 496.5. These emissions are also discussed in Chapter 3.7.3.2 of the FEIS.

As presented in the FEIS, the Proposed Project's total potential to emit GHGs from stationary sources is 13,132,183 metric tons of carbon dioxide equivalents per year. As presented in the CLCPA Analysis, the Proposed Project's total potential to emit GHGs is 10,516,549 metric tons[7] of carbon dioxide equivalents per year. These numbers differ primarily because the FEIS includes 2,394,307 metric tons of carbon dioxide equivalents per year associated with the generation of electricity that will be purchased from the local utility to operate the Proposed Project. However, since this electricity will be generated within New York State, it is not required to be included in the CLCPA Analysis as discussed in DAR-21.

In addition to the stationary source emissions, there are GHG emissions impacts associated with the construction of the Proposed Project which are primarily from mobile sources. As presented in the FEIS, the Proposed Project's total potential to emit during the construction phase is 434,443 metric tons of carbon dioxide equivalents. As presented in the CLCPA Analysis, the Proposed Project's total potential to emit during the construction phase is 406,513 metric tons[8] of carbon dioxide equivalents.[9] Unlike the stationary source emissions presented above, the construction emissions represent the total emissions over the duration of the construction phase, not annual emissions, because different phases of construction will have different emissions.

The calculations in both the FEIS and CLCPA Analysis show that the Proposed Project would result in a significant increase in GHG emissions. Accordingly, Micron was required to identify potential alternatives and mitigation measures for this Proposed Project by both SEQR and DAR-21. Based on currently available technology, Micron did not identify any feasible ways to reduce GHG emissions to a level that would fully eliminate the increases associated with this Proposed Project. However, several feasible alternatives and mitigation measures were identified by the Applicant and considered during NYSDEC's review, which are discussed further below. In addition, NYSDEC has reviewed and considered additional mitigation measures proposed by the Applicant to address CLCPA mitigation requirements. These measures are discussed in greater detail in NYSDEC's December 12, 2025 "Micron New York Semiconductor

[7] The CLCPA analysis presents emissions in units of short tons. The total emissions shown in that document have been converted to metric tons to provide a consistent basis for comparison with the FEIS.
[8] The CLCPA Analysis presents emissions in units of short tons. The total emissions shown in that document have been converted to metric tons to provide a consistent basis for comparison with the FEIS.
[9] These emissions differ primarily because the FEIS includes the construction of the Connected Actions that are subject to separate DEC permits and CLCPA analyses. NYSDEC is not making findings on the Connected Actions at this time.

Manufacturing LLC Project – Justification Statement for Inconsistency with Section 7(2) of the Climate Leadership and Community Protection Act" (Justification Statement) and the Applicant's CLCPA Analysis. To address SEQR's mitigation requirement, Table 3.7-14 of the FEIS discusses several Best Management Practices that would reduce energy usage. The FEIS also indicates that Micron has committed to entering into power purchase agreements and utilizing renewable energy credits to purchase 100% carbon-free electricity for the Proposed Project, resulting in an anticipated emissions reduction of approximately 2.4 million metric tons per year of carbon dioxide equivalents associated with energy use.

Table 3.7-13 of the FEIS discusses emissions reductions associated with several alternatives and mitigation measures proposed by the Applicant in the CLCPA Analysis. As shown in the table, the total potential reduction in emissions associated with identified alternatives and mitigation measures is 8,201,791 metric tons of carbon dioxide equivalents per year. As discussed in the CLCPA Analysis, the total potential reduction in emissions associated with identified alternatives and mitigation measures is 8,153,874 metric tons of carbon dioxide equivalents per year.

As discussed above, DEC finds that this Proposed Project creates a significant new source of GHG emissions. DEC further finds that by incorporating the proposed alternatives and mitigation measures described above and within Chapter 3.7 of the FEIS, adverse environmental impacts due to energy use and the increase in GHG emissions will be avoided or minimized to the maximum extent practicable. In addition, and although not required by SEQR, the CLCPA-specific mitigation measures discussed in the Justification Statement will also further reduce these impacts. If DEC issues the ATV permit at a later date, such permit would be accompanied by findings including further discussion of the CLCPA mitigation and enforceable conditions that would be contained in such permit.

Climate Resiliency

As part of the evaluation, FEIS Chapter 2.0 "Proposed Action and Alternatives" describes the scale for the project, which is associated with large areas affected by land cover changes, including the alteration of large areas of wetlands. FEIS Chapter 3.7.2.3 "Climate Change and Resiliency Planning" discusses specific risks to the project site, based on historic climate and observational data and the National Risk Index (NRI). Supplemental submissions pursuant to DEC permits, specifically CLCPA Analysis, relate the current risks to projected future conditions for 2080 using the New York State Climate Impacts Assessment (NYSCIA).

The FEIS, in Table 3.7-4 and the corresponding discussion, identifies elevated risks for droughts, flooding, freezing temperatures, severe storms, tropical cyclones, and winter

storms. Table 8-1 of the CLCPA Analysis further identifies select climate risks for which significant changes in occurrence are expected based on NYSCIA projections, including extreme heat (e.g., + 47 days above 90 Degrees Fahrenheit by 2080) and increased precipitation extremes (e.g., +3 days of days over 1 inch of precipitation).

Flooding, including as it relates to stormwater impacts, extreme heat, and storms and extreme wind are identified and discussed in the CLCPA Analysis. The Proposed Project was sited to avoid some risk, including siting away from coastal risks (sea level rise, storm surge, coastal erosion) and outside FEMA-mapped flood plains, which minimizes risks from flooding. The project scale is associated with the loss of open space, natural features, wetlands, and the loss of their off-site resiliency benefits, as identified in Chapter 8.2.3 of the CLCPA Analysis. In addition, increases in impervious land cover will increase stormwater runoff and exacerbate heat island effects, which may worsen over time given the projected future increases in the frequency, duration, and intensity of both extreme precipitation and extreme heat hazards.

To mitigate these risks, Chapter 8.2.3 of the CLCPA Analysis identifies several measures, including: stormwater designs and SMPs to accommodate 100-year storm events and to keep post-development peak flow values at or below the pre-development peak flow values; consideration of the State Flood Risk Management Guidance to accommodate future precipitation and runoff; iterative design adjustments for Proposed Project structure to meet needs and requirements; and adaptive stormwater management using data from 43 groundwater monitoring wells. Wet extended detention ponds, infiltration basins, and filtration bioretention controls will be used to maintain existing drainage patterns as much as possible, alongside green infrastructure measures to provide runoff reduction. Chapter 8.2.3 of the CLCPA Analysis identifies soil erosion control measures as part of the SWPPP, to include grass-lined swales, sediment basins, erosion control blankets, stone check dams, reinforced silt fences, and riprap stabilization. All of the applicable measures above would be reflected in the SWPPP design required for the sponsor’s coverage under DEC’s CGP. Further, building design and construction would be subject to appropriate building code requirements to ensure structures can accommodate strain on materials due to future extreme temperature, storm, and wind conditions.

Based on this evaluation, and in consideration of the planned implementation of measures to reduce and manage risks, such as those described above, DEC finds that the Proposed Project has adequately considered future physical climate risks and minimizes and mitigates those risks to the maximum extent practicable.

**Solid Waste, Hazardous Waste, and Hazardous Materials**

Chapter 3.8 and Appendix K of the FEIS detail the evaluation of solid and hazardous waste management and generation for the Proposed Project. These sections provide specific details regarding wastes associated with construction, start-up, and long-term operations. The FEIS documents waste types, management strategies, estimated volumes, operational fluctuations, and disposal methods. While the construction and operation of the Proposed Project will increase the regional amount of solid and hazardous waste generated, Micron would implement a reuse, recycling, and recovery program to minimize the volume of waste requiring disposal. The FEIS identifies several regulated waste transport companies capable of adequately managing project generated. All solid waste, hazardous materials, and hazardous waste will be managed, stored, and disposed of in compliance with all applicable local, Federal, and State laws and regulations.

During construction, excavated materials will be reused onsite or sent off site for reuse under either a predetermined beneficial use determination (BUD), a case-specific BUD, or otherwise disposed off-site at an authorized facility if the material does not meet the criteria of a BUD as described in Appendix K-7. Excavated material is considered a solid waste in NYS; however, the 6 NYCRR Part 360 regulations have established several predetermined BUDs for certain wastes, such as excavated materials, which allow the material to be used in ways identified in the regulations. A case-specific BUD requires NYSDEC approval before the material can be used, as the material does not meet the predetermined BUD requirements. The FEIS states large quantity of fill material will be imported from readily available NYSDOT- and NYSDEC-approved virgin quarry sources and will be delivered mainly by rail. This material is not a waste; however, it is included in the Soil Materials Management Plan. The Soil Material Management Plan details appropriate management of materials generated at the site or imported to the site during facility construction. The Soil Material Management Plan will be revised throughout the Proposed Project work to address changes to conditions that were not contemplated prior to construction.

The FEIS indicates that, once operating, the facility will be considered a Large Quantity Generator of hazardous waste and will comply with all regulatory requirements for the management, storage, and disposal of hazardous waste. This waste generator classification is designated through the Resource Recovery Control Act (RCRA) and has oversight by USEPA and NYSDEC. RCRA requirements cover proper containment, manifesting, transport, and annual reporting. Facility inspections by USEPA and NYSDEC are also required through RCRA.

NYSDEC finds that the evaluation detailed in the FEIS adequately and appropriately addresses management, handling, transportation and disposal of solid waste and hazardous waste associated with this Proposed Project. Adherence to all waste laws and regulations, the Soil Material Management Plan, and the Proposed Project's reuse, recycle, and recovery program will avoid and minimize impacts to the maximum extent practicable.

**Certification of Findings to Approve/ Undertake**

Having considered the EIS, Lead Agency Findings, and having considered the preceding written facts and conclusions relied upon to meet the requirements of 6 NYCRR 617.11, this Statement of Findings certifies that:

1. The requirements of 6 NYCRR Part 617 have been met:
2. Consistent with social, economic, and other essential considerations from among the reasonable alternatives available, the action is the one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable.
3. This action is consistent with the applicable policies of Article 42 of the Executive Law, as implemented by 19 NYCRR 600.
4. This action will achieve a balance between the protection of the environment and the need to accommodate social and economic considerations.

**NYS Department of Environmental Conservation-Region 7**
Division of Environmental Permits
5786 Widewaters Parkway
Syracuse, NY 13214

Kevin M. Balduzzi Date: 12/12/2025
Kevin M. Balduzzi
Regional Permit Administrator
Division of Environmental Permits