

STATE OF NEW YORK

LEGISLATURE OF ERIE COUNTY CLERK'S OFFICE

BUFFALO, N.Y., October 9, 2025

TO WHOM IT MAY CONCERN:

I HEREBY CERTIFY, that at the **18th Session of the Legislature of Erie County**, held in the Legislative Chambers, in the City of Buffalo, on the **9th day of October, 2025 A.D.**, a Resolution was adopted, of which the following is a true copy:

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

ATTEST



OLIVIA M. OWENS

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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:

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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

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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

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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

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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.

REFERENCE: COMM. 16E-23 (2025) AS AMENDED

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