

MICRON NEW YORK SEMICONDUCTOR MANUFACTURING LLC

**SEQRA LEAD AGENCY RESOLUTION
(3101-23-07A)**

A regular meeting of the Onondaga County Industrial Development Agency convened in public session on July 20, 2023, at 8:30 a.m., local time, at the Oncenter Convention Center, lower level meeting rooms 1/2/3, located at 800 South State Street, Syracuse, New York.

The meeting was called to order by the (Vice) Chairman of the Agency and, upon roll being called, the following members of the Agency were:

PRESENT: Patrick Hogan
Janice Herzog
Kevin Ryan
Cydney Johnson

ABSENT: Susan Stanczyk
Fanny Villarreal
Elizabeth Dreyfuss

ALSO PRESENT: Robert M. Petrovich, Executive Director
Jeffrey W. Davis, Esq. Agency Counsel

The following resolution was offered by Janice Herzog, and seconded by Kevin Ryan:

**RESOLUTION CLASSIFYING A CERTAIN PROJECT AS A
TYPE I ACTION AND DECLARING THE INTENT OF THE
ONONDAGA COUNTY INDUSTRIAL DEVELOPMENT
AGENCY TO BE LEAD AGENCY FOR PURPOSES OF A
COORDINATED REVIEW PURSUANT TO THE STATE
ENVIRONMENTAL QUALITY REVIEW ACT**

WHEREAS, Onondaga County Industrial Development Agency (the “Agency”) is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws of New York, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the “Enabling Act”), Chapter 435 of the Laws of 1970 of the State of New York and Chapter 676 of the Laws of 1975 of the State of New York, as amended, constituting Section 895 of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the “Act”) to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of manufacturing, warehousing, research, commercial and industrial facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of

the State of New York (the "State"), to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to grant "financial assistance" (as defined in the Act) in connection with the acquisition, reconstruction and equipping of one or more "projects" (as defined in the Act); and

WHEREAS, the Agency currently owns the approximately 1,250 acre White Pine Commerce Park (the "Park") located northeast of the intersection of NYS Route 31 and Caughdenoy Road in the Town of Clay, Onondaga County, New York; and

WHEREAS, the creation of the Park and potential future development of the Park to support tenants in the semiconductor industry was previously studied under SEQRA (as defined herein) by the Agency including a 2013 Final Generic Environmental Impact Statement, 2013 Findings Statement, 2021 Final Supplemental Generic Environmental Impact Statement ("FSGEIS") and 2021 Findings Statement; and

WHEREAS, Micron New York Semiconductor Manufacturing LLC, a Delaware limited liability company on behalf of itself and/or entities formed or to be formed on its behalf (the "Company"), has submitted an application (the "Application") to the Agency, a copy of which Application is on file at the office of the Agency, which Application requests that the Agency consider undertaking a project (the "Project") for the benefit of the Company, said Project consisting of the following: (A)(1) the acquisition of a leasehold interest in all or a portion of approximately 843 acres of land located at 5171 New York State Route 31 (tax map nos. 046.-02-01.0, 046.-02-02.1, 046.-02-02.2, 046.-02-03.1, 046.-02-03.2, 046.-02-04.0, 046.-02-05.1, 046.-02-05.2, 048.-01-01.0, 048.-01-02.1, 048.-01-02.2, 048.-01-23.1, 048.-01-23.3, 049.-01-15.0, 049.-01-16.0, 049.-01-17.0, 049.-01-18.4, 049.-01-19.1, 049.-01-19.2, 050.-01-01.0, 050.-01-02.1, 050.-01-03.1, 050.-01-04.1, 050.-01-04.2, 050.-01-04.3, 050.-01-04.4, 050.-01-05.0, 051.-01-10.1, 051.-01-10.6, 051.-01-10.7, 051.-01-10.8, 051.-01-10.9, 051.-01-12.0, 064.-01-06.3, 064.-01-08.0) in the Town of Clay, Onondaga County, New York (collectively, the "Land"); (2) the construction on the Land of two approximately 1.2 million square foot memory fabrication facilities (each a "Fab") each consisting of approximately 600,000 square feet of cleanroom space, approximately 290,000 square feet of cleanroom support space and approximately 250,000 square feet of administrative space, and the construction of two support facilities housed in separate buildings consisting of an approximately 360,000 square foot central utility building and an approximately 200,000 square foot warehouse and approximately 200,000 square feet of product testing space together with other ancillary interior and exterior support systems and sitework including but not limited to installation of a chilled water system, a process cooling water system, air handlers, electrical sub stations, switch gear, and compressed dry air systems, semiconductor manufacturing equipment, office and storage space, driveways, interior access roads, sidewalks, parking lots, landscaping, signage, electric and gas utility and internal communications infrastructure, electric substations, water and wastewater pre-treatment and storage and industrial gas storage (collectively, the "Facility"); and (3) the acquisition and installation therein and thereon of related fixtures, machinery, equipment and other tangible personal property (collectively, the "Equipment") (the Land, the Facility and the Equipment being collectively referred to as the "Project Facility"); (B) the granting of certain "financial assistance" (within the

meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain sales and use taxes, real property taxes, real estate transfer taxes and mortgage recording taxes (subject to certain statutory limitations) (the “Financial Assistance”); and (C) the lease (with an obligation to purchase) or sale of the Project Facility to the Company or such other person as may be designated by the Company and agreed upon by the Agency; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law of the State of New York, as amended, and the regulations of the Department of Environmental Conservation of the State of New York promulgated thereunder (collectively referred to hereinafter as “*SEQRA*”), the Agency is required to make a determination whether the “action” (as said quoted term is defined in *SEQRA*) to be taken by the Agency may have a “significant impact on the environment” (as said quoted term is utilized in *SEQRA*) and the preliminary agreement of the Agency to undertake the Project constitutes such an action; and

WHEREAS, to aid the Agency in determining whether undertaking the Project may have a significant impact upon the environment, the Company has prepared and submitted to the Agency an Environmental Assessment Form (the “*EAF*”), with addendum, with respect to the Project; and

WHEREAS, the whole “Action” for purposes of *SEQRA* as outlined in the *EAF* includes the above described Project Facility as well as the full buildout of the “Micron Campus” which ultimately includes the construction of four (4) Fabs, which Micron expects to be built in sequence, with construction of each Fab starting as the preceding Fab is being fit-out and operations begun; this process will result in continuous construction activities on the site over the approximate 20-year period, with a significant portion of that construction occurring inside previously constructed Fab buildings; and

WHEREAS, the proposed Micron Campus includes the Park and additional lands encompassing approximately 1,400-acres located in an area bordered by NYS Route 31 to the south, Caughdenoy Road to the west, a series of National Grid overhead power lines to the north (although the site extends approximately 100 feet beyond the power lines), and generally the Town of Clay/Town of Cicero boundary line to the east, all as full described and depicted in the *EAF* with addendum attached hereto as “Attachment A”; and

WHEREAS, the majority of the Micron Campus is contained within the Town of Clay, Onondaga County, New York with a small portion of the Micron Campus located in the Town of Cicero, Onondaga County, New York; and

WHEREAS, Micron intends to start construction of the Micron Campus in 2024 with Fabs 1 and 2 complete and operational by 2032. Full build-out of the Micron Campus (completion of Fabs 3 and 4, which will be the subject of a future application to the Agency) would be complete in 2043; and each Fab is expected to occupy approximately 1.2 million square feet (sf) of land and

contain approximately 600,000 sf of clean room¹ space, 290,000 sf of clean room² support space, and 250,000 sf of administrative space; and each set of two Fabs would be supported by approximately 360,000 sf of central utility buildings³, 200,000 sf of warehouse space, and 200,000 sf of product testing space⁴ housed in separate buildings; and

WHEREAS, the proposed Micron Campus will also include ancillary on-site electrical substations, water and wastewater pre-treatment and storage, and industrial gas storage; and

WHEREAS, three (3) additional properties will be developed with uses ancillary to the Micron Campus; an approximately 36.9-acre parcel on the west side of Caughdenoy Road (Town of Clay tax parcel 046-02-03.2) (“the Pump Station Site”) will be used for wastewater pump stations to be operated by Micron and Onondaga County Department of Water Environment and Protection; an approximately 30.2-acre parcel on the north side of Caughdenoy Road, (Town of Clay tax parcel 0.42-01-13.0) (the “Childcare Site”) on which Micron will construct an employee health care center and childcare center; and an approximately 1-acre parcel on the northwest side of the Park (Town of Clay tax parcel 048-01-2.1) (the “Utility Conveyance Site”); and

WHEREAS, off-site water, wastewater, electricity, natural gas, and telecommunication utility improvements necessary for the Micron Campus Project will be identified as “off-site improvements” and will also be analyzed in the SEQRA process; and

WHEREAS, the Action for purposes of SEQRA also includes the re-subdivision of the Park to consolidate the numerous individual parcels that currently comprise the Park into two or more parcels, and the ultimate sale of the consolidated Agency-owned parcels within the Park to the Company; and the subdivision of a parcel of land in the Town of Cicero; and

WHEREAS, the entire Micron Campus, with four (4) Fabs and all ancillary support facilities, driveways, and parking; an adjacent Pump Station Site; a Childcare Site; and a Utility Conveyance Site, and related subdivisions and property sale and all ancillary components as described in the EAF with addendum comprise the “Micron Campus Project” and the Action for SEQRA purposes; and

WHEREAS, in its 2021 Findings Statement, the Agency identified the process for considering Future Actions to determine if further review would be required under SEQRA; and

¹ Cleanroom: This part of the campus is where the thousands of advanced equipment are housed that are used to take raw silicon wafers and build the chips. It is called a cleanroom because there are strict requirements on particles in the air that can impact the functionality of the chips. The chips are built up in layers of metals and insulators, similar to how a building is constructed floor-by-floor.

² Cleanroom support: This part of the campus includes functions such as workshops to refurbish parts, labs to complete incoming chemical tests, surface analysis of what is on the wafers, and perform cross-sections of the wafer to validate the structure of the chips meets requirements.

³ Central utility building: These buildings house the systems required for delivering the utilities necessary to produce the chips. These utilities include systems such as HVAC, electrical transmission equipment, water purification and recycling, and chemical/specialty gas delivery systems.

⁴ Product testing space: This space is used to house advanced equipment that takes finished wafers and performs electrical testing that validates the chips function to required specifications before the wafers are shipped out for assembly into products and further testing.

WHEREAS, the Agency has examined the EAF in order to classify the action and compare it against the conditions and thresholds outlined in the 2021 Findings Statement to determine if further environmental review is required under SEQRA; and

WHEREAS, the Agency has not approved the Project or the grant of Financial Assistance to the Project; and

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONONDAGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY AS FOLLOWS:

Section 1. Based upon an examination of the EAF prepared by the Company, the criteria contained in 6 NYCRR §617.7(c) and the thresholds for future environmental review established in the FSGEIS, and based further upon the Agency’s knowledge of the area surrounding the Micron Campus Project, all the representations made by the Company in connection with the Micron Campus Project, and such further investigation of the Micron Campus Project and its environmental impacts as the Agency has deemed appropriate, the Agency makes the following findings and determinations with respect to the Micron Campus Project pursuant to SEQRA:

(A) The Micron Campus Project consists of the components described above;
and

(B) The Micron Campus Project constitutes a “Type I Action” (as said quoted term is defined in SEQRA); and

(C) The Micron Campus Project was not adequately addressed in the FSGEIS and requires a full project-specific environmental review under SEQRA; and

(D) As a consequence of the foregoing, the Agency hereby declares its intent to act as “Lead Agency” (as said term is defined in SEQRA) with respect to a coordinated project specific agency review of the Micron Campus Project pursuant to SEQRA; and

(E) The Agency’s counsel shall arrange for publication and distribution of its notice of intent to be “Lead Agency” and is hereby authorized to take such actions as are necessary and appropriate to assist the Agency in fulfilling the requirements under SEQRA for the Micron Campus Project and to work with the Company and its agent(s) in connection therewith.

Section 2. A copy of this Resolution, together with the attachments hereto, shall be placed on file in the office of the Agency where the same shall be available for public inspection during business hours.

Section 3. This Resolution shall take effect immediately

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Patrick Hogan	X		
Janice Herzog	X		
Cydney Johnson	X		
Elizabeth Dreyfuss			X
Susan Stanczyk			X
Kevin Ryan	X		
Fanny Villarreal			X

The Resolution was thereupon declared duly adopted.

STATE OF NEW YORK)
) ss.:
COUNTY OF ONONDAGA)

I, the undersigned Secretary of the Onondaga County Industrial Development Agency, DO HEREBY CERTIFY that I have compared the foregoing extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on July 20, 2023, with the original thereof on file in my office, and that the same is a true and correct copy of such proceedings of the Agency and of such Resolution set forth therein and of the whole of said original so far as the same relates to the subject matter therein referred to.

I FURTHER CERTIFY that (A) all members of the Agency had due notice of said meeting, (B) said meeting was in all respects duly held, (C) pursuant to Article 7 of the Public Officers Law (the "Open Meetings Law"), said meeting was open to the general public and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law, and (D) there was a quorum of the members of the Agency present throughout said meeting.

I FURTHER CERTIFY that as of the date hereof, the attached Resolution is in full force and effect and has not been amended, repealed, or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand this 24 day of July, 2023.

(SEAL)


Secretary