



# United States Department of the Interior

FISH AND WILDLIFE SERVICE

300 Westgate Center Drive  
Hadley, MA 01035-9589



Attorney Client Privilege  
June 24, 2024

In Reply Refer To:  
FWS/R5/NWRS/

Mark Masse  
Senior Vice President of Operations  
Genesee County Economic Development Center  
99 MedTech Drive, Suite 106  
Batavia, New York 14020

Re: Termination of permit no. IRQ (P-1)

Dear Mr. Masse,

On April 24, 2024, the U.S. Fish and Wildlife Service (FWS) notified Genesee County Economic Development Center (GCEDC) of its intent to invoke paragraph 34 of Right-of-Way (ROW) Permit IRQ (P-1) issued to STAMP Sewer Works, Inc. and terminate the permit effective June 24, 2024.

As we stated in the notification, the submission by CPL: Architect, Engineering, Planning, on behalf of GCEDC, dated April 15, 2024, to address criteria in FWS' correspondence of September 29, 2023, was incomplete. Further, it referenced investigating a new construction method that was not approved under the permit. Other than that submission, GCEDC has not provided any additional information that supports the conclusion that installation of the STAMP Force Main by construction methods approved under ROW Permit IRQ (P-1) can ensure that refuge resources, including those outside the permitted ROW, will not be negatively impacted by this construction method. Any change to a construction method not approved under the permit may have very different environmental effects. Thus, effective immediately Permit IRQ (P-1) is terminated. Appeals to this decision are pursuant to 50 C.F.R. 29.22.

Any new application package should be submitted as required by 50 C.F.R. 29.21-2. Should you desire to re-apply for a permit, you may contact Refuge Manager Thomas Roster at 585.948.5445, ext. 7030 or [tom\\_roster@fws.gov](mailto:tom_roster@fws.gov) with any questions you may have.

Respectfully,

Scott Kahan  
Regional Chief  
National Wildlife Refuge System  
Northeast Region