

SUPREME COURT  
STATE OF NEW YORK COUNTY OF TOMPKINS

---

In the Matter of the Application of

FLX STRONG by its President Kenneth Wolkin and CAYUGA  
LAKE ENVIRONMENTAL ACTION NOW by its President John  
V. Dennis,

**AFFIRMATION OF  
BRIAN EDEN**

Index No.:

Petitioners,

For a Judgment Under Article 78 of the Civil Practice Law and  
Rules,

vs.

TOWN OF LANSING ZONING BOARD OF APPEALS,  
TERAWULF INC., CAYUGA OPERATING COMPANY LLC,  
LAKE HAWKEYE LLC, and FRED DELFAVERO,

Respondents.

---

I, Brian Eden, of legal age, affirm under penalty of perjury pursuant to N.Y. C.P.L.R.  
§ 2106 the following:

1. I am a resident of the Village of Cayuga Heights and a member of the steering committee of Cayuga Lake Environmental Action Now ("CLEAN"). I am also a member of FLX Strong.
2. I am retired from the Cornell Law School.
3. Both CLEAN and FLX Strong exist in order to protect, among other things, Cayuga Lake and the surrounding watershed from harmful industrial and commercial uses. An important part of their missions includes protecting open and green spaces along the shoreline,

including places like the Cayuga Shores Wildlife Management Area (“Cayuga Shores”), also known as the Bell Station Preserve.

4. Cayuga Shores is directly north of the Milliken Station site, the proposed location of the data center. I have attached as **Exhibit 1** maps prepared by a member of FLX Strong that show the location of Cayuga Shores in relation to the proposed location of the data center.

5. As shown in Exhibit 1, the data center buildings will be closer than 500 feet. The data center’s substation will be as close as 100 feet.

6. The establishment of a new data center at this location right next to Cayuga Shores jeopardizes the countless hours I have dedicated to preserving Cayuga Shores and may require me to devote countless more hours, fighting in the public interest to preserve this waterfront resource from the harmful effects of a new type of industrial use, one that I do not personally believe is contemplated under the Town of Lansing’s zoning.

7. Through my participation in several Tompkins County Advisory Committees, I have worked for years on issues involving Cayuga Shores, then known as Bell Station.

8. In 1968, New York State Electric and Gas (“NYSEG”) announced its intention to build the “Bell Station Nuclear Power Plant” on the shores of Cayuga Lake occupying the area of Bell Station. However, on June 15, 1973, NYSEG decided to give up on the Lansing location, with the public sentiment against the project being a major factor in their decision. However, NYSEG continued to own the property for decades.

9. As a member of the Tompkins County Environmental Management Council (“TCEMC”), I participated along with other TCEMC members and members of the community in a hike in 2014 intended to introduce local people to the Bell Station property, in hopes that it would someday become the property of New York State for the purpose of preserving open

space. At that point, the property was still owned by NYSEG and generally closed to the general public. I have attached as **Exhibit 2** an article from the Ithaca Times about the historic hike.

10. As described in the affirmation of Christopher T. Tessaglia-Hymes, Cayuga Shores/Bell Station has a unique and interesting mix of terrain features that are favorable for wildlife. This also makes the area attractive to hikers. It includes attractive and scenic features like gorges, steep hillsides along the lake, and waterfalls. See also Exhibit 2.

11. Public access to the eastern side of Cayuga Lake is limited. Approximately 90% of the lakefront is privately owned.

12. A few years later, while I was Chair of the TCEMC, we approved the creation of a new Unique Natural Area (“UNA”) to be called Nut Ridge at Cayuga Lake UNA-195 (Resolution No. 2017-03), located at Bell Station. A description of the “Bell Station” site from TCEMC’s inventory of UNAs is attached as **Exhibit 3**.

13. The establishment of the UNA relied extensively on a field survey performed by TCEMC’s field botanists with the permission of NYSEG relating to the site’s unique characteristics. See Exhibit 3.

14. In 2018, the Town of Lansing’s Comprehensive Plan was updated to identify Bell Station as future public access conservation land.

15. In August 2021, NYSEG announced its plans to place the Bell Station property up for a sealed bid auction, which caused an uproar from concerned residents and organizations that had worked to preserve the land.

16. In 2021, as a member of the Tompkins County Climate and Sustainable Energy Advisory Board, I was tasked with another member to conduct research on the legality of such a sale by NYSEG. We determined that the potential sale of Bell Station, consisting of

undeveloped lakefront land with recognized environmental value, to a real-estate developer would be illegal under the Public Service Commission's regulations. We also determined that the potential sale to a private developer would result in several potentially significant environmental impacts and therefore would require a full environmental impact statement.

17. The Climate and Sustainable Energy Advisory board then worked with several Tompkins County legislators to prepare a resolution entitled, "Resolution Opposing the Proposed Public Auction of Certain Property on the Eastern Shore of Cayuga Lake by [NYSEG]."

18. The resolution passed unanimously. The Tompkins County Legislature therefore formally requested that NYSEG take action to cancel the proposed auction of Bell Station and instead immediately enter into negotiations with the Finger Lakes Land Trust ("FLLT") to bring about a sale for conservation that would, at the same time, provide NYSEG with reasonable value.

19. The Town of Lansing Town Board then unanimously adopted a resolution supporting the County's resolution.

20. New York Assembly Member Anna Kelles and Senator Pamela Helming then authored a bipartisan request to the Governor, requesting that she direct NYSEG to cancel the auction. Subsequently, Governor Hochul directed the Departments of Public Service and Environmental Conservation and State Parks to facilitate discussions with NYSEG about preserving the Bell Station property and protect the critical habitat and water quality along Cayuga Lake.

21. In December 2021, FLLT announced plans to acquire the Bell Station property from NYSEG. The area that later became known as Cayuga Shores was later transferred from FLLT to New York State.

22. In June 2024, Governor Hochul announced the formal creation of the Cayuga Shores Wildlife Management Area at Bell Station. A true and correct copy of the press release announcing the establishment of Cayuga Shores as a Wildlife Management Area is attached as **Exhibit 4**.

23. The press release describes the public and recreational uses of the Cayuga Shores Wildlife Management Area as follows:

The acquisition of Cayuga Shores WMA increases public recreation opportunities by providing direct shoreline access and all-new hunting, trapping and wildlife viewing opportunities to the east side of Cayuga Lake, which is 90 percent privately owned. The lake supports incredible sport fisheries....Cayuga Lake is also designated as an Important Bird Area by Audubon New York and supports a large and diverse population of waterfowl and other birds, particularly during migration and winter.

[The Department of Environmental Conservation] will manage Cayuga Shores for wildlife conservation, habitat, and wildlife-associated recreation, including hunting, trapping, fishing, wildlife viewing, and photography.


Ex. 4.

24. This description is consistent with several of the affirmations of FLX Strong and CLEAN members filed in this lawsuit, all of whom testify to the importance of this relatively new public resource to their recreational and environmental interests.

25. I participated throughout the events that eventually led to the establishment of Cayuga Shores as a New York State-protected Wildlife Management Area. I also contributed financially to the purchase of the Bell Station property by FLLT.

26. It would be personally devastating if a short-sighted decision by the Town of Lansing's Zoning Board of Appeals in favor of the data center put all of this public investment in establishing Cayuga Shores at risk. It will also require me to expend more of my personal time and funds to continue fighting to protect this invaluable lakeside resource.

Pursuant to N.Y. C.P.L.R. 2106, I affirm this ~~27~~<sup>28</sup> day of January 2026, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.

A handwritten signature in cursive script, reading "Brian Eden", is written over a horizontal line.

Brian Eden