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,

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.

AFFIRMATION OF HAROLD MILLS

Index No.:

I, Harold Mills, 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 Town of Lansing and reside with my wife Sabrina Johnston at 110 Ludlow Road in the Town of Lansing. I am also a member of FLX Strong.

2. We own two adjacent parcels, totaling 28 acres (the "Property"), which includes the parcel with our residence at 110 Ludlow. The Property includes a large, forested area.

3. We moved to the Property about two and a half years ago for the quiet, rural atmosphere in the community.

4. I am familiar with the proposal for a new data center (the "Project") at the former Milliken Station site.

5. I understand that the Project proposes the use of 72 rooftop fan units for cooling its facility, with each unit having three large fans. The fan units will generate constant and significant levels of noise.

6. According to TeraWulf's website, the Project will be developed in phases, starting with a facility requiring 138 MW of power and eventually scaling to 400 MW. The increase in power will necessarily require a larger cooler system and a corresponding increase in noise levels.

7. The Project also proposes extensive construction activities. According to the Project's Environmental Assessment Form ("EAF"), the Project will involve more than two years of construction and has proposed a construction schedule of 5AM-1AM, 7 days/wk including holidays. A true and correct copy of the EAF for the Project showing the construction schedule is attached as **Exhibit 1.**

8. Such construction activities are likely to involve the use of heavy equipment, truck traffic, and machinery for grading, excavation, site clearing, and the building of structures and infrastructure.

9. Our residence at 110 Ludlow is located about two miles to the south of the Milliken Station site where the data center is proposed. It is a quiet, rural area with little ambient noise or light pollution.

10. My wife and I spend a lot of time outdoors on the Property and we keep the windows of our residence open in the summer. I will also walk around the grounds of the Property and engage in recreational birding.

11. If a new source of industrial noise is added to the area, we are likely to experience it both outside and indoors. It will negatively impact the use and enjoyment of my residence, as well as the recreational activities that I engage in at the Property, including birding.

12. I have a Bachelor of Science (B.S.) degree in Computer Science and Master of Engineering (M. Eng.) degree in Electrical Engineering from Cornell University. I have worked primarily in the area of audio signal processing software development for nearly 40 years. My work experience includes 12 years in the Bioacoustics Research Program (now named the Center for Conservation Bioacoustics) at the Cornell Lab of Ornithology.

13. As a result of this training and experience, I am familiar with atmospheric sound propagation.

14. The speed at which sound propagates in the atmosphere varies with the temperature, pressure, and humidity of the air. In a homogenous atmosphere in which temperature, pressure, and atmosphere are constant, sound travels the same in all directions, and it travels in a straight line from a sound source to a listener at another location.

15. In reality, however, the atmosphere is rarely, if ever, homogenous, and therefore sound propagation is often influenced by changes in temperature, pressure, and humidity, with the result that sound does not propagate quite the same in all directions and does not quite travel in straight lines.

16. For example, if there is a temperature inversion, whereby the temperature of the atmosphere increases with altitude instead of decreasing (which is not uncommon), sound waves may bend downward towards the ground. In that case, a listener on the ground may experience a higher level of sound than in a constant, homogenous atmosphere.

17. From our residence at 110 Ludlow, I can sometimes hear clearly a single car traveling along New York State Route 89, a two-lane rural highway that is 2.5 miles from our home. This is due mainly to inhomogeneous atmospheric conditions between our residence and the highway.

18. In the case of the proposed data center, it is very likely that we will be able to hear above ambient levels the industrial sound from the Project at our residence two miles away, depending on the atmospheric conditions, both during construction and operation of the data center. The loudness of the combination of the 72 cooling fan units of the proposed data center will be comparable to the loudness of a car driving along a highway, so since the Project will be closer to my house than Route 89, I am likely to sometimes hear the fan units at my house, depending on atmospheric conditions.

19. Unlike the sound from a rural highway, the data center will generate noise 24/7, increasing the frequency and likelihood of sound from the facility being audible at our home.

20. From our residence, we can also see infrastructure from the existing Milliken Station site, including a smokestack with blinking red lights.

21. The Project will require new lighting, both during construction activities (which are proposed to occur at night) and during operations.

22. I recently visited the areas surrounding TeraWulf's other data center project in Somerset, New York, known as Lake Mariner during construction activities. The lighting associated with the construction of the Lake Mariner site was observable from miles away from several directions. It is fair to assume that the construction lighting will be similar for this TeraWulf Project.

23. The increase in ambient light from the Project, both during construction and operation, in an otherwise dark sky area will be very noticeable from our residence.

24. An increase in light pollution from the Project will decrease my enjoyment of the nighttime skies from our residence.

25. In addition to the impacts the Project will have on our residence at 110 Ludlow, I am also concerned about the impacts of the Project on the neighboring Cayuga Shores Wildlife Management Area ("Cayuga Shores").

26. Cayuga Shores is located directly north of the proposed data center Project and is an area that is open to the public for recreational activities, including hiking and birding.

27. Cayuga Shores is located less than 500 hundred feet from the proposed location of the data center Project.

28. Because Cayuga Shores is so close to the proposed data center, I expect that the operational noise from the data center will be audible from a large part of Cayuga Shores much of the time, regardless of propagation conditions.

29. Since we moved to 110 Ludlow, I have visited Cayuga Shores several times for birding and recreation, including as recently as January 2026.

30. I have been a recreational birder for decades. I began birding in 1994 when I worked at the Lab of Ornithology at Cornell University. I have continued to bird regularly since then.

31. Given how close Cayuga Shores is to the location of the proposed Project, I am extremely concerned that the quality of birding at Cayuga Shores will be diminished by the construction and operation of the Project. This is due to the noise and light pollution from the Project.

32. I am familiar with the negative impacts that manmade sound and light pollution have on bird communities and recreational birding. I have reviewed the affirmation of Christopher T. Tessaglia-Hymes and concur with his statements in this regard.

33. I am less likely to enjoy recreational birding, both at my residence at 110 Ludlow and at Cayuga Shores, if the Project is ultimately constructed.

34. The Zoning Board's decision finding that the Project is a permitted use in the Town's Industrial/Research district is a necessary and critical step toward the Project moving forward.

Pursuant to N.Y. C.P.L.R. 2106, I affirm this 28th 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.

Harold Mills