



WATKINS GLEN SOLAR ENERGY CENTER

Case No. 17-F-0595

1001.20 Exhibit 20

Cultural Resources

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Exhibit 20: Cultural Resources

This Exhibit will track the requirements of Stipulation 20, dated February 21, 2020, and therefore, the requirements of 16 New York Codes, Rules and Regulations (NYCRR) § 1001.20.

This Exhibit addresses potential impacts of the construction and operation of the Project, its interconnection, and its related facilities on cultural resources (archaeological and historic architecture).

Introduction and Record of Consultation

The New York Historic Preservation Act (NYHPA) of 1980 (Chapter 354 of Parks, Recreation and Historic Preservation Law) established a review process for State agency activities affecting historic or cultural properties, requiring consultation with the Commissioner (the Commissioner) of the Office of Parks, Recreation, and Historic Preservation (OPRHP), which serves as the State Historic Preservation Office (SHPO). The NYHPA requires State agencies to consult with OPRHP if it appears that a proposed project may cause any change, beneficial or adverse, in the quality of any historic, architectural, archaeological, or cultural property that is listed in the National Register of Historic Places (NRHP) or in the State Register of Historic Places (SRHP), or that is determined by the Commissioner to be eligible for listing in the SRHP. It requires that State agencies, to the fullest extent practicable, be consistent with other provisions of the law; and fully explore all feasible and prudent alternatives to avoid, minimize, or mitigate adverse impacts.

Section 14.09 of the NYHPA indicates that if a project has a federal permitting nexus, the OPRHP review process follows Section 106 of the National Historic Preservation Act (NHPA) and its implementing regulations at 36 Code of Federal Regulations (CFR) § 800 (Public Law 89-665, as amended by Public Law 96-515; 16 United States Code (USC) 470 et seq.). Section 106 requires that agencies with jurisdiction over a proposed project take into account the effect of the undertaking on cultural resources listed in or eligible for listing in the NRHP and afford the SHPO and the Advisory Council on Historic Preservation an opportunity to comment.

Because the Project will require a Section 404 Nationwide Permit (NWP) from the United States Army Corps of Engineers (USACE), in addition to the Article 10 certificate, consultation for the Project follows the Section 106 review process.

OPRHP-SHPO Consultation

Consistent with 16 NYCRR § 1001.20 and 36 CFR § 800, the Applicant, through its consultant, TRC, initiated formal consultation with the OPRHP to develop the scope and methodology for cultural resources studies for the Project (see Appendix 20-2 for the Project correspondence with OPRHP). TRC's archaeological and historic resource staff exceed the Secretary of the Interior's professional qualification standards (36 CFR 61) for Archaeologists, Historians, and Architectural Historians in their respective disciplines. To date, formal consultation with the OPRHP has included submissions through OPRHP's Cultural Resources Information System (CRIS) website consisting of the following technical documents for OPRHP review:

- *Request for Consultation Letter of April 18, 2019: Proposed Watkins Glen Solar Energy Center, Town of Dix, Schuyler County;*
- *Phase IA Archaeological Survey and Sensitivity Assessment (October 8, 2019); and*
- *Phase IB Archaeological Survey and Sensitivity Assessment (October 5, 2020).*

On June 5, 2019, the OPRHP requested a Phase IA archaeological investigation to identify previously recorded archaeological sites and other cultural resources within or near the Project Area, and to assess the archaeological sensitivity of the Project Area. The Phase IA report was submitted to OPRHP on October 8, 2019 (see Appendix 20-1). In a letter dated October 18, 2019, OPRHP concurred with the recommendations presented in the Phase IA report that Phase IB archaeological testing be conducted where significant proposed ground disturbances fall within areas characterized as having moderate or high archaeological sensitivity. Consistent with similar projects of this type and scale, archaeological fieldwork is not recommended for panel arrays, perimeter fencing, and utility poles as long as the associated posts are driven or drilled, and significant disturbances are not involved.

The Phase IB survey was conducted from July 21 to 31, 2020. Details of Phase IB work completed to date are provided in this Exhibit. An Unanticipated Discovery Plan that identifies the actions to be taken in the unexpected event that resources of cultural, historical, or archaeological importance are encountered during the excavation process is also included in this Exhibit.

20(a) Study of the Impacts of Construction and Operation on Archaeological Resources

(1) Summary of the Nature of Probable Impacts on Archaeological/Cultural Resources and Avoidance and Minimization Measures

Due to previous New York On Pause field restrictions, Phase IB survey efforts were delayed. The Project Area was surveyed for archaeological resources between July 21 and 31, 2020, and the Phase IB report has been completed and submitted to OPRHP (see section 20(a)(3) below). Measures to avoid impacts to any potentially significant archaeological resources will be taken throughout Project design.

If resources are identified within 100 feet (31 meters) of proposed Project-related impacts, and can be avoided, the Applicant will identify such locations as “Environmentally Sensitive Areas” on the final Project construction drawings and will mark them in the field prior to construction by installing construction barrier fencing with signs that restrict access. These measures are considered adequate to ensure that impacts to potentially significant archaeological resources are avoided and will be indicated on the final Site Plans. A Site Avoidance Plan is provided in the Phase IB report.

(2) Phase IA Archaeological/Cultural Study

A Phase IA Study was conducted for the Area of Potential Effect (APE) for archaeological resources (defined by the OPRHP as areas where there are ground-disturbing activities) and any areas to be used for interconnections or related facilities and includes a description of the methodology used for such study.

Phase IA Study Methods and Results

Background research for the Phase IA Study included examination of site files and archives at the OPRHP, online CRIS database, and the NRHP database. This research yielded information on recorded sites and previous cultural surveys in the surrounding area. Local histories, cartographic data, and other relevant information on the prehistoric and historic archaeological sites in the area were also reviewed. The United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) Soil Survey Geographic Database was also examined to obtain information on soil types in the Project Area. The historical assessment of the Project Area included a review of historical maps, aerial photographs, a literature search, and a review of Schuyler County historical documents located at the New York State and County repositories.

This work was conducted to develop historic and prehistoric contexts of the Project Area, which are presented in detail in the Phase IA Study (see Appendix 20-1); a cultural synopsis is provided below.

The OPRHP CRIS database indicates that the Project Area is not located within an archaeologically sensitive area. The OPRHP records confirm there are no NRHP-listed or eligible archaeological sites within the APE for archaeological resources, which is defined as all potential ground-disturbance areas of the Project. As part of the Phase IA Study, a search of OPRHP records indicated that no archaeological investigations have been conducted and no archaeological sites have been identified within a 1-mile radius of the Project.

An archaeological sensitivity analysis of the Project Area determined that approximately 149 acres of the approximately 771-acre Project Area (approximately 19 percent) are considered to have high sensitivity for archaeological resources. Areas of moderate archaeological sensitivity constitute approximately 368 acres (approximately 48 percent) and 257 acres (approximately 33 percent) are considered to have low archaeological sensitivity. Generally, areas of high sensitivity for historic resources include locations near historic roads and areas where structures have appeared on historic mapping. Hilltops, ridgelines, and stream terraces overlooking water sources are considered as having a high sensitivity for prehistoric resources. Moderate sensitivity areas include upland, well-drained areas displaced from water sources, and areas of low sensitivity are steeply sloped, poorly drained, or previously developed.

Cultural Synopsis

A synopsis of the prehistoric and historic periods is presented to provide a context for interpreting cultural resources of the Project Area. The central region of New York State has been occupied for approximately 12,500 years. The prehistory of this region is conventionally divided into the Paleoindian, Archaic, Woodland, and Contact cultural periods. The history of the Project region ranges from early exploration and contact with the Iroquois, particularly the Seneca, through modern-day development.

Prehistoric Overview

The Paleoindian period represents the earliest human occupation in the northeastern United States. Paleoindian populations were highly mobile hunter-gatherers who specialized in hunting large game (Funk, 1976). Subsistence patterns included hunting of a variety of smaller game, as

well as fishing and the exploitation of available plant foods (McNett, 1985; Nicholas, 1983 and 1987). Fluted projectile points are characteristic of Paleoindian peoples. Paleoindian sites in this region have been classified as either camps or quarry workshops, although many sites consist merely of isolated fluted point finds (Ritchie and Funk, 1973).

The Archaic Period denotes the early cultures in the New York region that had not yet developed ceramic technology and were dependent on hunting, gathering, and fishing for subsistence (Ritchie, 1980; Ritchie and Funk, 1973). The subsistence and technological changes associated with the end of the Pleistocene are reflected in new technologies and tool types that define the increasing resource utilization of the Archaic Period. The Terminal Archaic, which some researchers date from 1700 to 700 BC, was a transitional period in which subsistence and settlement systems changed and new artifact types were introduced.

The Woodland Period is denoted by the appearance of new cultural traits, such as the widespread use of ceramics, as well as the intensification of older traits that were carried over from the Late and Terminal Archaic subperiods (Ritchie, 1980; Ritchie and Funk, 1973). During the Woodland period (1000 BC to AD 1600), the adoption of horticulture played an integral part in population growth, subsistence, and settlement systems as well as in the establishment of large villages in mostly riverine settings. The Iroquoian Seneca tribe inhabited the area that would become Schuyler County at the time of European contact. Powerful both politically and economically, the Seneca hunted and traded throughout the mid-Atlantic and played a significant role in colonial affairs and commerce from Virginia to New York with the English, French, Dutch, and Swedish colonies. The replacement of tools and other materials manufactured by Native American technologies by those manufactured by Europeans (brass kettles, iron knives, glass beads, etc.) defines the Contact Period (Wray, 1973).

Historic Overview

The Seneca retained control of their traditional lands until the 1779 Sullivan raid during the Revolutionary War. The first Europeans settled in the area after the Phelps and Gorham Purchase in 1788, during which the Seneca relinquished their rights to land between Seneca Lake and the Genesee River (Aldrich, 1893; Henry, 2000). Schuyler County was formed in 1854 from portions of Steuben, Chemung, and Tompkins Counties. Primarily rural and agricultural, industries within Schuyler County were generally directly related to the manufacture of farm-related products (Sullivan, 1927).

Transportation improvements were instrumental in the economic and social growth of the region. The construction of the Erie Canal in the 1820s led to increased canal construction within the region. The Chemung Canal, constructed in the 1830s, linked Seneca Lake to the Chemung River, leading to economic growth in the Watkins Glen area (Schuyler County Historical Society, 2019). The New York & Erie Railroad was completed in 1851, linking the area with more populous trade centers.

An agricultural boom directly related to the Civil War led the County to prosperity during and after the War. Schuyler County remains rural, with agriculture and animal husbandry as key parts of the local economy. Tourism likewise plays a major role in the area economy, with wineries and State and local parks drawing tourists.

The Town of Dix was formed in 1835; Watkins Glen is the largest Village within the Town of Dix. Best known for Watkins Glen State Park, the area has served as a tourist hotspot within the Finger Lakes region since the nineteenth century. New York State established the Watkins Glen State Park in 1906, which became the first State Park with free admission. The Glen Springs Resort and Sanitarium, one of the leading spas in the nation, operated in Watkins Glen from 1890 through 1942. US Salt, originally Glen Salt Company, was founded in 1893 in Watkins Glen. The company continues to extract salt from the area. The Watkins Glen International Raceway is located to the immediate east of the Project Area (New York State, 2019). As of the 2010 census, the Town of Dix was home to 3,864 residents (U.S. Census Bureau, 2010).

(3) Phase IB Archaeological Survey

A Phase IB archaeological survey was conducted from July 21 to July 31, 2020, to determine whether archaeological sites are located in the areas of proposed ground disturbance for the Project. In total, 2,184 shovel test pits (STP) were excavated, resulting in the recovery of 312 total artifacts from one historic site (TRC-WG-1), two non-site historic field scatters (TRC-IF-2 and TRC-IF-3), and one prehistoric isolated find spot (TRC-IF-1). Site TRC-WG-1 contains the remnants of a historic structure and is recommended for avoidance or further study. The two non-site historic field scatters (TRC-IF-2 and TRC-IF-3) are not recommended for avoidance or further study. The isolated find spot (TRC-IF-1) is, by definition, considered ineligible for the NRHP and is not recommended for further study.

Field Methods

Phase IB field methods consisted of both systematic surface survey and STP survey to locate archaeological resources within the Project APE. During the Phase IA research, TRC identified areas of high archaeological sensitivity as areas in close proximity to historic features, hilltops, ridgelines, river and stream terraces, and areas adjacent to water sources (within 100 meters). Areas of moderate archaeological sensitivity included relatively level uplands displaced from perennial water sources (greater than 100 meters). Low archaeological sensitivity areas included moderate to steeply sloping surfaces and areas of existing ground disturbance.

In areas of high or moderate archaeological sensitivity, TRC excavated STPs at 15-meter intervals along survey transects in proposed construction impact areas. To help ascertain the viability of the archaeological sensitivity-defined field methods, as per *OPRHP Guidelines*, TRC examined up to 5 percent of all areas identified as high and moderate archaeological sensitivity with a 5-meter STP interval. The locations of the smaller subset of close interval testing in high and moderate archaeological sensitivity areas were based on suitable areas as determined in the field.

In areas of low archaeological sensitivity, which consist predominantly of areas of steep slope, a combination of systematic surface survey and judgmental STP excavation was conducted. Systematic surface survey was conducted in lieu of shovel testing where steep slope, exposed bedrock, wetlands, and/or ground disturbance precluded the utility of shovel testing. Judgmental STPs were excavated in areas of micro-topography, such as small level benches on steep slope and narrow, ephemeral stream crossings, as applicable.

Per *OPRHP Guidelines*, all STPs measured 30 to 50 centimeters in diameter and were excavated to sterile subsoil. Excavated soil was screened through ¼-inch hardware cloth over tarps or plastic sheeting. Soil strata within each shovel test was recorded on standardized forms describing Munsell color and NRCS USDA soil types. Shovel tests were backfilled after completion. Shovel tests were recorded using a *Trimble* sub-meter accurate Global-Positioning System (GPS) unit and plotted on aerial photographs and Project maps. Per *OPRHP Guidelines*, when artifacts were discovered in an isolated shovel test context, a minimum of eight additional shovel tests at 1-meter (3.3 feet) and 3-meter (10 feet) intervals were excavated. All work was conducted inside the Project APE. No deep testing was conducted for this Project based on the absence of deep alluvial floodplains in the Project APE.

Laboratory Methods and Curation

Photographs, field form records, field notes, and maps were returned to TRC's Lanham, Maryland office for processing. All artifacts were cleaned, catalogued, and analyzed according to the *New York Archaeological Council Standards*, and selected items illustrated. All analysis was conducted according to the *OPRHP Guidelines*, and the Secretary of the Interior's *Standards and Guidelines for Curation* (36 CFR 79). Lab work was undertaken to determine the age, function, cultural affiliation, and significance of the identified sites. Deeds of gift will be obtained for any collections derived from this investigation prior to submittal to the New York State Museum (NYSM) or other identified repository for permanent curation at a State-approved facility (to be identified via consultation with the OPRHP).

The Applicant understands that all artifacts recovered during this contract are the property of the landowner from which the artifacts were recovered. The Applicant also anticipates that the Project's cultural resources consultant will curate any recovered artifacts in a manner consistent with professional standards. TRC will work with the Applicant to identify local repositories (such as local historical societies or archaeological museums) for disposition of recovered artifacts. Collected artifacts were processed in a manner consistent with professional standards, such as the New York Archaeological Council's (NYAC) Standards for Cultural Resource Investigations and Curation of Archaeological Collections in New York State (NYAC 1994; the NYAC Standards).

Survey Report

Following completion of the research and fieldwork, TRC prepared a Phase I archaeological survey report following the OPRHP Guidelines. The report summarizes the Phase IA research, describes the fieldwork methods and results of the Phase IB survey, and provides recommendations. In support of the text, historical maps and photographs were prepared to illustrate findings. Tables including the artifact inventory were also included. The report provides recommendations on whether the identified archaeological sites are eligible or ineligible for inclusion on the NRHP, or if Phase II studies are required to determine site eligibility. TRC drafted a Phase IB report and this report was submitted to the OPRHP for review on October 5, 2020. Following review, if necessary, TRC will make any recommended changes and a Final Report will be produced and filed with the Siting Board.

(4) Phase II Archaeological Studies

If necessary, based on the Phase IB Study results and as determined in consultation with the OPRHP, a Phase II archaeological study may be requested to assess the boundaries, integrity, and significance of cultural resources identified in proposed construction impact areas. If required, any Phase II investigations will be designed to obtain detailed information on the integrity, limits, structure, function, and cultural/historic context of an archaeological site, as feasible, sufficient to evaluate its potential eligibility for listing in the SRHP or NRHP. The need for and scope of work for such investigations will be determined in consultation with the OPRHP and New York State Department of Public Service (NYSDPS). Should the outcome of a Phase II investigation result in the determination that an impacted site is not eligible for inclusion in the NRHP, then the proposed impact would not result in an adverse effect to cultural resources.

(5) Phase III Archaeological Studies

If necessary, a Phase III Data Recovery Plan will be proposed, following completion of a Phase II archaeological study, if any identified archaeological site cannot be avoided through modification of Project design. The Phase III Data Recovery Plan will be prepared by the Applicant in consultation with the New York State OPRHP and submitted prior to construction. The Phase III Data Recovery would be conducted in advance of any ground-disturbing activities and would serve to mitigate impacts caused by Project development to any NRHP-eligible archaeological site(s).

(6) List of Recovered Artifacts

A detailed list of artifacts recovered during excavations will be provided following completion of the excavation and subsequent laboratory processing and analysis.

(7) Unanticipated Discovery Plan

It is possible that archaeological resources could be discovered during construction at the Project Area. If so, the Unanticipated Discovery Plan, presented below, outlines the approach to address such emergency discoveries to ensure that potentially significant archaeological resources are dealt with in full accordance with state and federal requirements, including the most recent *Standards for Cultural Resource Investigations and Curation of Archaeological Collections in New York State*. This approach would also ensure that procedures and lines of communication with the appropriate government authorities are clearly established prior to the start of construction so

that discoveries can be addressed quickly, minimizing the impacts to the construction schedule if possible.

Although the Project Area is not considered to be archaeologically sensitive, a potential exists for identifying archaeological resources in the Project Area. Therefore, the involved personnel will follow standardized procedures in accordance with state and federal regulations detailed below.

The agricultural and Environmental Monitor (EM) and construction personnel would be provided with a preconstruction briefing regarding potential cultural resources indicators. These indicators would include items such as recognizable quantities of bone, unusual stone or ash deposits, or black-stained earth that could be evident in spoil piles or trench walls during construction. In the event that potentially significant cultural resources or human remains are discovered during construction, the EM and construction personnel would be instructed to follow the specific requirements and notification procedures outlined below. Cultural resource discoveries that require reporting and notification include human remains and recognizable, potentially significant concentrations of artifacts or evidence of human occupation.

If cultural resources indicators are found by construction personnel, the construction supervisor would be notified immediately. The supervisor, in turn, would notify the EM, who would contact a designated archaeologist, who would be available to respond to this type of find. Based on the information provided, the archaeologist would determine if a visit to the area is required and, if so, would inform the construction crews. No construction work at the potential archaeological site that could affect the artifacts or site would be performed until the archaeologist reviews the site. The potential archaeological site would be flagged as being off-limits for work but would not be identified as an archaeological site per se to protect the resources. The archaeologist would conduct a review of the site and would test the site as necessary. The archaeologist would determine, based on the artifacts found and on the cultural sensitivity of the area in general, whether the site is potentially significant and would consult with the OPRHP regarding site clearance.

Discovery of Human Remains

If Native American human remains are encountered, procedures for such discoveries would be followed in accordance with state regulations. The procedures involve consultation with the SHPO or the Tribal Historic Preservation Office (THPO) and appropriate interested parties in an effort to

identify and notify next of kin, closest lineal descendant, or the Indian tribes who may be culturally affiliated with the remains, and to determine appropriate treatment and disposition of the remains.

When human remains are encountered, work in the near vicinity of the remains would cease and reasonable efforts made to avoid and protect the remains from additional impact. In cases of inclement weather, the human remains would be protected with tarpaulins. The County Medical Examiner would be notified of the discovery. If the remains are found to be other than human, construction will be cleared to proceed. If the remains are human, and are less than 75 years old, the Medical Examiner and local law enforcement officials will assume jurisdiction.

If the remains are found to be human and older than 75 years, the OPRHP will be notified and may assume jurisdiction of the remains. If jurisdiction is assumed by the OPRHP, they will a) determine whether the human remains represent a significant archaeological resource, and b) make a reasonable effort to identify and locate persons who can establish direct kinship, tribal community, or ethnic relationship with the remains. If such a relationship cannot be established, then the OPRHP may consult with a committee to determine the proper disposition of the remains. This committee shall consist of a human skeletal analyst, Native American members of current State tribes recommended by the Governor's Council on Indian Affairs, and "an individual who has special knowledge or expertise regarding the particular type of the unmarked human burial."

A plan for the avoidance of any further impact to the human remains and/or mitigative excavation, re-interment, or a combination of these treatments will be developed in consultation with the OPRHP and if applicable, appropriate Native American tribes or closest lineal descendants. All parties will be expected to respond with advice and guidance in an efficient time frame. Once the plan is agreed to by all parties, the plan will be implemented.

20(b) Study of the Impacts on Historic Architectural Resources

TRC completed a Historic Architecture Reconnaissance Survey for the Project, consistent with Section 106 of NHPA and OPRHP Guidelines. The purpose of the architectural survey is to identify the presence of historic architectural properties resources aged 50 years or older within the APE for the architectural survey, evaluate these historic architectural resources for their eligibility for listing in the NRHP, and to provide an assessment of the potential adverse effects of the Project on those historic architectural resources that are listed in, previously determined eligible for listing in, or recommended and/or eligible for listing in the NRHP.

Background Research

In order to locate previously identified historic resources, TRC conducted an initial desktop analysis utilizing the OPRHP's CRIS and NRHP online databases, historical maps, aerial imagery, secondary historical sources, online county tax parcel data, and county histories. The initial review of previously identified resources located within the 2-mile Study Area includes one NRHP listed resource and one NRHP eligible district. Additionally, there are 16 resources previously determined not eligible for NRHP listing and two resources with an undetermined NRHP eligibility status.

Architectural Field Survey

TRC conducted a historic architectural field survey of the proposed APE, following the OPRHP *Guidelines*, on January 16 and 17, 2020. The historic architectural field survey revisited all previously recorded resources and documented newly identified architectural resources 50 years old or older within the Project APE. The field survey included systematically driving all public roads within the APE to identify resources present. TRC assessed all resources from public rights-of-way (ROW). Based on consultation with OPRHP (June 5, 2019, and January 9, 2020; see Attachment D of Appendix 20-3), TRC architectural historians surveyed buildings within the Project APE and inventoried these buildings into the CRIS Trekker .

TRC field-checked and photographed all previously identified NRHP-listed and eligible historic properties to record existing conditions and reassess their current NRHP status. Each previously identified but unevaluated resource and each newly identified resource were documented via photography, and resource inventory forms were initiated using CRIS Mobile Pro and Survey123 in the field. TRC used CRIS Trekker to complete resource inventory forms, which included georeferenced locations, physical descriptions, materials, condition, integrity, and other noteworthy characteristics of each resource, as well as proposed eligibility for NRHP listing.

Identification of Historic Properties

The architectural field survey identified a total of 58 architectural resources aged 50 years or older in the APE. Of those 58, 1 is NRHP eligible, 6 are recommended eligible for NRHP listing, 1 newly surveyed resource is recommended undetermined, and 51 are recommended not eligible for NRHP listing due to loss of integrity or lack of historical significance. TRC did not identify any potential historic districts during the survey. Based on resource proximity to Project Components, TRC recommends that the Project will not have an adverse effect on any historic architectural

resources. TRC's analysis of the undertaking in relation to historic resources concludes that construction activities will not directly or indirectly affect the character-defining features that contribute to the significance of any NRHP-listed, eligible, or recommended eligible resources in the APE.

Reporting

TRC's Historic Architectural Resources Survey and Effects Report is included as Appendix 20-3. The report includes a description of the Project, statement of methodology, historic context, summary of surveyed resources, and field results. Survey results include recommendations of NRHP eligibility and a preliminary assessment of Project effects. Surveyed resources were submitted to OPRHP using CRIS Trekker. The Historic Architectural Resources Survey and Effects Report was submitted to OPRHP via CRIS on August 5, 2020.

Preliminary Assessment of Effects

To identify and summarize the nature of probable impacts on architectural historical resources pursuant to Section 106 and Article 10, TRC's Historic Architectural Resources Survey and Effects Report includes a preliminary assessment of effects to historic architectural resources. To assess Project effects, the consultant applied the Secretary of the Interior's *Standards for the Treatment of Historic Properties* in combination with the Advisory Council on Historic Preservation's Criteria of Adverse Effect (36 CFR § 800.5 (a)). Additional guidance derives from the Council of Environmental Quality's *Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act* (40 CFR § 1500 – 1508). TRC's preliminary assessment of effects concludes that the Project will not alter, directly or indirectly, any of the characteristics, significance, and/or integrity of the seven identified historic properties that qualify them for inclusion in the NRHP. TRC recommends that the likelihood of incremental effects caused by the Project to historic properties in the APE from past, present, or reasonably foreseeable future actions is low. Thus, the Project will have no reasonably foreseeable cumulative effect to historic properties. Accordingly, TRC offers preliminary recommendations of no adverse effect to historic properties in the APE.

(1) SHPO Consultation and Definition of Area of Potential Effects (APE)

SHPO Consultation

The OPRHP replied to the initial Request for Consultation Letter (April 18, 2019) with a request for the Historic Architectural Resources Survey on June 5, 2019 (Attachment D of Appendix 20-3). Consequently, TRC consulted with the OPRHP (phone conversation on July 30, 2019) to define the APE, as defined below, and seek approval for proposed survey methodology and reporting expectations. On January 9, 2020, TRC submitted a methodology proposal to OPRHP to conduct an architectural resources survey using the CRIS Trekker. OPRHP approved the proposal and requested the CRIS Trekker survey on January 16, 2020 (Attachment D of Appendix 20-3).

Definition of APE

As defined in 36 CFR 800.16 (d), the APE means the geographic area or areas within which an undertaking may directly or indirectly cause changes in the character or use of historic properties. The APE is determined in relation to the scale of the undertaking, including new construction, improvements, or demolitions to be made during operation and maintenance of the Project. The APE also includes areas that may have visual or indirect impacts.

Identification of effects (e.g., visual, atmospheric, or audible) includes investigations of those areas removed in distance, where Project Components will be visible and where there is a potential for a significant visual effect. The Study Area used for aboveground resource analysis is composed of areas within 2 miles of the proposed Project and areas that fall within the potential Project viewshed (i.e., those areas from which the Project is potentially visible). The APE for the survey includes the Project footprint and extends beyond the Project's limits-of-disturbance to areas within a 2-mile-radius Study Area that have views of the undertaking. The viewshed was determined by using a bare-earth topography, Geographic Information System (GIS)-based analysis that does not include visual impediments such as trees and buildings.

20(c) Consultation with Federally Recognized Tribes

On behalf of NYSDPS, consultation with federally recognized Indian Nations will be initiated by OPRHP, consistent with government-to-government consultations. Based on the Project's geographical location, consultation will be conducted with the Seneca Nation of Indians and other Indian Nations as determined by NYSDPS and OPRHP.

20(d) Collection Line Installation

Installation methods used for collection lines will include typical methods such as horizontal directional drilling (HDD), cable plow, and open trench. Potential impacts on cultural resources as a result of collection line installation will be minimized to the maximum extent practicable through avoidance of identified cultural resources.

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