



TRELINA SOLAR ENERGY CENTER

Case No. 19-F-0366

1001.20 Exhibit 20

Cultural Resources

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Appendices

Appendix 20-1. Phase IA Archaeological Survey and Sensitivity Assessment

Appendix 20-2. Historic Architectural Survey and Effects Report

Exhibit 20 Cultural Resources

This Exhibit will track the requirements of proposed Stipulation 20, dated June 19, 2020, and therefore, the requirements of 16 New York Codes, Rules and Regulations (NYCRR) § 1001.20.

This Exhibit addresses the potential impacts of the construction and operation of the Trelina Solar Energy Center (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 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 (36 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 likely require a Nationwide Permit from the United States Army Corps of Engineers (USACE), in addition to the Article 10 certificate, consultation for the Project is expected to also follow the federal Section 106 review process.

OPRHP-SHPO Consultation

Consistent with 16 NYCRR § 1001.20 and 36 CFR § 800, the Applicant, through its consultant, TRC (TRC or Consultant), initiated formal consultation with the OPRHP to develop the scope and methodology for cultural resources studies for the Project (included with Appendix 20-2). The Consultants 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 Resource Information System (CRIS) website consisting of the following technical documents for OPRHP review:

- *Request for Consultation Letter of June 3, 2019: Proposed Trelina Solar Energy Center, Town of Waterloo, Seneca County;*
- *Phase IA Archaeological Survey and Sensitivity Assessment;*
- *Proposed Methodology for the Historic Architectural Survey; and*
- *CRIS Trekker Building and District Inventory Forms*

On June 12, 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 15, 2019 (Appendix 20-1). In a letter dated October 25, 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. Archaeological fieldwork is not recommended for panel arrays, perimeter fencing, and utility poles as long as the associated posts are driven or drilled and the disturbances mentioned above are not involved.

Details of work completed to date are provided in this document. 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 included in this Exhibit.

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

(1) Consultation with Local Historians

This section addresses Stipulation 20(a)(1), which entails consultation, as relevant and necessary, with local historians and historical societies such as the Town of Waterloo Historical Society and the Town of Waterloo Town Supervisor, to identify locally significant archaeological or cultural resources. TRC made inquiry, as necessary, for information pertaining to potential cultural resources in the Study Area.

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

This section addresses Stipulation 20(a)(2), which requires a summary of the nature of the probable impact to any archaeological/cultural resources identified and addresses how those impacts will be avoided or minimized, to the maximum extent practicable. To date, the Project Area has not been subject to Phase IB archaeological field survey for archaeological resources (section 20(a)(4) below). Measures to avoid impacts to any potentially significant archaeological resources will be taken throughout Project design.

If resources are identified within 100 feet of proposed Facility-related impacts, and can be avoided, the Applicant will identify their locations as “Environmentally Sensitive Areas” on the final Facility construction drawings and mark them in the field by construction fencing with signs that restrict access. These measures are considered adequate to ensure that impacts to potentially significant archaeological resources are avoided.

(3) Phase IA Archaeological/Cultural Study

This section addresses Stipulation 20(a)(3), which requires an archaeological/cultural resource review for the Area of Potential Effects (APE) and any areas to be used for interconnections or related facilities, including a description of the methodology used for such study.

Phase IA Study Methods and Results

Background research 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 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 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 I study, a search of OPRHP records indicated that one previously identified archaeological site (Site 09910.000073) is located within the Project Area and one previous archaeological survey was conducted within the Project Area. Site 09910.000073 is noted as not eligible for inclusion in the NRHP. Furthermore, 10 archaeological investigations have been conducted and five additional previously identified archaeological sites have been identified within a one-mile radius of the Project.

An archaeological sensitivity analysis of a 1,927-acre Study Area, surrounding the 1,067-acre Project Area, determined that approximately 404 acres (approximately 43 percent) are considered to have high sensitivity for archaeological resources. Areas of moderate sensitivity constitute approximately 452 acres (approximately 49 percent), and 71 acres (approximately 8 percent) is considered to have low sensitivity. Areas located in close proximity to known archaeological resources, as well as level areas with well-drained soils located near freshwater sources, are considered to have high sensitivity for prehistoric resources. Moderate sensitivity areas include minimal to moderately sloped areas further from surface water sources. Areas of low sensitivity are steeply sloped or poorly drained. Areas of high sensitivity for historic resources include locations near historic roads and areas where structures have appeared on historic maps.

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 since about 12,500 years ago. 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. Paleo-Indian 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 – 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 – 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 lost control of their traditional lands 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). The Village of Geneva was founded by Charles Williamson in 1793 and incorporated in 1806. Due to its ideal location and access to trade routes, Geneva quickly became the largest settlement in central and western New York (Ladd 2003). Seneca County was founded in 1804.

Subsistence agriculture formed the foundation of the local economy in the early- to mid-nineteenth century. The availability of waterpower in the form of rapids and waterfalls provided incentives for mills and other water-powered industries. Agriculture remained the chief economic priority until the mid-nineteenth century, when improvements in transportation brought increased prosperity and opportunity to the region (City of Geneva 2006).

Transportation improvements included the addition of roads, canals, and railroads. The road running along the north shore of Seneca Lake, immediately south of the Project Area, was an important road to both the Iroquois and American settlers and the east-west Genesee Road leading settlers west provided a clientele for taverns, stables, and towns. The construction of the Cayuga-Seneca Canal connected the area to the Erie Canal and turned the region into a trade center. Railroads further connected the area with the great cities of the East and West. From 1841 to 1853, all trains travelling between Albany and Buffalo passed through Seneca Falls and Waterloo, leading to massive population and economic growth (Seneca County 2019).

An agricultural boom directly related to the Civil War led to prosperity during and after the war. Seneca County is within Finger Lakes Wine Country; the region boasts over 100 wineries. Tourism plays a major role in the area economy, with wineries, state and local parks, and agricultural tourism drawing tourists from the northeast and across the country. Health care, manufacturing, and retail trade make up a large part of the twenty-first-century economy. As of the 2010 census, Seneca County was home to 35,251 residents (U.S. Census Bureau 2010).

The area now known as Waterloo was originally the location of the Cayuga Indian village of Skoi-Yase, located near the rapids of the Seneca River. The village was destroyed during the Sullivan Campaign in 1779 (Waterloo, NY 2019). Euro-American settlement in the area of Waterloo began in 1794, when Onondaga County was formed from parts of Herkimer County. Waterloo became

the county seat in 1817. The reduction of Seneca County in 1823 placed Waterloo at the northern border of the county. A compromise was reached to use both Ovid and Waterloo as county seats, designating Seneca County as a two-shire county. Waterloo was incorporated in 1824.

Early settlers were attracted to the area for its waterpower and rich, fertile land. The first settlers in the area erected a grist mill, initiating settlement and industrial development in the area. Early industries that relied on waterpower likewise were formed along the Seneca River, including distilleries and tanneries. Later industries included the manufacture of wooden goods, wagons, pianos, organs, and other products (Waterloo, NY 2019). As of the 2010 census, the Town of Waterloo was home to 5,171 residents (U.S. Census Bureau 2010).

(4) Phase IB Archaeological Survey

A Phase IB archaeological survey is scheduled to occur concurrently with the filing of this Application and will be conducted to determine whether archaeological sites are located in the areas of proposed ground disturbance for the Project. Due to work restrictions ordered by the Governor as a result of the COVID-19 pandemic, the Applicant was unable to perform the Phase IB survey as of the filing of this Application. The results of this Phase IB survey will be filed with the Siting Board shortly thereafter.

Field Methods

Phase IB field methods will consist of both pedestrian and shovel test pit (STP) surveys to locate all archaeological resources within the Project APE. In areas of high and moderate sensitivity, TRC will excavate STPs at 15-meter intervals along survey transects in all proposed construction impact areas. During the Phase IA research, TRC identified areas of high sensitivity as areas in close proximity to historic features noted on historic maps and known archaeological sites, as well as level areas with well-drained soils located near freshwater sources. Areas of moderate sensitivity included relatively level uplands displaced from water sources (greater than 100 meters). Low sensitivity areas included moderate to steeply sloping surfaces, poorly drained areas, and areas of existing ground disturbance.

To help ascertain the viability of the probability-defined field methods, as per *OPRHP Guidelines*, TRC will examine up to 5 percent of all areas identified as high and moderate sensitivity with a 5-meter STP interval. The locations of the smaller subset of close interval testing in high and moderate sensitivity areas are based on suitable areas as determined in the field.

In areas of low sensitivity, which consist predominantly of areas of steep slope, poorly drained areas, and areas of prior disturbance, a combination of pedestrian survey and judgmental STP excavation will be conducted. Pedestrian survey is conducted in lieu of shovel testing where steep slope, exposed bedrock, wetlands, and/or ground disturbance precludes the utility of shovel testing. Judgmental STPs will be excavated in areas of micro-topography, by the discretion of the Field Director.

Per OPRHP *Guidelines*, all STPs will measure 30-50 centimeters in diameter, and will be excavated to sterile subsoil. All excavated soil will be screened through ¼-inch hardware cloth over tarps or plastic sheeting. Soil strata within each shovel test will be recorded on standardized forms describing Munsell color and USDA soil types. All shovel tests will be backfilled after completion. All shovel tests will be recorded using a *Trimble* sub-meter accurate Global Positioning System (GPS) unit and plotted on aerial photographs and Project maps. Per OPRHP *Guidelines*, if artifacts are 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 will be excavated. All work will be conducted inside the Project APE. No deep testing is anticipated for this Project based on the absence of deep alluvial floodplains in the Project footprint.

Laboratory Methods and Curation

Photographs, field form records, field notes and maps will be returned to TRC's Lanham, Maryland office for processing. Should artifacts be recovered during the survey, they will be cleaned, catalogued, and analyzed according to the *New York Archaeological Council Standards*, and selected items illustrated. All analyses will be conducted according to the OPRHP *Guidelines*, and the Secretary of the Interior's *Standards and Guidelines for Curation* (36 CFR 79). Lab work will be 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. If appropriate, the Consultant may identify local repositories (such as local historical societies or archaeological museums) for disposition of recovered artifacts.

Collected artifacts will be 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 will prepare a Phase I archaeological survey report following the OPRHP Guidelines. The report will summarize the Phase IA research, focus on the fieldwork methods and results of the Phase IB survey, and provide recommendations for any identified archaeological resources. In support of the text, historical maps and photographs will be prepared to illustrate findings. Tables including the artifact inventory will be appended as needed. If archaeological sites are identified, the report will provide recommendations on whether the sites are eligible or ineligible for inclusion on the NRHP, or if additional Phase II studies would be required to determine site eligibility. A Draft Report will be produced and submitted to the OPRHP for preliminary review. Following review, the Project will make any necessary changes and a Final Report will be produced and filed with the OPRHP and the Siting Board.

(5) 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 will be conducted to assess the boundaries, integrity, and significance of cultural resources identified in proposed construction impact areas. 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 the 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. Any Phase II studies, if required, will be conducted following any required Compliance Filing.

(6) Phase III Data Recovery Plan

If necessary, a Phase III Data Recovery Plan will be proposed, following completion of a Phase II archaeological study, if any identified archaeological site is determined eligible for the SRHP or NRHP and cannot be avoided through modification of Project design. The need for and scope of

a Phase III Data Recovery Plan will be determined in consultation with the OPRHP and the DPS and will be submitted as part of the Compliance Filing. The Phase III Data Recovery would be conducted in advance of any ground-disturbing activities and would serve to mitigate the adverse effects caused by Project development to any NRHP-eligible archaeological site(s).

(7) 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.

(8) Unanticipated Discovery Plan

It is possible that archaeological resources could be discovered during construction at the Project Area. As such, this Unanticipated Discovery Plan presents 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.

Because portions of the Project area are considered to be archaeologically sensitive, the potential exists for the unanticipated discovery of archaeological resources in the Project Area that were not identified during Phase I archaeological survey. Therefore, the involved personnel will follow standardized procedures in accordance with State and Federal regulations detailed below.

Both the Environmental Monitor (EM) and the 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 notify 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 human remains are encountered, procedures for such discoveries would be followed in accordance with State regulations and the OPRHP's Human Remains Discovery Protocol (August 2018). Human remains must be treated with dignity and respect at all times. Should human remains or suspected human remains be encountered, work in the general area of the discovery will stop immediately and the location will be secured and protected from damage and disturbance. If skeletal remains are identified and the archaeologist is not able to conclusively determine whether they are human, the remains and any associated materials must be left in place. A qualified forensic anthropologist, bioarchaeologist or physical anthropologist will assess the remains in situ to help determine if they are human. No skeletal remains or associated materials will be collected or removed until appropriate consultation has taken place and a plan of action has been developed.

The SHPO, the appropriate Indian Nations, the involved state and federal agencies, the coroner, and local law enforcement will be notified immediately. Requirements of the coroner and local law enforcement will be adhered to. A qualified forensic anthropologist, bioarchaeologist or physical anthropologist will assess the remains in situ to help determine if the remains are Native American or non-Native American.

If human remains are determined to be Native American, they will be left in place and protected from further disturbance until a plan for their avoidance or removal can be generated. Please note

that avoidance is the preferred option of the SHPO and the Indian Nations. The involved agency will consult SHPO and the appropriate Indian Nations to develop a plan of action that is consistent with the Native American Graves Protection and Repatriation Act (NAGPRA) guidance. Photographs of Native American human remains and associated funerary objects should not be taken without consulting with the involved Indian Nations.

If human remains are determined to be non-Native American, the remains will be left in place and protected from further disturbance until a plan for their avoidance or removal can be generated. Please note that avoidance is the preferred option of the SHPO. Consultation with the SHPO and other appropriate parties will be required to determine a plan of action. To protect human remains from possible damage, the SHPO recommends that burial information not be released to the public.

The plan will also include a provision for work stoppage in the immediate site of the find upon the discovery of possible archaeological or human remains. Evaluation of such discoveries, if warranted and as consistent with State regulations and the OPRHP's Human Remains Discovery Protocol (August 2018), will be conducted by a professional archaeologist, qualified according to the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation, including Professional Qualifications Standards found in 26 CFR Part 61, and the NYAC Standards. The Unanticipated Discovery Plan will also specify the degree to which the methodology used to assess any discoveries follows the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation and the NYAC Standards.

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

TRC completed a Historic Architectural Resources Survey for the Project, using a methodology developed in consultation with OPRHP. The purpose of the architectural survey is to identify historic architectural resources aged 50 years old 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 effects of the Project on those historic architectural resources that are listed in, previously determined eligible for listing in, or recommended 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 database. The initial review of previously identified resources located within the two-mile Study Area includes 493 architectural resources. Of those, 13 are NRHP-listed, 25 are NRHP-eligible, 323 were previously determined not eligible for NRHP listing, and 132 have an undetermined NRHP eligibility status.

Five of the previously identified resources are comprised of multiple buildings. Four are historic districts, each containing multiple buildings: NRHP-listed Genesee Park Historic District (USN 06940.000818), NRHP-listed Geneva Downtown Commercial Historic District (USN 06940.000819), NRHP-listed South Main Street Historic District (USN 06940.000817), and NRHP-eligible South Main Street Historic District (Boundary Increase) (USN 06940.000862). The fifth, NRHP-listed St. Francis De Sales Parish (USN 06940.000794), contains four individual buildings but is not considered a historic district.

One previously identified resource is within the Project Limit of Disturbance (LOD) but has been previously determined by OPRHP to be not eligible for NRHP listing.

Architectural Field Survey

TRC conducted a historic architectural field survey of the proposed APE between January 13 and 16, 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. Field survey included systematically driving or walking all public roads within the APE to identify resources present. TRC assessed all resources from public rights-of-way (ROW), except for two properties within the Project Area for which property owner permission for access was granted. Buildings within the Project APE were surveyed and inventoried into CRIS Trekker by TRC architectural historians.

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 180 architectural resources aged 50 years or older in the APE. Of those 180 surveyed historic properties, two are NRHP listed, four were previously determined NRHP eligible, and 20 are recommended eligible for NRHP listing. The 20 recommended NRHP eligible historic architectural resources includes three proposed NRHP-eligible historic districts identified during the survey: Castle Heights Historic District, Lehigh Gardens Historic District, and Historic North Historic District in the City of Geneva.

One newly identified architectural resource is located within the Project LOD. TRC has recommended this resource to be not eligible for listing in the NRHP due to its lack of architectural significance and diminished integrity.

A second newly identified resource is located within the Project Area but is outside of the Project LOD. TRC has recommended this resource to be eligible for the listing in the NRHP.

Reporting

TRC's Historic Architectural Resources Survey and Effects Report is presented as Appendix 20-2. The report includes a description of the Project, the technical approach for the survey methodology, a historic context, a summary of surveyed resources, and the survey results. Survey results include recommendations of NRHP eligibility and a preliminary assessment of Project effects. Surveyed resources were submitted to OPRHP using CRIS Trekker.

Preliminary Assessment of Effects

In order to identify and summarize the nature of probable impacts on architectural historical resources pursuant to Section 106 and Article 10, TRC's Historic Architecture Reconnaissance Survey 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).

Based on field observations, resource locations' proximity to Project structures, and Geographic Information System (GIS) modeling, TRC recommends that the Project has the potential to affect two historic architectural properties within the APE, but the effects will not be adverse. TRC's preliminary assessment of effects concludes that the proposed Project will not alter, directly or indirectly, any of the characteristics, significance, and/or integrity of the identified historic resources 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 non-existent. Thus, the Project will have no reasonably foreseeable cumulative effects to historic properties. Accordingly, TRC offers a preliminary recommendation of no adverse effect to historic architectural properties in the APE.

(1) Consultation and Definition of APE

SHPO Consultation

TRC initiated consultation with OPRHP on June 3, 2019, proposing a five-mile radius Study Area for historic architectural resources consistent with 16 NYCRR § 1000.2(ar) and noting that the final APE for the Historic Architectural Survey would be determined in consultation with OPRHP. On June 12, 2019, the OPRHP replied to the initial Request for Consultation Letter (June 3, 2019) with a request for an Historic Architectural Resources Survey of aboveground historic resources within, adjacent to, and within the immediate viewshed to the Project. On January 9, 2020, On January 9, 2020, OPRHP notified TRC that the historic architectural resources survey should be conducted through OPRHP's new 'Trekker' program for such surveys. TRC provided OPRHP with a workplan to complete the Historic Architectural Resources Survey and on January 14, 2020, OPRHP approved the historic architectural methodology.

Definition of Area of Potential Effects (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 (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.

TRC's initial consultation with OPRHP (June 3, 2019) proposed a five-mile radius Study Area for historic architectural resources consistent with 16 NYCRR § 1000.2(ar), noting that the final APE for the Historic Architectural Survey would be determined in consultation with OPRHP. OPRHP reviewed the letter and indicated on June 12, 2019, that a survey of aboveground historic resources within, adjacent to, and within the immediate viewshed to the Project APE was necessary.

TRC consulted with the OPRHP (email conversation on October 15, 2019) to refine the study area for the historic architectural resources survey. OPRHP responded (October 16, 2019) with guidance that revised the study area for the historic architectural resources survey from five miles from the Project boundary to two miles from the Project boundary and also requested a viewshed analysis that took into account topography and the screening effects of vegetation as visual and a sampling of buildings in the City of Geneva based on view potential. The DPS was copied on all correspondence with the OPRHP.

On January 9, 2020, OPRHP requested from TRC "a study area map which shows areas of Project visibility within a two-mile buffer. Project visibility should be based on both topography and vegetation". TRC provided OPRHP with the requested visibility mapping to illustrate visible and non-visible areas in the two-mile-radius Study Area based on topography and vegetation screening. The viewshed presented in the visibility mapping was determined by using a GIS-based analysis that considered visual impediments such as topography and vegetation. On January 14, 2020, OPRHP approved the APE for the Historic Architectural Resources Survey, which was defined as the Project footprint and the area extends beyond the Project's LOD to include areas with visibility of the Project within the two-mile-radius Study Area.

(2) Cemeteries within the APE and the Project Area

TRC identified one cemetery within the Project Area boundaries, located on a farm property at 2645 Serven Road, in the Town of Waterloo. Access to the property was granted by the property owner at the time of survey. The cemetery is a family burial ground, located in the woods east and south of the ground barn on the farm. Family surnames include Strauhgan, Wooden, and Clise. Some of the headstones have been damaged. The family cemetery is the only one identified

within the Project Area. The property at 2645 Serven Road is recommended NRHP eligible, and the cemetery is a contributing feature. The NRHP eligible boundary for the property, which includes the cemetery, is outside of the archaeological APE, but is within the architectural APE. No additional cemeteries were identified within the architectural APE.

20(c) Consultation with Federally Recognized Tribes

Pursuant to Section 14.09 of the NYHPA, consultation with Indian Nations recognized by New York State would be conducted by OPRHP on behalf of DPS, consistent with state government-to-government consultation procedures. OPRHP's Indian Nation Areas of Interest map indicates that the Project's geographical location is within the Cayuga Nation's area of interest and it is possible that other tribes may be included in government-to-government consultation as determined by DPS and OPRHP. The THPOs of the Seneca Nation of Indians, Tonawanda Seneca Nation, Seneca-Cayuga Nation, and Cayuga Nation have been included on the Master Stakeholder List.

Pursuant to Section 106 of the NHPA, consultation with federally recognized Indian tribes would be conducted by the lead federal agency, consistent with applicable federal government-to-government consultation rules, regulations, and agency-specific procedures. Because the Project will likely require a Nationwide Permit from the USACE, in addition to the Article 10 certificate, the USACE would be the federal agency responsible for consulting with federally recognized Indian tribes for those portions of the Project under USACE jurisdiction.

20(d) Collection Line Installation

Typical installation methods for collection lines include cable plow, open trench, and horizontal directional drilling (HDD). Impacts on any archaeological resources that are identified during the Phase IB survey at the original line location and are determined NRHP eligible will be avoided by re-designing the collection line to avoid the resource.

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