



# **NORTH SIDE ENERGY CENTER**

**Case No. 17-F-0598**

**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 10, 2021, and therefore, the requirements of 16 New York Codes, Rules, and Regulations (NYCRR) § 1001.20, which requires a study of the 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 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 wetland permit 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). 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 Resources Information System (CRIS) website consisting of the following technical documents for OPRHP review:

- *Request for Consultation Letter of April 24, 2020;*
- *Phase IA Archaeological Survey and Sensitivity Assessment (July 7, 2020);*
- *Historic Architectural Resources Survey Methodology (February 9, 2021);*
- *Visual Impact Assessment Report (October 21, 2020); and*
- *Phase IB Archaeological Survey Scope of Work (November 9, 2020).*
- *Phase IB Archaeological Survey Report (February 19, 2021)*

On June 2, 2020, 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 July 7, 2020 (Appendix 20-1). In a letter dated July 21, 2020, 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. Areas of significant ground disturbance include areas of grading and excavation more than six inches deep, grubbing, tree and stump removal, and trenches more than three feet wide. Archaeological fieldwork is not recommended for panel arrays, perimeter fencing, and utility poles as long as the associated posts are driven or drilled and grading or grubbing are not involved. However, if these tasks require excavation over six inches in depth or if grading or grubbing is necessary, archaeological fieldwork is recommended.

In October 2020, OPRHP released revised Phase IB archaeological survey guidelines (*New Guidelines*) and requested that all in progress projects adhere to the new guidelines (via email correspondence, October 19, 2020). The *New Guidelines* provide a universal definition of high and low archaeological sensitivity and provide a pre-design Phase IB survey option. The definition of significant proposed ground disturbance remained unchanged.

To conform to the *New Guidelines*, TRC recalculated the total area of high archaeological sensitivity. The pre-design Phase IB survey option presented in the *New Guidelines* recommends 100 percent sampling of all areas designated as high archaeological sensitivity.

The Phase IB survey was conducted from October 30 to November 23, 2020. Details of Phase IB 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) Summary of the Nature of Probable Impacts on Archaeological/Cultural Resources and Avoidance and Minimization Measures***

This section addresses Stipulation 20(a)(1), 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. A Phase IB archaeological survey was completed in November 2020 and the Phase IB archaeological survey report is included in Appendix 20-1. 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 Facility-related impacts, and can be avoided, the Applicant will identify their locations as “Environmentally Sensitive Areas” on the final Facility construction drawings and will mark them in the field prior to construction by construction fencing with signs that restrict access. These measures are considered adequate to ensure that impacts to potentially significant archaeological resources are avoided.

### ***(2) Phase IA Archaeological/Cultural Study***

This section addresses Stipulation 20(a)(2), which requires an archaeological/cultural resource review for the 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 portions of the Project area are 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 nine archaeological investigations have been conducted within a one mile radius of the Project area, two of which include portions of the current Project area. No archaeological sites have been identified within a one-mile radius of the Project. No known cemeteries are located within the Project area.

An archaeological sensitivity analysis of the Project area determined that approximately 401.9 acres (ac) of the 2,232-ac Project area (approximately 18.0 percent) are considered to have high sensitivity for archaeological resources. Areas of moderate sensitivity constitute approximately 1,410.6 ac (approximately 63.2 percent) and 389.0 acres (approximately 17.4 percent) are considered to have low archaeological sensitivity. Areas of high sensitivity for historic resources include locations near historic roads and areas where structures have appeared on historic mapping. Hilltops and ridgelines overlooking springheads that flow into large upland swamps are considered to have high sensitivity for prehistoric resources. Moderate sensitivity areas include minimal to moderately sloped areas displaced from water sources, and areas of low sensitivity are steeply sloped or poorly drained.

### **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 northern 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 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 are rare and are generally 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 (Dincauze 1975; Turnbaugh 1975).

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. By the Late Woodland period (A.D. 1000 – 1600), the antecedents of the historically recognized Native groups, such as the Iroquois, become recognizable. The St. Lawrence Iroquois were the predominant resident culture in the area during the time of European contact (A.D. 1600 – 1660). This period is marked by the replacement of tools and other materials manufactured by Native American technologies by those manufactured by Europeans (Wray 1973).

### **Historic Overview**

French missionaries and fur traders were the first people of European descent to enter the St. Lawrence Valley in New York. Though traversed by Europeans during the seventeenth century, the region was mostly unsettled and unexplored until the mid-eighteenth century. The area was part of the lands acquired from Macomb's Purchase in 1791. St. Lawrence County was formed in 1802 from portions of Clinton, Herkimer and Montgomery Counties (Durant and Peirce 1878).

The town of Massena was first settled in 1798 and is one of the oldest settlements in St. Lawrence County. Early hostilities with the St. Regis Indian tribe to the east led to the ejection of the tribe when the State purchased their land. During the War of 1812, a company of British soldiers crossed the St. Lawrence into Massena at night, burned the barrack and took several prisoners (Curtis 1894).

The early economy of the area was focused on lumbering. The area was deforested by the end of the first quarter of the nineteenth century leading to a focus on agriculture and dairying throughout the remainder of the nineteenth century (Curtis 1894). Waterpower from area rivers was utilized for small industries, including sawmills, stone cutters, and tanneries. Tourism to the area expanded greatly in the mid-nineteenth century due to the popularity of medicinal springs near the Raquette River (Parham 2013).

Transportation improvements included the Massena Canal, which was completed in 1898 and in operation until 1958. The Canal also provided power to the Massena area for much of the twentieth century (Parham 2013). In 1954, construction began on the St. Lawrence Seaway, a 370-mile system of locks and canals connecting the Great Lakes to the Atlantic Ocean. Massena is home to the Snell and Eisenhower locks, as well as the Moses-Saunders Power Dam, a hydroelectric dam constructed as a part of the St. Lawrence Seaway (Parham 2009). The ALCOA plant, which opened in Massena in 1902 by the Pittsburgh Reduction Company, is the longest continually operating aluminum facility in the world (Corkery and Gelles 2017).

Today, Massena encompasses 56.14 square miles and has a population of approximately 12,114 people as of the 2010 Census (US Census Bureau 2010). The largest industry sectors in the county are aluminum production, energy production, and commerce associated with the St. Lawrence Seaway (Corkery and Gelles 2017).



### ***(3) Phase IB Archaeological Survey***

A Phase IB archaeological survey was conducted to determine whether archaeological sites are located in the areas of proposed ground disturbance for the Project, as determined in consultation with OPRHP.

#### **Field Methods**

The updated OPRHP guidelines (*New Guidelines*) for Phase IB archaeological survey adopted a universal definition of high archaeological sensitivity and added a pre-design Phase IB survey option. This pre-design option recommends 100 percent sampling of all areas identified as having high archaeological sensitivity irrespective of the nature and type of construction impacts. The Phase IB archaeological survey was conducted in November 2020 following the pre-design Phase IB survey guidelines.

During the Phase IA research, TRC identified areas of high archaeological sensitivity as areas in close proximity to historic resources, including locations near historic roads and areas where structures have appeared on historic mapping, and hilltops and ridgelines overlooking springheads that flow into large upland swamps. Moderate sensitivity areas include minimal to moderately sloped areas displaced from water sources, and areas of low sensitivity are steeply sloped or poorly drained. Based on the *New Guidelines*, the sensitivity of the Project Area was reassessed. Areas of high sensitivity are defined as

- (1) within 100-meters (328 feet) of permanent water (rivers, streams, wetlands, ponds and lakes and hydric soils) and on slopes equal to or less than 12%;*
- (2) within known archaeological sites; and*
- (3) locations of standing or demolished historic structures.*

Areas of low archaeological sensitivity do not require Phase IB survey under the revised OPRHP guidelines.

Phase IB field methods consisted of both pedestrian and shovel test pit (STP) survey to locate archaeological resources within the Project APE. STPs were excavated at 15-meter intervals along survey transects. Per OPRHP Guidelines, all STPs measured 30 to 50 centimeters in diameter and were excavated to sterile subsoil. All 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 USDA soil types. All shovel tests were backfilled after completion. All 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, if artifacts were discovered in an isolated shovel test context, a minimum of eight (8) 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.

To avoid impacts to or within previously reported archaeological sites, OPRHP recommends a 50 foot buffer zone be established around each known archaeological site once the location is established. If avoidance is not feasible, an assessment of whether Phase II site examinations are warranted will occur.

### **Laboratory Methods and Curation**

Photographs, field form records, field notes and maps were returned to TRC's Lanham, Maryland office for processing. Artifacts recovered during the survey 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 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**

TRC has prepared a Phase I archaeological survey report following the OPRHP Guidelines. The report summarizes the Phase IA research, focus on the fieldwork methods and results of the Phase IB survey, and provides recommendations. In support of the text, historical maps and photographs have been prepared to illustrate findings. Tables including the artifact inventory have been appended as needed. As archaeological sites have been identified, the report provides recommendations on whether the sites are eligible or ineligible for inclusion on the NRHP, or if additional Phase II studies are required to determine site eligibility. A Draft Report has been produced and was submitted to the OPRHP on February 19, 2021 for preliminary review. Following review, the Project will make any necessary changes and a Final Report will be produced.

### ***(4) Phase II Archaeological Studies***

If necessary, based on the Phase IB survey 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 DPS. 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.

### ***(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 (NYS) OPRHP and 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 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 has been provided in the Phase IB report, following completion of 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. 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.

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.

Both the environmental monitor 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 environmental monitor 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 environmental monitor, 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**

This section addresses proposed Stipulation 20(b), which requires a study of the impacts of the construction and operation of the Project and the interconnections and related facilities on historic resources, including the results of field inspections and consultation with local historic preservation groups to identify sites or structures listed or eligible for listing in the State or NRHP within the Zone of Visual Impact (ZVI) of the Project, including an analysis of potential effects to architectural resources eligible or recommended eligible for listing in the State or NRHP, based on an assessment by a person qualified pursuant to federal regulation (36 C.F.R. 61). The ZVI encompasses all areas within a two-mile radius of the Project that have positive visibility of the Project, based on bare-earth topography modeling.

TRC completed a Historic Architectural Resources Survey for the Project. The purpose of the architectural survey is to identify the presence of architectural resources aged 50 years or older within the ZVI for the architectural survey, evaluate these 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 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 ZVI of the Project includes one NRHP-listed resource, seven resources previously determined NRHP-eligible, 28 resources with an undetermined eligibility status, and 180 resources previously determined not eligible for NRHP listing.

### ***Architectural Field Survey***

TRC conducted an Historic Architectural Resources Survey of the ZVI in October 2020. The field survey revisited all previously recorded resources and documented newly identified architectural resources 50 years old or older within the Project ZVI. Field survey included systematically driving or walking all public roads within the ZVI to identify resources. TRC assessed all resources from public rights of way. Per guidance from OPRHP (July 27, 2020), buildings within the Project ZVI were surveyed and inventoried into CRIS through Trekker Mobile by TRC architectural historians.

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

### ***Identification of Historic Properties***

As a result of the Historic Architectural Resources Survey, TRC identified 56 architectural resources in the APE. Of the 56 surveyed properties, seven are recommended NRHP eligible, consisting of one previously recorded resource whose NRHP eligibility was undetermined and six newly recorded resources. TRC did not identify any existing or potential historic districts during the survey. Based on location of the historic properties, Project visibility is reduced and minimized by intervening objects and structures, as well as distance and vegetation. TRC's analysis of the undertaking in relation to historic properties therefore 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 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. The Historic Architectural Resources Survey and Effects Report was submitted to OPRHP via CRIS on February 9, 2021.

### ***Preliminary Assessment of Effects***

In order to identify and summarize the nature of probable effects to historic architectural resources pursuant to Section 106 and Article 10, TRC's Historic Architectural Resources Survey Report includes a preliminary assessment of effects to historic architectural resources. To assess Project effects, TRC 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) Consultation and Definition of Area of Potential Effects (APE)***

#### **SHPO Consultation**

The OPRHP replied to the initial Request for Consultation Letter (April 24, 2020) with a request for an architectural resource survey (May 27, 2020) of the ZVI. TRC submitted proposed methodology for OPRHP approval on August 21, 2020, which OPRHP approved on August 24, 2020. OPRHP also requested identification of all NRHP and SRHP-listed resources and National Historic Landmarks (NHL) with positive visibility of the Project, based on bare-earth topography



visibility modeling, within a five-mile radius of the Project. TRC has provided such a list in table form in the report.

### **Definition of Area of Potential Effects (APE)**

In keeping with OPRHP Guidelines (July 2020) for solar surveys, TRC utilized the ZVI as the APE. The ZVI is defined as the geographic area or areas within which an undertaking may directly or indirectly cause changes in the character or use of historic properties. The ZVI 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 ZVI also includes areas that may have visual and indirect impacts.

Identification of effects (visual, atmospheric, or audible) included 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 ZVI used for the architectural resources survey occurs within a two-mile radius of the Project. The ZVI for the survey encompasses all areas within the two-mile radius of the Project that have positive visibility of the Project, based on bare-earth topography modeling, a GIS-based analysis that does not include visual impediments such as trees and buildings.

### **20(c) Consultation with Federally Recognized Tribes**

On behalf of DPS, consultation with Federally Recognized Indian Nations was initiated by OPRHP on July 21, 2020, consistent with government to government consultations and based on the Project's geographical location. In their review letter, dated July 21, 2020, OPRHP requested that TRC provide a copy of the Phase IA report, the Phase IB archaeological scope of work, and the DPS contact information to the Oneida Indian Nation and the St. Regis Mohawk Tribe. In a response to OPRHP on July 23, 2020, the Oneida Tribe declared that the Project is outside of Oneida aboriginal territory and declined further involvement. The requested information was sent to the St. Regis Mohawk Tribe on November 6, 2020.

The THPO for any Indian Nations with whom OPRHP consults will be included on the Master Stakeholder List and documentation of these consultations will be included in the Application and reflected in the Meeting Log, as applicable. THPO correspondence is included in Appendix 20-2.

### **20(d) Collection Line Installation**

Installation methods used for collection lines and potential impacts on cultural resources will be included in the Application.

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