

REDACTED – Case No. 18-F-0087

Cultural Resources Avoidance, Minimization and Mitigation Plan

Flint Mine Solar

Towns of Coxsackie and Athens, Green County, New York

NYSDPS Matter Number 18-F-0087 / NYSHPO Project Number 18PR07885

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MANAGEMENT SUMMARY

NYSHPO Project Review Number: 18PR07885

DPS Matter Number: 18-F-0087

Involved State and Federal Agencies: U.S. Army Corps of Engineers
NYS Office of Parks Recreation and Historic Preservation
NYS Public Service Commission

Phase of Survey: Cultural Resources Avoidance, Minimization & Mitigation Plan

Location Information: Towns of Coxsackie and Athens, Greene County, New York

Facility Description: A proposed 100-megawatt (MW) utility-scale solar facility consisting of ground-mounted photovoltaic arrays and associated infrastructure.

Plan Overview: This plan describes proposed actions that Flint Mine Solar, LLC has implemented in their project design and through consultation with appropriate parties to avoid, minimize, and mitigate (or offset) potential adverse effects on historic resources that would result from construction and operation of the Flint Mine Solar Facility.

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Date of Report: February 2023

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- Attachment 1: Summary of Cultural Resources Outreach for Flint Mine Solar
- Attachment 2: NYSHPO Correspondence
- Attachment 3: General Guidelines for Management of The Archaeological Conservancy Preserves

1.0 INTRODUCTION

1.1 Purpose of this Report

On behalf of Flint Mine Solar, LLC (the Certificate Holder) Environmental Design & Research (EDR) prepared this Cultural Resources Avoidance, Minimization and Mitigation Plan (hereafter, the CRAMMP) for the Flint Mine Solar project (or the Facility), located in the Towns of Athens and Coxsackie in Greene County, New York. The information and recommendations included in this CRAMMP are intended to assist the U.S. Army Corps of Engineers (USACE), the New York State Office of Parks, Recreation and Historic Preservation (NYSHPO), the New York State Department of Public Service (NYS DPS), and other New York state and/or federal agencies in their review of the proposed Facility under Section 106 of the National Historic Preservation Act and/or Section 14.09 of the New York State Parks, Recreation, and Historic Preservation Law, as applicable.

The purpose of this CRAMMP is to memorialize consultation undertaken to date by the Certificate Holder regarding the Facility's potential effect on cultural resources, describe measures taken to avoid or minimize potential impacts, and to describe proposed mitigation projects that would be implemented as part of the construction and operation of the Facility to offset potential adverse impacts to cultural resources. The CRAMMP was prepared by professionals who satisfy the Professional Qualifications in Archaeology per the Standards of the Secretary of the Interior's Standards and Guidelines for Historic Preservation (36 CFR Part 61).

1.2 Project Summary

The following terms are used throughout this document to describe the proposed action:

- **The Facility:** The Flint Mine Solar project, which consists of an up to 100-MW PV solar facility consisting of ground-mounted PV arrays, buried and/or aboveground collection lines, access roads, temporary laydown areas, and a substation and point-of-interconnection (POI) switchyard in the Towns of Athens and Coxsackie, Greene County, New York (see **Figure 1**).
- **Facility Area:** All parcels or portions of parcels under the Applicant's control that have been evaluated during development of the project, as well as any parcels or portions of parcels being considered for conservation, mitigation, or open space. The Facility Area totals 1,638 acres.
- **Facility Site/Area of Potential Effect (APE):** All areas where construction activities may occur and is synonymous with the Limit of Construction Activity. As used herein, the Facility Site includes all areas where photovoltaic panels (PV) modules and associated project components will be located and comprises approximately 538 acres. The Facility Site is synonymous with the Area of Potential Effect (APE) for Direct Effects for the Facility for Section 106 purposes.
- **The Limits of Significant Ground Disturbance:** The portions of the Facility Site which contain project components which have the potential to impact archaeological resources. These components consist of all areas where Facility-related impacts involving *significant* ground disturbance, defined as trenching wider than 1 foot (0.3 meter), or any excavation, grading (i.e., changing the ground level to a smooth horizontal or gently sloping surface), paving, and tree and shrub removal and grubbing.

- **The Modified/Amendment Layout:** In August 2022, the Certificate Holder submitted a Petition for Amendment of the Certificate, which described minor changes to the Facility layout and included an evaluation of potential environmental impacts (including cultural resources) specific to the minor layout changes. All of the proposed modifications to the Facility Layout are within the existing footprint (or Facility Site) of the Certificated Layout, as further described below.

The Facility is a proposed photovoltaic (PV) solar energy generating facility located within the Towns of Coxsackie and Athens, Greene County, New York (see **Figure 1**). This renewable electricity generating Facility will have a capacity of 100 megawatts alternating current (“MW-AC”). The lands being evaluated to host the Facility (the “Facility Area”) comprise approximately 1,638 acres of mostly dormant agricultural fields, shrubland, and forestland, which would ultimately be purchased (or leased) by the Applicant prior to constructing the Facility.

The Facility received a Certificate of Environmental Compatibility and Public Need (the Certificate) issued to Flint Mine Solar, LLC on August 4, 2021, by the New York State Board on Electric Generation Siting and the Environment (NYS Board, 2021; see further discussion in Section 2.3). In August 2022, the Certificate Holder submitted a Petition for Amendment of the Certificate, which described minor changes to the Facility layout and included an evaluation of potential environmental impacts (including cultural resources) specific to the minor layout changes. All of the proposed modifications to the Facility Layout are within the existing footprint (or Facility Site) of the Certificated Layout. The proposed modifications are the result of further engineering refinement of the layout based on constructability analysis and design optimization and include minor changes to the locations and selected technology of photovoltaic (PV) arrays, the use of additional overhead collection lines, limited areas of grading, and additional access roads. The Modified/Amendment Layout is depicted on **Figures 1 and 2**.

Within the Facility Area, approximately 538 acres of land (i.e., the “Facility Site”) would be developed with PV modules (approximately 458 acres) and other Facility components such as access driveways, grass access corridors (i.e., corridors between panel array rows), pad-mounted transformers, inverters, electrical collection lines, a Facility Substation, a point of interconnect (POI) Switchyard, fencing, laydown areas, and stormwater management features. The remaining land within the Facility Area (1,180 acres) would remain undeveloped by Flint Mine Solar, including undisturbed forestland, wetlands, cultural resources areas, and open space/grassland habitat (which would be preserved as grassland habitat for sensitive wildlife and flora species) as well as some already developed areas (houses, barns, driveways etc.) and fields and pastures that will remain with the original landowners or otherwise outside the Facility. As described in the Facility’s Article 10 Application and associated technical reports, the Facility has been designed to avoid or minimize impacts to wetlands, sensitive wildlife habitat, archaeological resources, waterbodies, visibility and visual effects on adjacent areas, and other sensitive resources.

Figure 1. Proposed Facility Layout

<BEGIN CONFIDENTIAL INFORMATION/>Map Shows Potentially Sensitive Cultural Resources Location Information</END CONFIDENTIAL INFORMATION>

The lands that were evaluated to host the Facility (i.e., the Facility Area) comprise approximately 1,638 acres. Photovoltaic panels (PV) modules and associated project components will envelope approximately 458 acres within the Facility Area, with a total generating capacity of up to 100 megawatts (MW-AC). The remaining acreage (1,180 acres) will consist of a grassland wintering raptor conservation area (~297 acres) or remain undeveloped. Other proposed Facility components will include gravel access roads, grass access roads (i.e., corridors between panel array rows), inverters, pad-mounted transformers, battery storage (if economically feasible), overhead and above-ground, rack-mounted electrical collection lines, a collection substation, and a POI switchyard. Planting modules are also proposed to provide visual screening from public roadways and private properties. The Facility layout presented in the Petition for Amendment (i.e., the Amendment Layout) shown in **Figure 1**.

2.0 BACKGROUND

Throughout the development of the Facility, the Certificate Holder has been very focused on the archaeological sensitivity of the Facility site and potential impacts of construction and operation of the Facility on cultural resources. <BEGIN CONFIDENTIAL INFORMATION/> [REDACTED] </END CONFIDENTIAL INFORMATION> the Flint Mine Hill Archaeological District, which is listed in the State and National Registers of Historic Places (S/NRHP) and is the source of inspiration for the Facility's name. The Flint Mine Hill Archaeological District and surrounding vicinity include numerous Pre-Contact period (i.e., from approximately 13,000 years ago to approximately 500 years ago) Native American archaeological sites associated with groups who exploited Mount Merino/Normanskill chert (or colloquially, "flint") outcrops in the local hills and ridges for stone tool production.

2.1 Area of Potential Effect

Solar facilities in general, result in minimal soil disturbance relative to other types of energy development projects, and therefore have a lower relative potential to affect archaeological resources. Nevertheless, certain elements of the proposed construction of the Facility require ground disturbing activities that have the potential to adversely impact archaeological resources. Therefore, the Certificate Holder completed cultural resources studies assuming that the Facility Site, of APE for Direct Effects for the Facility, will include all areas of soil disturbance for the Facility.

In past reviews of comparable solar projects, NYSHPO has distinguished between significant ground disturbance and those areas where soil disturbance will be minimal, such as the installation of posts/supports for PV panel arrays and fences. These areas of minimal soil disturbance would result in minimal potential impacts to archaeological resources. The Certificate Holder acknowledges that the Facility is sited in an archaeologically sensitive area and has selected design and construction options that minimize the need for soil disturbance (and therefore minimize the potential for resultant impacts to archaeological sites or human remains) that would result from typical methods such as open trench excavation, surface grading, and soil compaction. Any archaeological sites that are located within the Facility Area but are not within the limits of disturbance for the proposed Facility will not be affected by construction and operation of the Facility.

2.2 Stakeholder Outreach and Consultation

The Certificate Holder has engaged in extensive outreach and consultation with the NYSHPO and other stakeholders and undertaken field studies to investigate archaeological sites within the Facility Area. In addition, the Certificate Holder appreciates that the Stockbridge Munsee Mahican Band of Indians and Delaware Nation have expressed concern regarding the potential for human burials located in the vicinity. Therefore, the Certificate Holder has prioritized design and construction measures to minimize soil disturbance (and thereby minimize potential impacts to archaeological sites – described in Sections 3.1 and 3.2).

A summary of cultural resources-related correspondence for Flint Mine Solar is provided in Attachment 1.

2.3 Potential Impacts to Cultural Resources

Archaeological investigations conducted as part of planning, development, and permitting studies for the Facility are summarized in Exhibit 20 of the Article 10 Application for the Flint Mine Solar Project¹. Copies of all studies are available on NYSHPO’s Cultural Resources Information System (CRIS) website and have been posted to SharePoint links for the consulting parties described herein and in Attachment 1. NYSHPO review correspondence specific to those studies is included in Attachment 2 and summarized herein. In brief, these studies included:

- Phase IA Archaeological Assessment (November 2018)
- Article 10 Application – Exhibit 20: Cultural Resources (summary of all studies, June 2020)
- Article 10 – Exhibit 24: Visual Resources (June 2020)
- Article 10 Appendix 20-A SHPO Correspondence (2017-2020)
- Article 10 Appendix 20-B Archaeological Survey Work Scope (Nov 2019)
- Article 10 Appendix 20-C Phase IB Archaeological Survey Report (June 2020)
- Article 10 Appendix 20-D Unanticipated Discovery Plan (June 2020)
- Article 10 Appendix 20-E Historic Resources Survey Report (December 2019)
- Petition for Certificate Amendment, Supplemental Phase IB Archaeological Survey (August 2022)
- Certificate Holder Response to NYSDPS Comments Regarding Cultural Resources Impacts re: Revised Certificate Amendment Layout (January 2023)

The results of site-specific investigations (i.e., Phase IA and Phase IB archaeological surveys conducted in consultation with NYSHPO) <BEGIN CONFIDENTIAL INFORMATION/> [REDACTED] </END CONFIDENTIAL INFORMATION> (see Figure 2) and it is not feasible to design the Project in such a manner to avoid all areas with archaeological finds. Therefore, the Certificate Holder has developed site design measures that would allow for construction of the Facility while minimizing soil disturbance (and the associated impacts to archaeological resources) to the greatest extent practicable (see Section 3.1 of this report).

NYSHPO’s review of the site-specific studies for the Project determined that construction and operation of the Facility has the potential to result in adverse effects to historic properties:

Our office believes that the proposed undertaking will impact the naturalized landscape that now makes up much of the Flint Hill Mine Archaeological District... our office has found that the undertaking will have adverse effects on identified historic resources within the project’s APE (Bonafide, 2020a).

And

- *It is the SHPO’s opinion that the archaeological sites identified by EDR during the Phase IB archaeological testing (03902.000308) are contributing elements to the National Register listed Native American Flint Mine Hill Archaeological District (03905.00003).*

¹ The Article 10 Application for the Flint Mine Solar Project is available at: <https://documents.dps.ny.gov/public/MatterManagement/CaseMaster.aspx?MatterSeq=55834>.

Figure 2. Archaeological Site Avoidance and Minimization

<BEGIN CONFIDENTIAL INFORMATION/>Map Shows Potentially Sensitive Cultural Resources Location Information</END CONFIDENTIAL INFORMATION>

- *It is the SHPO's opinion that the Applicant has reduced direct effects to the archaeological record to the greatest extent possible by incorporating construction techniques that minimize soil disturbance into the project design and it is not feasible for the Applicant to avoid all direct effects the Flint Mine Hill Archaeological District.*
- *Since questions about site integrity, limits, structure, function and cultural/historic context have been addressed by the Phase I archaeological investigation, a Phase II archaeological investigation, is not warranted.*
- *It is the SHPO's opinion that the setting of the Flint Mine Hill Archaeological District, which is currently open, green space that would be easily recognizable to the Native American inhabitants of Flint Mine Hill, will be adversely effected by the addition of ground-mounted photovoltaic (PV) arrays. This opinion was provided in the SHPO's June 22, 2020 letter.*
- *The SHPO concurs that mitigation for these adverse effects to the Flint Mine Hill Archaeological District will include the purchase the 62.5 acre portion of Flint Mine Hill currently owned by the Southold Indian Museum by the Applicant so that this property can be transferred into a permanent conservation easement (or similar instrument).*
- *If the purchase and long-term protection of the 62.5 acre portion of Flint Mine Hill currently owned by the Southold Indian Museum by the Applicant is not feasible, the SHPO recommends that mitigation include a redraft of the 1978 Flint Mine Hill Archaeological District nomination to incorporate new site information and knowledge regarding Native American lithic quarries and workshops and to bring this document up to current National Register standards.*
- *The SHPO recommends that any soils excavated during construction are maintained on site, if feasible, and used in the construction of the proposed earthen berms/dikes (Herter, 2020b).*

With respect to cultural resources, the Certificate issued on August 4, 2021 (NYS Board, 2021) includes the following with respect to avoiding, minimizing, and mitigating potential effects on cultural resources:

"3. Cultural, Historic and Recreational Resources – PSL §168(2)(c) and 168(3)(c)

Article 10 requires that we make findings regarding cultural, historic, and recreational resources, including aesthetic and scenic values and any significant, adverse impacts that the Project may create. The impact of construction and operation of the Facility on cultural, historic, and recreational resources is addressed in Application Exhibit 20.

The Applicant supplemented its analysis of potential cultural resource impacts in conjunction with its proposal of the Settlement Layout. Consistent with 16 NYCRR §1001.20, the Applicant consulted with Office of Parks, Recreation, and Historic Preservation (OPRHP) to develop the scope and methodology for the resource studies conducted for the Facility and included with the Application.

a. Archeological Resources

Beginning during Facility development, the Applicant examined the archaeological sensitivity of the Project area and the potential impacts of construction and operation of the Facility on archeological resources. Approximately 70% of the Facility Area is within the Flint Mine Hill Archaeological District, which is listed in the State and National Registers of Historic Places. The Applicant engaged in extensive outreach, formal and informal consultations with the New York State Historic Preservation Office (SHPO), the Stockbridge Munsee Band of Mohicans, the Southold Indian Museum, and the Archeological Conservancy to discuss cultural and archeological resources, and potential methods for avoiding, minimizing and mitigating impacts to such resources in the area.

To identify potential archaeological sites within the Facility Site, the Applicant completed a Phase IB archaeological survey in accordance with a Phase IB archaeological scope of work which was reviewed and approved by the OPRHP/SHPO. In December 2020, the Applicant conducted a supplemental archeological reconnaissance on the Facility Site to evaluate any additional areas proposed for PV arrays in the Settlement Layout and reported the results of that reconnaissance in the Record.

The Applicant prioritized design and construction measures to minimize soil disturbance and thereby minimize potential impacts to archaeological sites. While the Applicant changed the proposed locations of some Facility components in the Settlement Layout, Flint Mine intends to install the Facility utilizing the same measures to minimize disturbance described in the Application. The measures to be used to avoid soil disturbance during construction are described in detail in the Application. In most instances the Applicant will employ pile-driven posts and low-profile racking systems. These are the least intrusive systems available for mounting PV modules and will help minimize soil disturbance from excavation, concrete or other foundations. The Applicant also will utilize racking-integrated wire management and messenger-supported wiring systems for collection lines among the PV modules. These methods of wire management which also avoid soil disturbance. Horizontal directional drilling (HDD) or overhead collection lines will be employed in some limited locations to minimize impacts to archeologically sensitive areas.

To mitigate unavoidable impacts from Facility construction and operation upon these resources, the Applicant is also investigating the purchase of a portion of the nearby Flint Mine Hill archaeological site and is committed to implementing the mitigation measures for cultural resources described in the Application. The Applicant is consulting with other key stakeholders on the proposed mitigation plans, and will include details of its final mitigation plan in a Cultural Resources Avoidance, Minimization and Mitigation Plan, which will be submitted as a compliance filing in this proceeding.

No parties have identified issues relating to the potential archaeological impacts associated with the Facility.

DPS Staff testified that Flint Mine has successfully avoided and minimized impacts to archeological resources and that the stipulated Certificate Conditions were consistent with those imposed by the Siting Board on other major renewable energy projects.

Based on the record, we find that the Facility has avoided, minimized and mitigated potential impacts on archaeological resources to the maximum extent practicable.

b. Cultural and Historic Resources

The Facility will have no physical impacts to aboveground historic resources (i.e., no historic structures will be damaged or removed). The Facility's potential effect on any given historic property would be a change in the property's visual setting, due to the introduction of PV panel arrays or other Facility components. Flint Mine conducted a historic resources survey for the Facility. There were 14 resources evaluated as part of the historic resources survey, which were incorporated into the Applicant's analysis of visual impacts on visually sensitive resources. Some of these resources may have limited views of the Facility, though most views are distant and in the background. The effect of the Facility on these historic resources depends on a number of factors including distance to the Facility, the number of visible PV panels, the extent to which the Facility is screened or partially screened by buildings, trees, or other objects, and the amount of existing visual clutter and/or modern intrusions in the view.

The next step in the review of cultural and historical resources impacts is to wait until the involved federal agency initiates a formal consultation process under Section 106 of the National Historic Preservation Act. Once this process begins, OPRHP will finalize its review and provide the involved Federal agency with its recommendations on effects and possible mitigation measures. In anticipation of this process, the Parties have stipulated to Certificate Conditions 52-53, which call for (a) plans to avoid or minimize impacts to archaeological and historic resources to the extent practicable; (b) preparation of a final Unanticipated Discovery Plan; (c) consultation with OPRHP and DPS Staff if complete avoidance of archaeological sites is impossible; and (d) preparation of a final Cultural Resources Avoidance, Minimization and Mitigation Plan.

Based on the above, we find that that the Applicant has avoided, minimized, and mitigated impacts to archaeological, cultural and historic resources to the maximum extent practicable.

...

[Certificate Conditions 52-53]:

52. The Certificate Holder shall implement the approved Cultural Resources Avoidance, Minimization and Mitigation Plan (CRAMMP). The final CRAMMP will provide a detailed description of cultural resources mitigation measures approved by the New York State Office of Parks, Recreation, and Historic Preservation (NYSOPRHP). Prior to construction, the Certificate Holder will provide demonstration of land rights for mitigation parcels that would be placed into a conservation easement (or similar).

53. The Certificate Holder shall implement a Final Unanticipated Discovery Plan, approved by NYSOPRHP, which will describe procedures that will be followed in the event that unanticipated archaeological finds are observed during construction" (NYS Board, 2021: 36-42; Appendix A, page 14).

On August 29, 2022, the Certificate Holder submitted a Petition for Amendment to the NYSDPS. The Petition included a Proposed Modifications Memo, which addressed potential changes to impacts on cultural resources resulting from the Modified/Amendment Layout. The Proposed Modifications Memo included as an attachment a Supplemental Phase IB Archaeological Survey report that described the results of shovel testing in newly defined proposed grading areas (no archaeological resources were identified). The Proposed Modifications Memo concluded that "the Modified Layout is not anticipated to result in additional impacts to archaeological resources relative to the Certificated Layout, for which appropriate mitigation measures have been proposed and committed to in the Application".

On September 13, 2022, the Certificate Holder submitted the Proposed Modifications Memo, which addressed potential changes to impacts on cultural resources resulting from the Modified/Amendment Layout, and a Supplemental Phase IB Archaeological Survey report that described the results of shovel testing in newly defined proposed grading areas (no archaeological resources were identified) to NYSHPO's CRIS system for review and comment. Contacts in NYSHPO's CRIS system who received notification of the submitted documents included the NYSDPS, NYSDEC, USACE, and Stockbridge-Munsee Band of Mohican Indians.

On October 6, 2022, NYSHPO reviewed and concurred with the Supplemental Phase IB Archaeological Survey report: "The Archaeology Unit has reviewed the Phase IB Archaeological Survey report addendum memo prepared by EDR (August 29, 2022; 22SR00468). No archaeological sites were identified by the survey and the SHPO concurs with the report recommendation that no additional archaeological work is necessary for the additional proposed grading areas examined during this survey."

On December 8, 2022, the NYSDPS provided the following comment to Flint Mine Solar, LLC regarding the Petition for Amendment submitted on August 29, 2022:

"The Certificate Holder's response to DPS Comment 3 (Cultural Resource Impacts) is insufficient. DPS Staff previously provided the following comment:

DPS Comment 3, Cultural Resource Impacts – The Certificated Layout included limited grading at the substation and the Point of Interconnection switchyard only. Alternatively, the proposed Modified Layout requires approximately 9.6 acres of grading, including grading at 13 PV array locations. Further, the proposed overhead collection line potentially will be visible from National Register of Historic Places-listed and/or eligible sites and other visually sensitive resources, as illustrated in the Figure 5 Overhead Collection Line Viewshed Analysis. The Amendment Petition includes, in Attachment 2, a copy of Archaeological Phase 1B Addendum Survey dated August 29, 2022. However, it is not clear whether the Certificate Holder has initiated or completed consultation with the New York State Office of Parks, Recreation and Historic Preservation State Historic Preservation Office (SHPO) in order to assess potential archeological impacts and/or visual impact to historic properties that may result from the proposed changes to the Certificated Project, and an impact determination from SHPO is not provided. Additionally, the Project is located within the Flint Mine Hill Archaeological District. As part of the Certificated Layout, Flint Mine Solar committed to purchase a 62.5-acre parcel in Coxsackie that includes a portion of Flint Mine Hill which would be transferred into a conservation easement (or similar), as agreed-upon with SHPO. It is unclear whether the change proposed in the Modified Layout will have any impacts on this mitigation requirement.

The Certificate Holder should supplement the Amendment Petition to include the results of consultations with SHPO regarding the proposed changes to the Facility design and layout, including any effects findings issued pursuant to Section 106 of the National Historic Preservation Act and/or impact determinations issued pursuant to Section 14.09 of the New York State Historic Preservation Act.

The response from Flint Mine adequately resolves the questions regarding archaeological impacts resulting from the changes to the Facility Layout, and provides a copy of SHPO correspondence dated 10/6/22, which concurs with the findings/recommendations of the Phase 1B Archaeological Assessment. However, the Certificate Holder failed to address the questions and concerns raised regarding potential visual impacts to historic properties and other visually sensitive resources (see highlights above). Please complete a consultation with SHPO (if not yet done), and provide copies of SHPO's determination, with respect to the modified layout's potential visual impacts to National Register of Historic Places-listed and/or eligible sites and other visually sensitive resources, as previously requested in the Secretary's letter dated 9/12/22."

On January 5, 2023, the Certificate Holder provided a response to NYSDPS and NYSHPO regarding NYSDPD comment from December 8, 2022 (above). The response included additional analysis regarding the Modified Layout and concluded that the overhead collection lines in the Modified Layout are not anticipated to result in additional visual impacts on nearby historic properties relative to the Certificated Layout, for which appropriate mitigation measures have been proposed and committed to in the Application and memorialized in the Certificate. The Modified Layout will result in substantially similar visual effects to the Flint Mine Hill Archaeological District as the effects described in the Article 10 Application—NYSHPO has already determined that the Facility will have an adverse visual effect on this historic district and appropriate mitigation measures have already been committed to and implemented to address those impacts. No

substantial change in the character or degree of these impacts will result from the Modified Layout as compared with the Certificated Layout, and no further mitigation is warranted.

On January 20, 2023, the NYSHPO replied to the Certificate Holder’s submitted response on January 5, 2023 and concluded that: “The SHPO has reviewed EDR’s response (January 5, 2023) to New York State Department of Public Service’s (DPS) Comment 3 (Cultural Resource Impacts) in the Amendment Petition. The SHPO concurs that the Modified Layout will result in substantially similar visual effects to the Flint Mine Hill Archaeological District as the Certificated Layout and no further mitigation is warranted. In addition, our office concurs with the findings concerning visual impacts to historic built resources” (Schreyer, 2023).

3.0 AVOIDANCE AND MINIMIZATION MEASURES

The lands that were evaluated to host the Facility (i.e., the Facility Area) comprise approximately 1,638 acres. PV modules and associated project elements will envelope approximately 458 acres within the Facility Area. The Facility Area consists of a mix of forestland, shrubland, fallow agricultural fields, active hay fields, and developed areas (e.g., barns, houses, lawns, roads). The Facility has been carefully sited in consideration of potential impacts to sensitive environmental and other resources of concern to local communities and stakeholders. As part of the design process, the Certificate Holder has studied and evaluated archaeological and cultural resources, soils and geology, wetlands and streams, plant and wildlife species (including threatened and endangered species) and associated habitats, existing and former land use, the existing topography and vegetation with respect to visual screening, visually sensitive locations identified by local stakeholders, potential visibility of the Facility from neighboring parcels and public roadways/public vantage points, potential noise impacts, and neighbor concerns. Based on this review, the Certificate Holder has chosen a location and developed a Facility design and layout that will generate significant quantities of clean solar electricity while avoiding and minimizing environmental and other impacts to the maximum extent practicable.

3.1 Avoidance and Minimization Measures for Potential Effects to Archaeological Resources

As required by the Article 10 regulations, alternatives to the proposed action have been evaluated by the Certificate Holder throughout the Facility design process. By considering numerous alternative Facility layouts in an iterative fashion, the Certificate Holder has avoided and minimized impacts to a wide variety of different resources (e.g., wetlands, streams, forestland, active farmland, archaeological sites, historic-architectural sites, scenic resources, and areas of concentrated human settlement/use). Moreover, the proposed Facility design and layout has been continually refined in response to on-site economic, engineering, and environmental studies. For example, the proposed design represents numerous efforts to avoid and minimize wintering grassland raptor habitat, mapped wetlands and presumed state-regulated 100-foot adjacent areas, and significant archaeological sites by shifting PV modules and other Facility components to other locations. A more detailed discussion of alternatives considered for the proposed Facility is provided in Exhibit 9 of the Flint Mine Solar Article 10 Application.

The Certificate Holder has implemented measures to avoid and minimize potential impacts to ecological and cultural resources within the Facility Area that could be affected by construction or operation of the Facility, while maintaining the economic viability of the Project. Approximately 1,166 acres of the Facility Area are located within the Flint Mine Hill Archaeological District. The Facility design avoids ground disturbance within approximately two-thirds of the portions of the Facility Area that are located within the Flint Mine Hill Archaeological District (see **Figures 1 and 2**).

The undeveloped areas include a commitment to conserve approximately 297 acres of the Facility Area for grassland habitat for raptor bird species, with two thirds of that land proposed to be actively managed (e.g., mown every two to five years). The remaining portions of the Facility Area will remain undeveloped. These undeveloped areas total approximately 1,032 acres within the Flint Mine Hill Archaeological District (see **Figure 1**), ensuring that these areas will not be disturbed (in terms of ground disturbance).

The results of site-specific investigations (i.e., Phase IA and Phase IB archaeological surveys conducted in consultation with NY SHPO) confirm that archaeological finds are located throughout many portions of the Facility Area and it is not feasible to design the Facility in such a manner to avoid all areas with archaeological finds. Therefore, the Certificate Holder has developed site design measures that would allow for construction of the Facility while minimizing soil disturbance (and the associated impacts to archaeological resources) to the greatest extent practicable.

Specific measures that the Certificate Holder has included in the Facility design to minimize soil disturbance and therefore minimize potential impacts to archaeological resources are described in Exhibits 9, 11, and 12 of Flint Mine Solar's Article 10 Application² (specific drawings included in the Article 10 Application are referenced in the following narrative). Avoidance and minimization of impacts to sensitive resources was further refined in the Settlement Layout for the Facility that was submitted to NYSDPS, the New York State Department of Environmental Conservation (NYSDEC), and NYSHPO in January 2021, and for which a Certificate was issued in August 2021. These avoidance and minimization measures have also been carried forward in the Amendment Layout submitted as part of the Petition for Amendment of the Certificate in August 2022.

3.2 Avoidance and Minimization Measures for Potential Visual Effects

The Facility has been intentionally sited on lands that are well screened by surrounding topography and vegetation that will obstruct views of the proposed solar project from adjacent areas as well as screen the Project from longer distance views. Project visibility and potential visual impacts are an important consideration raised by members of the local community during the Certificate Holder's public outreach process and have been carefully considered in the Facility design. The Certificate Holder eschewed offers of land that would present extensive views from public roads and, in the course of developing the Facility layout, decided not to use portions of the land under option that had high visibility from public roads or more populated areas east of the railroad, particularly in recognition of concerns raised by the Town of Coxsackie. Early in the design process, preliminary viewshed analyses were conducted on several photovoltaic (PV) module layout alternatives in effort to isolate which portions of the Facility were contributing to visibility that extended beyond the immediate Facility vicinity. Based on the results of that analysis, specific locations within the Facility Area were removed from consideration for PV module development due to their visibility. In addition, the point of interconnection (POI) Switchyard and Facility Substation have been sited in an interior location within the Facility Site and are well-screened from view by a ridge as well as forest vegetation.

To further minimize the potential visual effect of the Facility, the Certificate Holder has developed a Visual Mitigation Planting Plan (or VMPP; see Exhibit 24 and Appendix 24-D in the Article 10 Application) and plans to install plantings adjacent to roadways and other public vantage points. For the Flint Mine Solar Facility, the Certificate Holder selected combinations of trees and shrubs that mimic early successional

² The Article 10 Application for the Flint Mine Solar Project is available at: <https://documents.dps.ny.gov/public/MatterManagement/CaseMaster.aspx?MatterSeq=55834>.

and/or hedgerow communities observed within and adjacent to the Facility Site. While the use of native shrubs and trees will not necessarily result in plantings that completely screen views of the Facility, it will serve to soften the overall visual effect and help to better integrate the Facility into the surrounding landscape. Plantings were selected to match or complement the existing composition and pattern of vegetation within the surrounding area and provide ecological benefits, such as food and cover for local wildlife. In addition, the proposed Facility has been designed to retain existing on-site vegetation wherever feasible, particularly along roadways and property lines to preserve the screening benefits of such existing vegetation. Maintaining existing vegetation enables the Facility Site to preserve the visual and ecological character of the surrounding landscape.

4.0 MITIGATION MEASURES

The Certificate Holder has recognized the important of the Flint Mine Hill Archaeological District and the sensitivity of the Facility site throughout the development and permitting of the project. This has included regular discussions with stakeholders regarding potential cultural resources mitigation strategies (summarized in Attachment 1). Proposed mitigation measures for the Facility are described below.

4.1 Conservation of Flint Mine Hill

<BEGIN CONFIDENTIAL INFORMATION/> [REDACTED] </END CONFIDENTIAL INFORMATION>

Early in the development of the Facility, the Certificate Holder proposed the mitigation strategy for Flint Mine Solar to acquire and ensure the long-term preservation of the 63.88-acre parcel that includes the Flint Mine Hill Site <BEGIN CONFIDENTIAL INFORMATION/> [REDACTED] </END CONFIDENTIAL INFORMATION>; hereafter, “the Flint Mine Hill Site”; see Figure 1), which includes a contributing archaeological site that is central to the significance of the Flint Mine Hill Archaeological District. This mitigation proposal was described in Flint Mine Solar’s Article 10 Application and has been previously discussed with key stakeholders, including the NYSHPO and the Stockbridge-Munsee Band of Mohican Indians, all of whom indicated support for this mitigation measure.

In review correspondence dated July 6, 2020 (Herter, 2020b), provided in response to cultural resources survey reports included in Flint Mine Solar’s Article 10 Application, NYSHPO concurred with the Certificate Holder’s recommended mitigation strategy to acquire and ensure the long-term preservation of the Flint Mine Hill Site.

On November 3, 2021, Flint Mine Solar funded the purchase and transfer of the Flint Mine Hill Site from the Southold Indian Museum and to The Archaeological Conservancy for permanent preservation and management. The Archaeological Conservancy will ensure the preservation of the Flint Mine Hill Site consistent with their *General Guidelines for Management of The Archaeological Conservancy Preserves*, which is included as Attachment 2. Per those *Guidelines*, the Archaeological Conservancy will, in consultation with NYSHPO, develop a site-specific management plan that will include baseline documentation, public access policies, and research procedures. This plan will be based on the *General Guidelines for Management of The Archaeological Conservancy Preserves* included as Attachment 3.

Flint Mine Solar funding the purchase and transfer of the Flint Mine Hill Site to The Archaeological Conservancy represents a significant contribution to the preservation of archaeological heritage in New York State.

4.2 Update National Register Nomination for Flint Mine Hill Archaeological District

In review correspondence dated July 6, 2020 (Herter, 2020b), provided in response to cultural resources survey reports included in Flint Mine Solar’s Article 10 Application, NYSHPO suggested that mitigation could include redrafting the 1978 National Register of Historic Places Nomination for the Flint Mine Hill

Archaeological District to incorporate new information and make the nomination consistent with current National Register standards. Flint Mine Solar has elected to undertake this mitigation measure to further benefit the preservation of cultural resources in the vicinity of the Project.

Flint Mine Solar will prepare an updated National Register of Historic Places nomination form for the Flint Mine Hill Archaeological District, which will incorporate new site information and knowledge regarding Native American lithic quarries and workshops and update the nomination to current National Register standards. The National Register of Historic Places nomination will be based on review of available information about the archaeological resources within the district, which will include sources such as:

- Brumbach and Weinstein. 1999. Material Selection, Rejection, and Failure at Flint Mine Hill: An Eastern New York State Chert Quarry. *Northeast Anthropology* 58:1-25.
- EDR 2018 Phase IA Archaeological Sensitivity Assessment: Flint Mine Solar
- EDR 2020 Phase IB Archaeological Survey: Flint Mine Solar
- Funk. 1976. *Recent Contributions to Hudson Valley Prehistory*. New York State Museum Memoir No. 22, Albany, NY.
- Funk. 2004. *An Ice Age Quarry-Workshop: The West Athens Hill Site*. Bulletin No. 504 New York State Museum. The University of the State of New York, State Education Department, Albany, NY.
- Funk, Weinman, and Weinman. 1969. The Kings Road Site: A Recently Discovered Paleo-Indian Manifestation in Greene County, New York. *New York State Archaeological Association Bulletin* No. 45, March 1969:1-23.
- Lothrop and Bradley. 2012. Paleoindian Occupations in the Hudson Valley, New York. In *Late Pleistocene Archaeology and Ecology in the Far Northeast*, edited by Claude Chapdelaine, pp. 9-47. Texas A&M University Press, College Station, TX.
- Parker. 1922. *The Archeological History of New York*. New York State Museum Bulletin Nos. 237 & 238. The University of the State of New York, New York State Museum, Albany, NY.
- Parker. 1925. The Great Algonkin Flint Mines at Coxsackie. *Researches and Transactions of the New York State Archaeological Association, Lewis H. Morgan Chapter* 4(4):105-125. Rochester, NY.
- Ritchie. 1965. *The Archaeology of New York State*. American Museum of Natural History, Natural History Press, New York, NY.
- Ritchie and Funk. 1973. *Aboriginal Settlement Patterns in the Northeast*. New York State Museum and Science Service. Memoir 20. Albany, NY.
- Weinman and Weinman. 1967. Two Recent Excavations. *New York State Archaeological Association Bulletin* No. 41, November 1967:14-16.
- Weinman and Weinman. 1973. The Dead Sheep II Site: A Frost Island Phase Workshop. *New York State Archaeological Association Bulletin* No. 58, July 1973:22-23.
- Weinman and Weinman. 1977a. Two Middle Hudson Valley Sites. *New York State Archaeological Association Bulletin* No. 70, July 1977:27-34.
- Weinman and Weinman. 1977b. Bittersweet Sites I, II, and III (Cox 41, 42, 44): Components of the Susquehanna Tradition. *New York Archaeological Association Bulletin* No. 71, November 1977:19-28.
- Weinman and Weinman. 1978a. Cedar Terrace II Site. *New York Archaeological Association Bulletin* Volume 74 November 1978:25-28.
- Weinman and Weinman. 1978b. Kings Road Site: Further Evidence from This Paleo-Indian Component. *New York Archaeological Association Bulletin* Volume 72 March 1978:1-5.

- Weinman. 1981. "Old Site File, Coxsackie 15' Folder". Correspondence dated April 15, 1981 to Robert Funk (New York State Museum) from Thomas P. Weinman, Manlius New York. On file at the New York State Museum, Albany, NY.

The Certificate Holder will provide a draft of the updated National Register Nomination to NYSHPO for review and comment. It is anticipated that NYSHPO would formally submit the Nomination to the National Park Service for approval.

4.3 Unanticipated Discovery Plan

The Certificate Holder has developed an Unanticipated Discovery Plan (UDP) that identifies the actions to be taken in the event that resources of cultural, historical, or archaeological importance are encountered during Facility construction. The Flint Mine Solar Facility Site and surrounding area is highly sensitive for Native American archaeological sites and it is possible that unanticipated archaeological features and/or artifacts may be encountered during project construction or maintenance. Therefore, the UDP provides additional safeguards against the possibility that the proposed Facility might impact archaeological resources. The UDP presents the protocol the Certificate Holder and its contractors and consultants will follow to prepare for and deal with unanticipated cultural resource discoveries. It provides guidance and instruction to Flint Mine Solar, LLC personnel and its contractors and consultants as to the proper procedures to be followed in the event of an unanticipated cultural resource discovery. Evaluation of such discoveries, if warranted, will be conducted by a Registered Professional Archaeologist (RPA), qualified according to the NYAC Standards (NYAC, 1994) and the Secretary of the Interior's Guidelines (per 36 CFR, Part 61) for Professional Qualifications in Archaeology. The plan includes a notification list of all Project contacts and the steps to be taken upon the identification of cultural resources by the RPA. In addition, the plan includes reference photographs of archaeological materials similar to that which may be discovered, for use by construction personnel.

The plan includes a provision for work stoppage upon the discovery of possible archaeological or human remains. In the event that human remains are encountered during construction or archaeological investigations, the SHPO requires that the SHPO Human Remains Discovery Protocol (NYSHPO, 2021) be implemented:

- Human remains shall be treated with dignity and respect. Should human remains or suspected human remains be encountered, work in the general area of the discovery shall stop immediately and the location shall be secured and protected from damage and disturbance.
- If skeletal remains are identified and the archaeologist is not able to conclusively determine if they are human, the remains and any associated materials shall be left in place. A qualified forensic anthropologist, bioarchaeologist or physical anthropologist shall assess the remains in situ to help determine if they are human.
- If the remains are determined to be human, law enforcement, the SHPO, the appropriate Indian Nations, and the involved state and federal agencies shall be notified immediately. If law enforcement determines that the burial site is not a criminal matter, no skeletal remains or associated materials shall be removed until appropriate consultation takes place.

- If human remains are determined to be Native American, they shall be left in place and protected from further disturbance until a plan for their avoidance or removal is developed. Please note that avoidance is the preferred option of the SHPO and the Indian Nations. The involved agency shall consult SHPO and the appropriate Indian Nations to develop a plan of action. Photographs of Native American human remains and associated materials should not be taken without consulting with the involved Indian Nations.
- If human remains are determined to be non-Native American, the remains shall be left in place and protected from further disturbance until a plan for their avoidance or removal is developed. Please note that avoidance is the preferred option of the SHPO. The involved agency shall consult SHPO and other appropriate parties to develop a plan of action.
- The SHPO recommends that burial information is not released to the public to protect burial sites from possible looting.

The UDP is being provided to consulting agencies as a companion document to this CRAMMP.

5.0 REFERENCES

Bonafide, John. 2019. *ACE/PSC Flint Mine Solar Project/100MW/600 Acres Athens and Coxsackie, Greene County 18PR07885 / 18-F-0087*. Correspondence from John Bonafide (SHPO) to Grant Johnson (EDR). October 1, 2019. New York State Office of Parks, Recreation and Historic Preservation. Waterford, NY.

Bonafide, John. 2020a. *U.S. ACE/PSC/DEC Flint Mine Solar Project/100MW/500 of 1,500 Acres, Flint Mine Road & US Route 9W (vic), Coxsackie, Greene County 18PR07885 / 18-F-0087*. Correspondence from John Bonafide (SHPO) to Andrew Davis (NYS Department of Public Service). June 22, 2020. New York State Office of Parks, Recreation and Historic Preservation. Waterford, NY.

Bonafide, John. 2020b. *U.S. ACE/PSC/DEC Flint Mine Solar Project/100MW/750 Acres, Towns of Athens & Coxsackie, Greene County 18PR07885 / 18-F-0087*. Correspondence from John Bonafide (SHPO) to Andrew Davis (NYS Department of Public Service). December 28, 2020. New York State Office of Parks, Recreation and Historic Preservation. Waterford, NY.

Code of Federal Regulations (CFR). 2004a. 36 CFR 800 – Protection of Historic Properties [incorporating amendments effective August 5, 2004]. <http://www.achp.gov/regs-rev04.pdf>.

CFR. 2004b. Title 36 - Parks, Forests, and Public Property, Chapter I - National Park Service, Department of the Interior, Part 60 - National Register of Historic Places, Section 60.4 - Criteria For Evaluation. http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=/ecfrbrowse/Title36/36cfr60_main_02.tpl.

Environmental Design and Research, Landscape Architecture, Engineering, and Environmental Services, D.P.C. (EDR). 2018a. *Preliminary Scoping Statement, Flint Mine Solar, Greene County, New York*. Prepared for Flint Mine Solar, LLC by Environmental Design and Research Landscape Architecture, Engineering, & Environmental Services, D.P.C., Syracuse, NY. November 2018.

EDR. 2018b. *Phase 1A Archaeological Sensitivity Assessment, Flint Mine Solar, Towns of Coxsackie and Athens, Greene County, New York*. Prepared for Flint Mine Solar, LLC by Environmental Design and Research Landscape Architecture, Engineering, & Environmental Services, D.P.C., Syracuse, NY. December 2018.

EDR, 2019a. *Final Scoping Statement, Flint Mine Solar, Greene County, New York, Case 18-F-0087*. Prepared for Flint Mine Solar, LLC by Environmental Design and Research Landscape Architecture, Engineering, & Environmental Services, D.P.C., Syracuse, NY. September 2019.

EDR, 2019b. *Phase IB Archaeological Survey Scope of Work/Research Design, Flint Mine Solar Project, Towns of Coxsackie and Athens, Greene County, NY, NYSOPRHP Project Review No. 18PR07885, NYSDPS Case No. 18-F-0087*. Prepared for Flint Mine Solar, LLC by Environmental Design and Research Landscape Architecture, Engineering, & Environmental Services, D.P.C., Syracuse, NY. November 19, 2019.

EDR. 2020a. *Historic Resources Survey Report, Flint Mine Solar, Towns of Coxsackie and Athens, Greene County, New York, NYSOPRHP/SHPO Project Review No. 18PR07885 / DPS Case No. 18-F-0087*. Prepared for

Flint Mine Solar, LLC by Environmental Design and Research Landscape Architecture, Engineering, & Environmental Services, D.P.C., Syracuse, NY. February 2020.

EDR. 2020b. *Flint Mine Solar, Case No. 18-F-0087, 1001.20 Exhibit 20, Cultural Resources*. Prepared for Flint Mine Solar, LLC by Environmental Design and Research Landscape Architecture, Engineering, & Environmental Services, D.P.C., Syracuse, NY. May 2020.

EDR. 2020c. *Phase IB Archaeological Survey, Flint Mine Solar, Towns of Coxsackie and Athens, Greene County, New York*. Prepared for Flint Mine Solar, LLC by Environmental Design and Research Landscape Architecture, Engineering, & Environmental Services, D.P.C., Syracuse, NY. May 2020.

EDR. 2020d. *Unanticipated Cultural Resources Discovery Protocol, Flint Mine Solar Project, Greene County, NY*. Prepared for Flint Mine Solar, LLC by Environmental Design and Research Landscape Architecture, Engineering, & Environmental Services, D.P.C., Syracuse, NY. May 2020.

EDR. 2020e. *Flint Mine Solar, Case No. 18-F-0087, Proposed Settlement Layout*. Environmental Design and Research Landscape Architecture, Engineering, & Environmental Services, D.P.C., Syracuse, NY. December 4, 2020.

Herter, Nancy. 2019a. *RE: 18PR07885 Flint Mine Solar/100MW/600 acre – Access Road Design*. Email correspondence between Nancy Herter (SHPO) and Nicholas Freeland (EDR). September 18, 2019.

Herter, Nancy. 2019b. *PSC, DEC, USACE Flint Mine Solar/100MW/600 Acre, Towns of Athens & Coxsackie, Greene County, NY 18PR07885, 18-F-0087*. Correspondence from Nancy Herter (SHPO) to Andrew Davis (NYS Department of Public Service). November 29, 2019. New York State Office of Parks, Recreation and Historic Preservation. Waterford, NY.

Herter, Nancy. 2020a. *USACE Flint Mine Solar/100MW/750 Acre, Towns of Athens & Coxsackie, Greene County, NY 18PR07885; 18-F-0087*. Correspondence from Nancy Herter (SHPO) to Andrew Davis (NYS Department of Public Service). July 6, 2020. New York State Office of Parks, Recreation and Historic Preservation. Waterford, NY.

Herter, Nancy. 2020b. *USACE Flint Mine Solar Project/100MW/750 Acre, Towns of Athens & Coxsackie, Greene County, NY 18PR07885; 18-F-0087*. Correspondence from Nancy Herter (SHPO) to Andrew Davis (NYS Department of Public Service). July 6, 2020. New York State Office of Parks, Recreation and Historic Preservation. Waterford, NY.

Herter, Nancy. 2020c. *USACE, PSC Flint Mine Solar/100MW/750 Acre, Towns of Athens & Coxsackie, Greene County, NY 18PR07885; 18-F-0087*. Correspondence from Nancy Herter (SHPO) to Andrew Davis (NYS Department of Public Service). July 6, 2020. New York State Office of Parks, Recreation and Historic Preservation. Waterford, NY.

National Park Service (NPS). 1990. How to Apply the National Register of Historic Places Criteria for Evaluation. National Register Bulletin No. 15. National Register Branch, National Park Service, U.S. Department of the Interior, Washington, D.C. <http://www.nps.gov/nr/publications/bulletins/pdfs/nrb15.pdf>.

New York State Board on Electric Generation Siting and the Environment (NYS Board). 2021. [CASE 18-F-0087 - Application of Flint Mine Solar, LLC for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 for Construction of a Solar Electric Generating Facility Located in the Towns of Coxsackie and Athens, Greene County](#). Order Granting Certificate Of Environmental Compatibility And Public Need, With Conditions. Issued and Effective: August 4, 2021.

New York State Historic Preservation Office (NYSHPO). 2021. *State Historic Preservation Office/ New York State Office of Parks, Recreation, and Historic Preservation Human Remains Discovery Protocol (January 2021)*. On file, New York State Office of Parks, Recreation, and Historic Preservation, Waterford, NY.

Schreyer, Jessica. 2022. *USACE, Flint Mine Solar/100MW/750 Acre, Towns of Athens & Coxsackie, Greene County, NY 18PR07885; 18-F-0087*. Correspondence from Jessica Schreyer (SHPO) to Jeremy Flaun (NYS Department of Public Service). October 6, 2022. New York State Office of Parks, Recreation and Historic Preservation. Waterford, NY.

Schreyer, Jessica. 2023. *USACE, Flint Mine Solar/100MW/750 Acre, Towns of Athens & Coxsackie, Greene County, NY 18PR07885; 18-F-0087*. Correspondence from Jessica Schreyer (SHPO) to Jeremy Flaun (NYS Department of Public Service). January 20, 2023. New York State Office of Parks, Recreation and Historic Preservation. Waterford, NY.

Attachment 1

Summary of Cultural Resources Outreach for Flint Mine Solar

Summary of Cultural Resources Outreach for Flint Mine Solar

Date	Summary of Outreach/Correspondence
February 9, 2017	The Applicant and EDR initiated formal consultation with SHPO via an in-person meeting with Philip Perazio (SHPO) at the offices of the Division for Historic Preservation in Peebles Island, New York.
March 13, 2017	<p>The Applicant and EDR attended a follow-up meeting at the SHPO’s Peebles Island Office. This meeting included representatives from the SHPO, the New York State Department of Environmental Conservation (NYSDEC), and the Stockbridge-Munsee Band of Mohican Indians (SMBMI):</p> <ul style="list-style-type: none"> • The Applicant described the intended location and scope of the Facility and acknowledged the archaeological sensitivity of the Facility Area and its surroundings. • The Applicant discussed various options for minimizing impacts to archaeological resources, including consideration of design elements and construction methods (e.g., minimizing the need for trenching for collection lines) that would help to minimize potential soil disturbance. • The Applicant expressed an interest in potentially acquiring or otherwise assisting with the transference of a portion of the nearby Flint Mine Hill archaeological site to create a permanent conservation easement, or similar, for the site. • Bonney Hartley of the SMBMI expressed concern that the highly sensitive archaeological landscape surrounding the Facility was being impacted by piecemeal archaeological investigations on a project-by-project basis. • The SHPO indicated that a Phase IA archaeological survey report and Phase IB work plan should be prepared for the Facility prior to any archaeological investigation, and that proposals for archaeological mitigation should be included in the Phase IB work plan.
July 21, 2017	<p>The Applicant, EDR, and representatives from the SHPO, SMBMI, NYSDEC, Southold Indian Museum, and Archaeological Conservancy met at the site of Facility. During the site visit:</p> <ul style="list-style-type: none"> • Attendees discussed the conceptual site layout and design, including roads, collection lines, the Facility Substation and POI switchyard location, and other Facility components, as well as avoidance, minimization, and mitigation options. • The Southold Indian Museum hosted a tour of the nearby Flint Mine Hill archaeological site, which they currently own. • The Applicant discussed potential cultural resource mitigation projects with the Southold Indian Museum and the Archaeological Conservancy. This included consideration of potentially transferring ownership of the portion of the Flint Mine Hill site that is currently owned by the Southold Indian Museum to the ownership of the Archaeological Conservancy as a means to mitigate potential impacts to archaeological resources that could result from soil disturbance during construction of the Facility.
April 9, 2018	Public Involvement Program (PIP) Plan was provided to all identified stakeholders and interested parties.
May 2018	Open-house meetings were held in the Town of Coxsackie. In addition, a series of smaller meetings with neighbors, municipal representatives, and various stakeholders were held

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Date	Summary of Outreach/Correspondence
	throughout the development of the Facility in order to identify significant historic resources within the Historic Resources Study Area.
November 2018	Additional open-house meetings were held in the Town of Coxsackie. In addition, a series of smaller meetings with neighbors, municipal representatives, and various stakeholders were held throughout the development of the Facility in order to identify significant historic resources within the Historic Resources Study Area.
November 2, 2018	The Applicant filed the <i>Preliminary Scoping Statement</i> (PSS; EDR, 2018a) for the Facility. Comments received in response to the PSS from NYSOPRHP/SHPO, the Town of Coxsackie, and Scenic Hudson provided feedback for the development of the Historic Resources Study Area. In addition, comments were provided by NYSDPS and Scenic Hudson regarding Olana, a National Historic Landmark.
December 10, 2018	The Applicant initiated formal consultation with the SHPO via the online Cultural Resources Information System (CRIS).
December 11, 2018	The Applicant submitted the <i>Phase 1A Archaeological Sensitivity Assessment</i> (EDR, 2018b) for the project to SHPO via the CRIS website. The <i>Phase 1A Archaeological Sensitivity Assessment</i> included a review of archaeological resources within and near the Facility, as well as recommendations for a subsequent archaeological reconnaissance and a Phase IB archaeological survey.
December 11, 2018	SHPO requested further information regarding site plans and the proposed layout of the PV panels for the Facility.
January 17, 2019	The Applicant responded to comments on the PSS via the CRIS website.
April 17, 2019	The Applicant circulated an outreach letter requesting stakeholder assistance with identifying visually sensitive resources, which was also submitted to SHPO via CRIS.
September 17, 2019	The Applicant submitted the <i>Final Scoping Statement</i> (or FSS; EDR, 2019a) to SHPO via the CRIS website.
September 18, 2019	Nancy Herter, Archaeology Unit Program Coordinator (SHPO), provided a response via email (Herter, 2019a) confirming that proposed access road design has no potential to impact archaeological resources.
October 1, 2019	Correspondence was provided via the CRIS website in response to the FSS from John Bonafide, Director, Technical Preservation Services Bureau (SHPO), which approved the content of the FSS (Bonafide, 2019).
October 16 -18, 2019	On behalf of the applicant, EDR cultural resources staff engaged with local historians and archivists in the Village of Athens, the Town of Coxsackie, and Greene County in order to further identify locally significant historic resources not included on the CRIS website within the Historic Resources Study Area and APE for Indirect Effects.
November 4, 2019	The SHPO requested the completion of a historic resources survey report.
November 19, 2019	The Applicant submitted the <i>Phase IB Archaeological Survey Scope of Work/Research Design</i> (EDR, 2019b) to SHPO, the SMBMI, Delaware Nation, and Southold Indian Museum via email and the CRIS website. The <i>Phase IB Archaeological Survey Scope of Work/Research Design</i> presented the proposed Facility layout as currently envisioned, a description of the Area of Potential Effect for Direct Effects and Limits of Significant Ground Disturbance for the Facility, and the proposed research design/scope of work for the Phase IB archaeological survey.
November 21, 2019	The Applicant held an open meeting in Coxsackie, inviting officials and interested members of the public, to discuss visually sensitive locations and viewpoints where visual simulations would

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Date	Summary of Outreach/Correspondence
	be prepared in support of the Article 10 Application, Visual Impact Assessment, and cultural resources assessments.
November 29, 2019	SHPO provided a response via CRIS (Herter, 2019b) concurring with the scope of work proposed in the Phase IB Archaeological Survey Scope of Work/Research Design.
December 15, 2019	Historic Resources Survey was submitted to SHPO via CRIS
February 21, 2020	The Applicant prepared a <i>Historic Resources Survey Report</i> (EDR, 2020a), which was submitted to SHPO through the CRIS website.
April 22, 2020	The Applicant provided a project status update and notice of upcoming Article 10 filing to the Southold Indian Museum and The Archaeological Conservancy stakeholders.
May 22, 2020	The Applicant submitted to the New York State Department of Public Service the Article 10 Application for the project: https://documents.dps.ny.gov/public/MatterManagement/CaseMaster.aspx?MatterSeq=55834
May 29, 2020	EDR submitted to SHPO Exhibit 24 (Visual Impacts) of the Article 10 Application for Flint Mine Solar, including all figures and appendices.
June 9, 2020	<p>The Applicant held an agency meeting and presented a summary of the Article 10 Application to Department of Public Service staff. Additional presentations were made to stakeholder groups throughout the summer of 2020.</p> <p>The Applicant submitted the <i>Flint Mine Solar, Case No. 18-F-0087, 1001.20 Exhibit 20, Cultural Resources</i> (or Exhibit 20; EDR, 2020b), <i>Phase IB Archaeological Survey</i> report (EDR, 2020c), and an <i>Unanticipated Discover Plan</i> (EDR, 2020d) to SHPO via the CRIS website. The Exhibit 20 report includes a summary of all the results and recommendations from cultural resources surveys completed to date.</p>
June 17, 2020	<p>The Applicant/EDR sent out a project update to SHPO, the SMBMI, Delaware Nation, The Archaeological Conservancy, and Southold Indian Museum via email. The update included information and links regarding the recent Article 10 Application filing, as well as a link to a private/secure sharefile site that included copies of the following:</p> <ul style="list-style-type: none"> • Phase IA Archaeological Assessment (November 2018) • Article 10 Application – Exhibit 20: Cultural Resources (summary of all studies) • Article 10 Appendix 20-A SHPO Correspondence • Article 10 Appendix 20-B Archaeological Survey Work Scope (Nov 2019) • Article 10 Appendix 20-C Phase IB Archaeological Survey Report • Article 10 Appendix 20-D Unanticipated Discovery Plan • Article 10 Appendix 20-E Historic Resources Survey Report • Article 10 – Exhibit 24: Visual Resources
June 22, 2020	<p>The SHPO issued an initial review letter, which stated (in part):</p> <p><i>Our office believes that the proposed undertaking will impact the naturalized landscape that now makes up much of the Flint Hill Mine Archaeological District... our office has found that the undertaking will have adverse effects on identified historic resources within the project's APE.</i></p> <p><i>As noted above, our initial effect assessment does not yet include potential impacts to the extensive archaeological resources associated with the project area, which are still being evaluated. Once the next phase of archaeological survey is completed we will be better able to define the full scope of adverse effects anticipated by this undertaking on historic, cultural and archaeological resources</i> (Bonafide, 2020a).</p>

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Date	Summary of Outreach/Correspondence
July 6, 2020	The SHPO issued a review letter responding to Exhibit 20 from the Article 10 Applications (EDR, 2020b) stating: “the SHPO has no comments or concerns regarding this document” (Herter, 2020a).
July 6, 2020	<p>The SHPO issued a review letter responding to the <i>Phase IB Archaeological Survey</i> reports (EDR, 2020c), providing the following recommendations:</p> <ul style="list-style-type: none"> • <i>It is the SHPO’s opinion that the archaeological sites identified by EDR during the Phase IB archaeological testing (03902.000308) are contributing elements to the National Register listed Native American Flint Mine Hill Archaeological District (03905.00003).</i> • <i>It is the SHPO’s opinion that the Applicant has reduced direct effects to the archaeological record to the greatest extent possible by incorporating construction techniques that minimize soil disturbance into the project design and it is not feasible for the Applicant to avoid all direct effects the Flint Mine Hill Archaeological District.</i> • <i>Since questions about site integrity, limits, structure, function and cultural/historic context have been addressed by the Phase I archaeological investigation, a Phase II archaeological investigation, is not warranted.</i> • <i>It is the SHPO’s opinion that the setting of the Flint Mine Hill Archaeological District, which is currently open, green space that would be easily recognizable to the Native American inhabitants of Flint Mine Hill, will be adversely effected by the addition of ground-mounted photovoltaic (PV) arrays. This opinion was provided in the SHPO’s June 22, 2020 letter.</i> • <i>The SHPO concurs that mitigation for these adverse effects to the Flint Mine Hill Archaeological District will include the purchase the 62.5 acre portion of Flint Mine Hill currently owned by the Southold Indian Museum by the Applicant so that this property can be transferred into a permanent conservation easement (or similar instrument).</i> • <i>If the purchase and long-term protection of the 62.5 acre portion of Flint Mine Hill currently owned by the Southold Indian Museum by the Applicant is not feasible, the SHPO recommends that mitigation include a redraft of the 1978 Flint Mine Hill Archaeological District nomination to incorporate new site information and knowledge regarding Native American lithic quarries and workshops and to bring this document up to current National Register standards.</i> • <i>The SHPO recommends that any soils excavated during construction are maintained on site, if feasible, and used in the construction of the proposed earthen berms/dikes (Herter, 2020b).</i>
July 6, 2020	The SHPO issued a review letter responding to the <i>Unanticipated Cultural Resources Discovery Protocol</i> (EDR, 2020d) which requested minor edits.
August 12, 2020	The New York State Department of Public Service issued a letter stating that the Article 10 Application complied with Public Service Law §164 (i.e., the Article 10 Application was deemed complete).
October 10, 2020	New York State Department of Public Service held a public statement hearing to received public comments on the Article 10 Application.
December 17, 2020	The Applicant/EDR provided a <i>Proposed Settlement Layout</i> memo to SHPO (EDR, 2020e), which described changes to the proposed layout that the Applicant developed in consultation with NYSDEPS, NYSDEC, and other stakeholders to further avoid and minimize impacts to sensitive environmental resources, such as wetlands and wildlife habitat.

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Date	Summary of Outreach/Correspondence
December 28, 2020	The SHPO issued a review letter responding to the <i>Proposed Settlement Layout</i> memo to SHPO (EDR, 2020e) stating: "We are in receipt of the project applicant's Proposed Settlement Layout document dated December 4, 2020. We have reviewed this document in accordance with Section 106 of the National Historic Preservation Act of 1966. Based upon our review, the NYSHPO has no substantive comments on the proposal. We look forward to the ongoing mitigation discussion as outlined in the Archaeological section." (Bonafide, 2020b).
August 29, 2022	The Certificate Holder submitted a Petition for Amendment to the NYSDPS. The Petition included a Proposed Modifications Memo, which addressed potential changes to impacts on cultural resources resulting from the Modified/Amendment Layout. The Proposed Modifications Memo included as an attachment a Supplemental Phase IB Archaeological Survey report that described the results of shovel testing in newly defined proposed grading areas (no archaeological resources were identified). The Proposed Modifications Memo concluded that "the Modified Layout is not anticipated to result in additional impacts to archaeological resources relative to the Certificated Layout, for which appropriate mitigation measures have been proposed and committed to in the Application".
September 13, 2022	The Certificate Holder submitted the Proposed Modifications Memo, which addressed potential changes to impacts on cultural resources resulting from the Modified/Amendment Layout, and a Supplemental Phase IB Archaeological Survey report that described the results of shovel testing in newly defined proposed grading areas (no archaeological resources were identified) to NYSHPO's CRIS system for review and comment. Contacts in NYSHPO's CRIS system who received notification of the submitted documents included the NYSDPS, NYSDEC, USACE, and Stockbridge-Munsee Band of Mohican Indians.
October 6, 2022	NYSHPO reviewed and concurred with the Supplemental Phase IB Archaeological Survey report: "The Archaeology Unit has reviewed the Phase IB Archaeological Survey report addendum memo prepared by EDR (August 29, 2022; 22SR00468). No archaeological sites were identified by the survey and the SHPO concurs with the report recommendation that no additional archaeological work is necessary for the additional proposed grading areas examined during this survey" (Schreyer, 2022).
December 8, 2022	The New York State Department of Public Service (DPS) provided the following comment to Flint Mine Solar, LLC (the Certificate Holder) regarding the Petition for Amendment of the Certificate of Environmental Compatibility and Public Need for the Flint Mine Solar Facility (Case No. 18 F09987) submitted on August 29, 2022: "The Certificate Holder's response to DPS Comment 3 (Cultural Resource Impacts) is insufficient. DPS Staff previously provided the following comment: DPS Comment 3, Cultural Resource Impacts – The Certificated Layout included limited grading at the substation and the Point of Interconnection switchyard only. Alternatively, the proposed Modified Layout requires approximately 9.6 acres of grading, including grading at 13 PV array locations. Further, the proposed overhead collection line potentially will be visible from National Register of Historic Places-listed and/or eligible sites and other visually sensitive resources, as illustrated in the Figure 5 Overhead Collection Line Viewshed Analysis. The Amendment Petition includes, in Attachment 2, a copy of Archaeological Phase IB Addendum Survey dated August 29, 2022. However, it is not clear whether the Certificate Holder has initiated or completed consultation with the New York State Office of Parks, Recreation and Historic Preservation State Historic Preservation Office (SHPO) in order to assess potential archeological impacts and/or

REDACTED – NYSOPRHP Project # 18PR07885, DPS Matter No. 18-F-0087

Date	Summary of Outreach/Correspondence
	<p>visual impact to historic properties that may result from the proposed changes to the Certificated Project, and an impact determination from SHPO is not provided. Additionally, the Project is located within the Flint Mine Hill Archaeological District. As part of the Certificated Layout, Flint Mine Solar committed to purchase a 62.5-acre parcel in Coxsackie that includes a portion of Flint Mine Hill which would be transferred into a conservation easement (or similar), as agreed-upon with SHPO. It is unclear whether the change proposed in the Modified Layout will have any impacts on this mitigation requirement.</p> <p>The Certificate Holder should supplement the Amendment Petition to include the results of consultations with SHPO regarding the proposed changes to the Facility design and layout, including any effects findings issued pursuant to Section 106 of the National Historic Preservation Act and/or impact determinations issued pursuant to Section 14.09 of the New York State Historic Preservation Act.</p> <p>The response from Flint Mine adequately resolves the questions regarding archaeological impacts resulting from the changes to the Facility Layout, and provides a copy of SHPO correspondence dated 10/6/22, which concurs with the findings/recommendations of the Phase 1B Archaeological Assessment. However, the Certificate Holder failed to address the questions and concerns raised regarding potential visual impacts to historic properties and other visually sensitive resources (see highlights above). Please complete a consultation with SHPO (if not yet done), and provide copies of SHPO's determination, with respect to the modified layout's potential visual impacts to National Register of Historic Places-listed and/or eligible sites and other visually sensitive resources, as previously requested in the Secretary's letter dated 9/12/22."</p>
January 5, 2023	<p>The Certificate Holder provided a response to NYSDPS and NYSHPO regarding NYSDPD comment from December 8, 2022 (above). The response included additional analysis regarding the Modified Layout and concluded that: "The overhead collection lines in the Modified Layout are not anticipated to result in additional visual impacts on nearby historic properties relative to the Certificated Layout, for which appropriate mitigation measures have been proposed and committed to in the Application and memorialized in the Certificate. The Modified Layout will result in substantially similar visual effects to the Flint Mine Hill Archaeological District as the effects described in the Article 10 Application—NYSHPO has already determined that the Facility will have an adverse visual effect on this historic district and appropriate mitigation measures have already been committed to and implemented to address those impacts. No substantial change in the character or degree of these impacts will result from the Modified Layout as compared with the Certificated Layout, and no further mitigation is warranted" (EDR, 2023).</p>
January 20, 2023	<p>The NYSHPO replied to the Certificate Holder's submitted response on January 5, 2023 and concluded that: "The SHPO has reviewed EDR's response (January 5, 2023) to New York State Department of Public Service's (DPS) Comment 3 (Cultural Resource Impacts) in the Amendment Petition. The SHPO concurs that the Modified Layout will result in substantially similar visual effects to the Flint Mine Hill Archaeological District as the Certificated Layout and no further mitigation is warranted. In addition, our office concurs with the findings concerning visual impacts to historic built resources" (Schreyer, 2023).</p>

Attachment 2

New York State Historic Preservation Office Correspondence



**Parks, Recreation
and Historic Preservation**

ANDREW M. CUOMO
Governor

ERIK KULLESEID
Commissioner

October 1, 2019

Grant Johnson
Cultural Resource Manager
EDR
217 Montgomery Street, Suite 1000
Syracuse, NY 13202
(via email)

Re: ACE/PSC
Flint Mine Solar Project/100MW/600 Acres
Athens and Coxsackie, Greene County
18PR07885 / 18-F-0087

Dear Mr. Johnson:

Thank you for your ongoing consultation with the NYSHPO on behalf of Flint Mine Solar, LLC. We continue to review this undertaking in accordance with Section 106 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to Historic/Cultural resources.

Our office has concluded its review of the recently submitted Final Scoping Statement for this undertaking.

Based upon our review of this updated document, we agree that the content of the Cultural Resource section (Exhibit 20) and the Visual Impacts section (Exhibit 24) are appropriate for this activity.

However, we will also request that a glare study be incorporated into the historic resources survey and visual impact evaluation process. We also ask that the site of the former Catskill Mountain House (North-South Lake Park, Haines Falls, NY) be included as a visual receptor.

If I can be of any further assistance, please do not hesitate to contact me at (518) 268-2166 or john.bonafide@parks.ny.gov.

Sincerely,

John A. Bonafide
Director,
Technical Preservation Services Bureau
Agency Historic Preservation Officer

Cc: CRIS Notification List *(CRIS via email)*



**Parks, Recreation,
and Historic Preservation**

ANDREW M. CUOMO
Governor

ERIK KULLESEID
Commissioner

November 29, 2019

Mr. Andrew Davis
NYS Department of Public Service
Empire State Plaza
Agency Building 3
Albany, NY 12203-1350

Re: PSC, DEC, USACE
Flint Mine Solar/100MW/600 acre
Towns of Athens & Coxsackie, Greene County, NY
18PR07885
18-F-0087

Thank you for requesting the comments of the New York State Historic Preservation Office (SHPO). We have reviewed the *Phase IB Archaeology Scope of Work (November 19, 2019)*, prepared by EDR, in accordance with Section 106 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to Historic/Cultural resources.

Based on this review, the SHPO concurs with this well-developed Phase IB Scope of Work and we agree that a meeting to discuss the results of the Phase IB fieldwork is appropriate.

If you have any questions, I can be reached at (518) 268-2179.

Sincerely,

Nancy Herter
Archaeology Unit Program Coordinator



Parks, Recreation and Historic Preservation

ANDREW M. CUOMO
Governor

ERIK KULLESEID
Commissioner

June 22, 2020

Mr. Andrew Davis
NYS Department of Public Service
3 Empire State Plaza
Albany, NY 12223
(via CRIS email)

Re: U.S. ACE/PSC/DEC
Flint Mine Solar Project/100MW/500 of 1,500 Acres
Flint Mine Road & US Route 9W (vic), Coxsackie, Greene County
18PR07885 / 18-F-0087

Dear Mr. Davis:

As you may be aware, our office has been reviewing this undertaking as part of the Article 10 process. We note that the applicant will be seeking approvals from the U.S. Army Corps of Engineers. As a result, our office continues to review the submitted project materials in accordance with Section 106 of the National Historic Preservation Act of 1966.

Regarding archaeology, the SHPO continues to review the complex and highly significant archaeological resources associated with this undertaking. We are in contact with the Indian Nations, who are consulting parties to this action, concerning their comments. It is anticipated that additional archaeological comments will be developed by both our office and the involved Nations as the Section 106 process progresses. Further archaeological comments will be forwarded as additional phases of assessment are completed.

Concerning our analysis of potential impacts to buildings and historic viewsheds, we are in receipt of the Historic Resources Survey Report (EDR December 2019). Our review of this report finds that the project's survey area includes 2 properties listed in the New York State and National Registers of Historic Places ("Registers"), 1 National Historic Landmark and 9 properties that meet the requirements for inclusion in the Registers. One of the listed properties is the 1,800-acre Flint Mine Hill Archaeological Historic District. The project's entire footprint is set within the boundary of this district.

As defined by the Section 106 regulations: "*An adverse effect is found when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association.*" (36 CFR Part 800.5) This section goes on to define examples of adverse effects, which include the: "*Introduction of visual, atmospheric or audible elements that diminish the integrity of the property's significant historic features.*" (36 CRP Part 800.5(2)(v))

Of concern with large-scale commercial solar facilities is their impact on the "*setting*" and "*feeling*" associated with the identified historic resources. The National Park Service's Bulletin 15: *How to Apply the National Register Criteria for Evaluation* provides the following definition for the "*setting*" of historic property: "*Setting is the physical environment of a historic property... Setting refers to the character of the place in which a property played its historic role.*" (NPSB 15, page 45)

Division for Historic Preservation

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The Bulletin goes on to define “*feeling*” as: *a property’s expression of the aesthetic or historic sense of a particular period of time.*” (NPSB 15, page 45)

The proposed undertaking will be composed of several dozen large solar panel arrays covering approximately 500 or more acres within the project area. The arrays are relatively low in profile reaching at the upper edge 10-15 feet in height from the ground. The arrays are composed of regimented, linear, industrial-looking rows that may be visible from the National Register listed and eligible properties. The project area’s landscape is generally open and agricultural. This rural setting is an important character-defining feature associated with the identified historic properties.

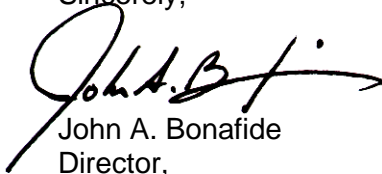
Our office believes that the proposed undertaking will impact the naturalized landscape that now makes up much of the Flint Hill Mine Archaeological District. The project will blanket approximately 500-acres or more of this significant archaeological district with tens of thousands of solar panels. This will alter much of the district from its open natural landscape to one of regimented industrial-scale ribbons of semi-reflective solar panel arrays and will significantly alter the district’s setting and feeling. As referenced earlier, these two areas of National Register *integrity* are key character defining features of this historic district.

Based upon our review, we found that the large solar arrays with their industrial form and scale will be incongruous with the surrounding natural agricultural setting. In addition, potential glare and reflectivity at various times of the day are also of concern and will alter viewsheds from several identified historic resources. As a result, our office has found that the undertaking will have *adverse effects* on identified historic resources within the project’s APE.

As noted above, our initial effect assessment does not yet include potential impacts to the extensive archaeological resources associated with the project area, which are still being evaluated. Once the next phase of archaeological survey is completed we will be better able to define the full scope of adverse effects anticipated by this undertaking on historic, cultural and archaeological resources.

At this point in time this office has no further comments on the submitted report. If you or your client should have any questions, please contact me at john.bonafide@parks.ny.gov.

Sincerely,



John A. Bonafide
Director,
Technical Preservation Services Bureau
Agency Historic Preservation Officer

cc: Adam C. Labatore, ACE (via CRIS email)
Charles Vandrei, DEC (via CRIS email)
CRIS Notification List

att: Historic Properties List

Historic Properties List

Survey ID	SHPO USN	Address	Name and/or Description	Municipality	County	S/NRHP Eligibility Determination (NYSOPRHP)	Recommendation of SINRHP Eligibility (EDR)	SHPO Determination 2020
1	03905.000223	576 & 580 Flint Mine Road	An historic farmstead consisting of a two-story vernacular residence and two barns.	Coxsackie (T)	Greene	N/A	NRE	NRE
2	03905.000050/ 03905.000224	Congressman John Ely Farm/L. Warren House/ 2924 State Route 385	A two-and-one-half-story Colonial Revival residence with a guest house and several accessory structures.	Coxsackie (T)	Greene	N/A	NRE	NRE
3	03905.000225	State Route 385	St. Mary's Cemetery	Coxsackie (T)	Greene	Undetermined	NRE	NRE
4	03905.000222	987 County Route 49	An historic farmstead consisting of a two-story vernacular residence and a barn.	Coxsackie (T)	Greene	N/A	NRE	Undetermined
5	03905.000226	1199 Flint Mine Road	A one-and-one-half-story bungalow.	Coxsackie (T)	Greene	N/A	NRE	NRE
6	03905.000227	880 Flint Mine Road	An historic farmstead consisting of a one-and-one-half-story Greek Revival-style residence and two barns.	Coxsackie (T)	Greene	N/A	NRE	NRE
7	03905.000228	957 Flats Road	An historic farmstead consisting of a one-and-one-half-story stone residence, a hay barn, a shed, and two silos.	Coxsackie (T)	Greene	N/A	NRE	NRE
8	03902.000296	Green Lake Road	Chapel Cemetery/Colleburgh Cemetery/Limestreet Cemetery	Athens (T)		Undetermined	NRE	NRE
9	03905.000056	857 Flats Road	Marns Farm, a farm complex with an original Dutch barn.	Coxsackie (T)	Greene	Undetermined	Not-NRE	NRE
10	03902.000090	275 Flats Road	Structure #43, a two-story modular residence.	Athens (T)	Greene	Undetermined	Not-NRE	Not-NRE
11	90NR00254/USN 02140.000906	Prospect and Rossman Aves.	Rossmann-Prospect Avenue Historic District	Hudson (C)	Columbia	S/NRHP Listed	S/NRHP Listed	S/NRHP Listed
12	02111.000312	4414 US Route 9	A two-story Greek Revival-style residence.	Greenport (T)	Columbia	N/A	NRE	NRE
13	10NR06129/USN 03904.000185	4 State Route 385	Moore-Howland Estate	Catskill (T)	Greene	S/NRHP Listed	S/NRHP Listed	S/NRHP Listed
14	90NR00232/USN 02111.000001	5720 State Route 9G	Frederic E. Church House (Olana)	Greenport (T)	Columbia	National Historic Landmark	National Historic Landmark	National Historic Landmark
	90NR00539/USN 03902.000202		Flint Mine Hill Archaeological District	Coxsackie (T)	Greene	S/NRHP Listed	S/NRHP Listed	S/NRHP Listed



**Parks, Recreation,
and Historic Preservation**

ANDREW M. CUOMO
Governor

ERIK KULLESEID
Commissioner

July 6, 2020

Mr. Andrew Davis
NYS Department of Public Service
Empire State Plaza
Agency Building 3
Albany, NY 12203-1350

Re: USACE
Flint Mine Solar/100MW/750 Acre
Towns of Athens & Coxsackie, Greene County, NY
18PR07885; 18-F-0087

Dear Mr. Davis:

Thank you for requesting the comments of the State Historic Preservation Office (SHPO). We have reviewed *Flint Mine Solar Case No. 18-F-0087 1001.20 Exhibit 20 Cultural Resources* in accordance with Section 106 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to Historic/Cultural resources.

Based upon this review, the SHPO has no comments or concerns regarding this document.

If you have any questions, I can be reached at nancy.herter@parks.ny.gov.

Sincerely,

Nancy Herter
Archaeology Unit Program Coordinator



**Parks, Recreation,
and Historic Preservation**

ANDREW M. CUOMO
Governor

ERIK KULLESEID
Commissioner

July 6, 2020

Mr. Andrew Davis
NYS Department of Public Service
Empire State Plaza
Agency Building 3
Albany, NY 12203-1350

Re: USACE, PSC
Flint Mine Solar/100MW/750 Acre
Towns of Athens & Coxsackie, Greene County, NY
18PR07885; 18-F-0087

Dear Mr. Davis:

Thank you for requesting the comments of the State Historic Preservation Office (SHPO). We have reviewed the May 2020 *Phase IB Archaeological Survey Report*, prepared by EDR (20SR00301) in accordance with Section 106 of the National Historic Preservation Act of 1966. Based upon this review, the SHPO is pleased to provide the following recommendations.

- It is the SHPO's opinion that the archaeological sites identified by EDR during the Phase IB archaeological testing (03902.000308) are contributing elements to the National Register listed Native American Flint Mine Hill Archaeological District (03905.00003).
- It is the SHPO's opinion that the Applicant has reduced direct effects to the archaeological record to the greatest extent possible by incorporating construction techniques that minimize soil disturbance into the project design and it is not feasible for the Applicant to avoid all direct effects the Flint Mine Hill Archaeological District.
- Since questions about site integrity, limits, structure, function and cultural/historic context have been addressed by the Phase I archaeological investigation, a Phase II archaeological investigation, is not warranted.
- It is the SHPO's opinion that the setting of the Flint Mine Hill Archaeological District, which is currently open, green space that would be easily recognizable to the Native American inhabitants of Flint Mine Hill, will be adversely effected by the addition of ground-mounted photovoltaic (PV) arrays. This opinion was provided in the SHPO's June 22, 2020 letter.
- The SHPO concurs that mitigation for these adverse effects to the Flint Mine Hill Archaeological District will include the purchase the 62.5 acre portion of Flint Mine Hill currently owned by the Southold Indian Museum by the Applicant so that this property can be transferred into a permanent conservation easement (or similar instrument).
- If the purchase and long-term protection of the 62.5 acre portion of Flint Mine Hill currently owned by the Southold Indian Museum by the Applicant is not feasible, the SHPO recommends that mitigation include a redraft of the 1978 Flint Mine Hill Archaeological District nomination to incorporate new site information and knowledge regarding Native American lithic

Division for Historic Preservation

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quarries and workshops and to bring this document up to current National Register standards.

- The SHPO recommends that any soils excavated during construction are maintained on site, if feasible, and used in the construction of the proposed earthen berms/dikes.

If you have any questions, I can be reached at nancy.herter@parks.ny.gov.

Sincerely,

A handwritten signature in cursive script that reads "Nancy Herter".

Nancy Herter
Archaeology Unit Program Coordinator



**Parks, Recreation,
and Historic Preservation**

ANDREW M. CUOMO
Governor

ERIK KULLESEID
Commissioner

July 6, 2020

Mr. Andrew Davis
NYS Department of Public Service
Empire State Plaza
Agency Building 3
Albany, NY 12203-1350

Re: USACE
Flint Mine Solar Project/100MW/750 Acre
Towns of Athens & Coxsackie, Greene County, NY
18PR07885; 18-F-0087

Dear Mr. Davis:

Thank you for requesting the comments of the State Historic Preservation Office (SHPO). We have reviewed the submitted materials in accordance with Section 106 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to Historic/Cultural resources.

Based upon this review, it is the opinion of the SHPO that the *Unanticipated Cultural Resources Discovery Protocol*, prepared by EDR, is comprehensive and the SHPO has only a few minor comments to provide.

- This document does not include notification to the Public Service Commission (PSC). Should the PSC be added to the notification list?
- Due to recent staffing changes at the SHPO, the Attachment A: Anticipated Notification List should be revised to include Nancy Herter and Jessica Schreyer (Alternate).
- In Section 3.0 Observed Skeletal Remains, the appropriate state and federal agency contacts should be included along with the SHPO/OPRHP. For example, in the first sentence in Section 3.0, the term "state and federal agency contacts" should be listed before the NYSOPRHP.
- The Division for Historic Preservation is noted as both SHPO and NYSOPRHP, we recommend that this be standardized.

If you have any questions, I can be reached at nancy.herter@parks.ny.gov.

Sincerely,

Nancy Herter
Archaeology Unit Program Coordinator

Division for Historic Preservation

P.O. Box 189, Waterford, New York 12188-0189 • (518) 237-8643 • parks.ny.gov



**Parks, Recreation
and Historic Preservation**

ANDREW M. CUOMO
Governor

ERIK KULLESEID
Commissioner

December 28, 2020

Mr. Andrew Davis
NYS Department of Public Service
Empire State Plaza Agency Building 3
Albany, NY 12203-1350
(via email)

Re: USACE/DPS
Flint Mine Solar Project/100MW/750 Acre
Towns of Athens & Coxsackie, Greene County
18PR07885 / 18-F-0087

Dear Mr. Davis:

We are in receipt of the project applicant's Proposed Settlement Layout document dated December 4, 2020.

We have reviewed this document in accordance with Section 106 of the National Historic Preservation Act of 1966. Based upon our review, the NYSHPO has no substantive comments on the proposal. We look forward to the ongoing mitigation discussion as outlined in the Archaeological section.

If you have any questions regarding or comments, please do not hesitate to contact me at john.bonafide@parks.ny.gov.

Sincerely,

John A. Bonafide
Director,
Technical Preservation Services Bureau
Agency Historic Preservation Officer

cc: Patrick Heaton
CRIS Notification List



**New York State
Parks, Recreation and
Historic Preservation**

KATHY HOCHUL
Governor

ERIK KULLESEID
Commissioner

October 6, 2022

Jeremy Flaum
Department of Public Service
3 Empire State Plaza
Albany, NY 12223

Re: USACE
Flint Mine Solar/100MW/750 Acre
Towns of Athens & Coxsackie, Greene County, NY
18PR07885
18-F-0087

Dear Jeremy Flaum:

Thank you for requesting the comments of the New York State Historic Preservation Office (SHPO). We have reviewed the provided documentation in accordance with Section 106 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to Historic/Cultural resources. They do not include other environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the National Environmental Policy Act and/or the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8).

The Archaeology Unit has reviewed the Phase IB Archaeological Survey report addendum MEMO prepared by EDR (August 29, 2022; 22SR00468). No archaeological sites were identified by the survey and the SHPO concurs with the report recommendation that no additional archaeological work is necessary for the additional proposed grading areas examined during this survey.

If you have any questions, I can be reached at Jessica.Schreyer@parks.ny.gov.

Sincerely,

Jessica Schreyer
Scientist Archaeology



**New York State
Parks, Recreation and
Historic Preservation**

KATHY HOCHUL
Governor

ERIK KULLESEID
Commissioner

January 20, 2023

Jeremy Flaum
Department of Public Service
3 Empire State Plaza
Albany, NY 12223

Re: USACE
Flint Mine Solar/100MW/750 Acre
Towns of Athens & Coxsackie, Greene County, NY
18PR07885
18-F-0087

Dear Jeremy Flaum:

Thank you for requesting the comments of the New York State Historic Preservation Office (SHPO). We have reviewed the provided documentation in accordance with Section 106 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to Historic/Cultural resources. They do not include other environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the National Environmental Policy Act and/or the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8).

The SHPO has reviewed EDR's response (January 5, 2023) to New York State Department of Public Service's (DPS) Comment 3 (Cultural Resource Impacts) in the Amendment Petition.

The SHPO concurs that the Modified Layout will result in substantially similar visual effects to the Flint Mine Hill Archaeological District as the Certificated Layout and no further mitigation is warranted. In addition, our office concurs with the findings concerning visual impacts to historic built resources.

We look forward to receiving the draft of the updated National Register Nomination.

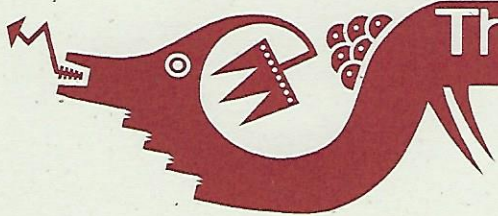
If you have any questions, I can be reached at Jessica.Schreyer@parks.ny.gov.

Sincerely,

Jessica Schreyer
Historic Preservation Program Analyst - Archaeologist

Attachment 3

General Guidelines for Management of
The Archaeological Conservancy Preserves



The Archaeological Conservancy

Eastern Regional Office
22 South Market Street, Suite 2A
Frederick, MD 21701
(301) 682-6359

September 21, 2021

William M. Moore
Principal, Flint Mine Solar, LLC
2021 Western Avenue Suite 105A
Albany, NY 12203

Dear Mr. Moore

The Archaeological Conservancy is prepared to accept the donation of the 63.88-acre parcel in Coxsackie, New York that includes the Flint Mine Hill archaeological site. We understand that this donation is being made as part of Flint Mine Solar, LLC's plan to mitigate potential impacts to historic properties resulting from construction of the Flint Mine Solar Project.

The Archaeological Conservancy is the only private, national, 501(c)(3) nonprofit organization that acquires and permanently preserves important archaeological sites across the United States. In our 40-year history we have acquired over 550 sites in 45 states. Once we acquire these properties they are maintained as permanent open-space archaeological research preserves that can never be developed.

Each site is unique and requires its own approach to management. In light of this, some of our preserves are open for passive public use, while others, largely due to the sensitive nature of the sites they contain, are more restricted. All of our preserves are open for educational tours by request. Once the acquisition of the property containing the Flint Mine Hill site is completed, Conservancy staff will work to develop a site-specific management plan that will include baseline documentation, public access policies, and research procedures. This plan will be based on our *General Guidelines for Management of The Archaeological Conservancy Preserves*, which follows this letter. The Archaeological Conservancy plans to develop and review this plan with the New York State Historic Preservation Office, among other potential stakeholders.

We are grateful for the opportunity to ensure this significant site will be permanent protected, so that it will be available for generations to come.

Best regards,

Kelley Berliner
Eastern Regional Director

GENERAL GUIDELINES FOR MANAGEMENT OF THE ARCHAEOLOGICAL CONSERVANCY PRESERVES

Purpose

The Archaeological Conservancy (TAC) acquires archaeological and historical properties for the purpose of preserving them from damage and destruction in order that through a long future they may be studied to increase our understanding of the lives of their occupants and of the past in general. TAC preserves are managed according to the principles of Conservation Archaeology, which mandates that major parts of the preserves be saved for future generations. To this end, research on TAC preserves is welcomed so long as it is carefully controlled and thoroughly documented to minimize damage and maximum increase in knowledge.

General Policies

Acting on behalf of the Board of Directors of The Archaeological Conservancy, the President of TAC is responsible for implementing the following policies:

1. A management committee and plan that addresses specific elements and concerns will be established by the TAC for each of its preserves. These Cultural Resource Management Plans will be consistent with the general purposes and policies of TAC as well as the Secretary of the Interior's Standards for the Treatment of Historic Properties. They will consider such matters as stabilization, site security and protection, nondestructive use of the property, research, curation, access, and other issues relevant to prudent management and stewardship for the public good.
2. Provision will be made by TAC at all preserves for adequate ground cover, minimum erosion, stabilization, and disturbance (from planting, mowing, grazing, etc.) and for fencing and monitoring when appropriate and necessary. The President will consult with local farmers and with county agricultural agents as to suitable ground cover, methods of plowing and planting to avoid disturbance below the existing plow zone, and the best frequency of harvesting or mowing. In regions where ground cover is difficult to establish, other suitable measures will be taken to prevent or retard erosion including reintroduction of native vegetation where possible.
3. Permission will be required for all visits to preserves, such as those by interested students, local groups, or professionals. Requests for such visits will be made in writing to the appropriate Regional Director of TAC. Visitors to a preserve ordinarily will be accompanied by a site steward and will be asked to give their names and addresses along with the time and date of their visit. Access to a preserve by Native Americans or any other group having historic ties to that preserve will be given special consideration although it, too, must be arranged through the appropriate TAC regional office.
4. Research will be permitted when appropriate to a problem-oriented program, but permission will be required with the conditions stated below. Field schools and other training

programs are allowed if they are problem oriented, adequately supervised, and meet TAC's stipulations for a permit.

5. All human remains encountered on the Conservancy's preserves will be treated with dignity and respect. Research must comply with the terms of state laws and applicable provisions of any federal laws governing human burials.

6. Because the Conservancy believes in the widest possible dissemination of information about its preserves, researchers, visitors, and other users are encouraged to fully cooperate with the scientific media as well as popular media, including newspapers, magazines, journals, and electronic media. In all such contacts, The Archaeological Conservancy shall be identified as the owner of the archaeological preserve.

Media access to news about Conservancy preserves and research thereon shall not be discriminatory. The Conservancy does not reserve preferential access to news for its own publications, nor will it allow any researcher or user to give preferential access to news about research or use on any Conservancy preserve to any media outlet.

Procedures for Applying for a Research Permit

1. Formal application will be made in writing to the President via the appropriate Regional Director, with (a) a detailed research plan (see check list attached), (b) an endorsement of the research by the institution or organization employing and funding the investigator, and (c) evidence of compliance with TAC's insurance policy. All research must have institutional/organizational affiliation, and the Principal Investigator must have a graduate degree in anthropology/archaeology, preferably a Ph.D.

2. A request for non-invasive research (such as a magnetometer survey, mapping, aerial photography, and zero collection surface survey) may be submitted, with the approval of the President, by stating in letter form, the questions being addressed, the work to be done, the personnel involved, the sponsoring organization, the dates of the project, the expected research benefits, and a timetable for a report. Whenever appropriate, the research should follow the procedures outlined below in Sections 4 and 5.

3. For more invasive field work (surface collecting, testing, or excavation) a comprehensive research design will be submitted, comparable to that required by the National Science Foundation or the National Endowment for the Humanities, including (a) the relation of the proposed work to previous investigations at the preserve or in the area, (b) specific area(s) of the preserve designated for investigation, (c) the proposed field procedures, (d) techniques for acquiring and analyzing data, (e) a timetable for the field report, the analysis and reporting of the results, (f) a detailed budget for field work, analysis and publication, and for costs of curation of artifacts and samples for curation, (g) a copy of a negotiated curation agreement, and (h) such other details as TAC may specify.

The research design should be oriented to problem solving rather than mere data gathering. A curriculum vitae of the principal investigator and any other professional staff should be included.

4. In the event of more than one request at a single preserve at the same time, the President may require the applicants to coordinate their plans before the applications receive further consideration; or the President may appoint a Review Committee to consider them and select only one for approval.

5. Review Committee. The President will appoint a minimum of a three-member committee to evaluate the qualifications of the researcher(s) and to review the application and determine if it is acceptable. In addition to the appropriate Regional Director the committee should include, insofar as is possible and practical, (a) a representative of a state or local archaeological society or other organization and (b) a recognized authority on the archaeology and/or history of the area and problems of the research being proposed, who is not involved in the project or associated with its sponsors. The committee could also include a non-professional avocational archaeologist, historian, or other appropriate specialist, who is interested in the local or regional archaeology and history, or a nationally recognized authority on archaeological research design and excavation procedures. One member will be designated by the President to serve as chairman. Members of the Board of TAC may serve on review committees.

6. Each Review Committee member will receive a copy of the proposal and within 30 days will discuss it with the other committee members in person, by mail, and/or telephone conference, and the committee will agree on a recommendation to which a majority of the members must agree. The chairman will notify the President of TAC the committee's recommendation, which may be (a) the acceptance of the proposal as submitted, (b) acceptance subject to modifications specified by the committee, or (c) rejection, with specific reasons stated. The President will communicate to the applicant the results of the review. In the case of (b) the same committee will review the revised application, if one is submitted. In the case of (c) the President may, but need not necessarily, invite rewriting and resubmission.

7. At his discretion, the President may approve a project on the condition that the project receives adequate funding.

Research Procedures

1. Compliance. The President may appoint a member of the Review Committee to monitor the research project during the field work and report to the President periodically or at its conclusion.

2. Changes in the permitted research design, such as extending the excavations beyond areas indicated in the application or modifying the data collection procedures, are possible, but only if they have prior approval by the President. Failure to obtain such approval can result in revocation of the TAC permit and banishment from the site.

3. The preserve must be left in safe, stable, and secure condition during interruption in the work and its completion, at the expense of the investigator. All excavations must be backfilled.

4. Each backfilled area must be identified by including, at the investigator's expense, well-fired ceramic tiles (about 3"x 3") that name The Archaeological Conservancy and give the date of the backfilling.

5. Preliminary Report. Within 90 days after the conclusion of any field season the principal investigator will provide a written report of results to the President. This report will include a map of the preserve indicating the location(s) of field work, and discussion of results. It may include a request for modification of the original proposal if a subsequent field season has already been approved. Failure to submit a preliminary report in a timely manner may be grounds for denying future research on a TAC preserve.

6. Final Report. Within a reasonable period of time following completion of the analysis of the data (usually a year or less), one or more papers or scientific reports will be presented at professional meetings and will be submitted for publication. Copies of papers presented at meetings and of their published versions, as well as any other published reports, will be sent to the President, the appropriate State Historic Preservation Officer, and, if requested, to members of the Board of TAC, and to any other organization or institution that the President may specify. All reports, papers, and presentations should acknowledge Conservancy ownership of the preserve.

Ownership and Disposition of Collections

1. Ownership. The collections from a field program will include all artifacts, samples or specimens for analysis (faunal or floral identification, pollen study, dating, etc.) and all related documentation whether written or taped or digital and including maps, diagrams, drawings, and photographic negatives and one print of each. The collection remains the property of TAC until it is transferred to an appropriate repository, usually within the state where the preserve is located. Collections will not belong to the excavator, and the excavator's institution may or may not be chosen as the permanent repository. All costs associated with preparing and curating collections shall be the responsibility of the researcher.

2. Borrowing Collections. The excavator, through his/her institution or sponsoring organization, may borrow a collection until analysis is complete and when doing so must inform the President of TAC of the location in which it will be kept, and of any change in its location. Portions of the collection may not be loaned to others, except that for analysis and identification specimens and artifacts may be sent temporarily to appropriate laboratories.

3. Duplication of Documents. The excavator may duplicate any and all documents relating to the collection for his/her permanent use and possession. Duplication of artifacts, however, will require permission from the President of TAC.

4. Final Repository. The collections will be deposited in a public institution that, except for unusual circumstances, will be located in the same state as the preserve. Private curation facilities may be considered provided they meet minimum standards for curation and are accessible to researchers. Proper procedures for storage, curation, preservation, and retrieval of the collection must be followed by the permanent repository. The documentation must remain in the same repository as the rest of the collection and be stored in accordance with proper archival standards. In the case of breaches of proper storage and/or other procedures by the repository, as judged by the President of TAC, the collection may be transferred to another repository. The deaccessioning of any part of the collection by the repository will result in that part of the collection being transferred to another facility deemed appropriate by TAC.

Public Education

At the conclusion of a research project the investigator should assist local museums and related organizations in updating and expanding any information they are disseminating to the public in the light of new data and conclusions. Publication of a report on, or description of, the research in a popular medium is encouraged but not required.

Divestiture

The Board of Directors will grant approval for the divestiture of a preserve if The Archaeological Conservancy has reason to believe that the successor organization will preserve the archaeological site(s) and if the organization agrees to a management plan (either an existing plan or a plan to be developed in conjunction with the successor organization) that includes allowing research to be conducted on the preserve and adhering to other basic principles of the general management guidelines. If the successor organization ever decides to divest itself of the preserve, it should agree to give The Archaeological Conservancy the right of first refusal to reacquire the preserve. Nothing in this policy precludes the divestiture of lands that have no archaeological values.

Approved
TAC Board Meeting
January 31, 2009