

Agricola Wind Project

Permit Application No. 23-03002

1100-2.10 Exhibit 9

Cultural Resources

Revision 1

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EXHIBIT 9 CULTURAL RESOURCES

On behalf of the Applicant, Environmental Design & Research, Landscape Architecture, Engineering & Environmental Services, D.P.C. (EDR) completed cultural resources studies for the Facility¹ in accordance with the requirements of Title 16 New York Codes, Rules and Regulations (NYCRR) Section 1100-1.3(h)(2), Section 1100-2.9, and Section 1100-2.10(b). The Applicant has consulted with the New York State Historic Preservation Office (NYSHPO) to develop the scope and methodology for cultural resources studies for the Facility. The Applicant initiated consultation with the NYSHPO on June 16, 2021 (EDR, 2021b; Appendix 9-A). To date, formal consultation with the NYSHPO has included initiating Facility review and consultation through the NYSHPO's Cultural Resources Information System (CRIS) website,² submission of survey methodologies, completion of cultural resources surveys, and completion of the Historic Resources and Archaeological survey technical reports. The cultural resources reports and chronology of submission/review of these reports by the NYSHPO are summarized within this exhibit.

Correspondence with the NYSHPO and Indigenous Nations regarding cultural resources studies is included in Appendix 9-A.

Cultural resources studies and correspondence completed for the Facility include:

- A compilation of cultural resources correspondence (Appendix 9-A)
- A Phase IA Archaeological Survey (EDR, 2021b; Appendix 9-B)
- A Phase IA Historic Resources Survey Methodology (EDR, 2021c; Appendix 9-C)
- A Phase IB Archaeological Survey (EDR, 2022c; Appendix 9-D)
- A Historic Resources Survey Report (EDR, 2022b; Appendix 9-E)
- A Phase IB Archaeological Survey Addendum Memorandum (EDR, 2024h; Appendix 9-F).
- An Unanticipated Cultural Resource Discovery Protocol (EDR, 2024k; Appendix 9-G).
- An Archaeological Site Avoidance Plan (EDR, 2024i; Appendix 9-H).

Cultural resources studies typically identify a Project Impact Area (PIA), also referred to as the Area of Potential Effects (APE),³ which defines the potential impacts and appropriate study area within which to evaluate potential impacts. For the Facility, the APE includes an Archaeological APE, defined as those areas where soil disturbance or direct physical impacts are proposed to occur during construction (potentially impacting below ground archaeological resources), and an APE for Visual Effects,⁴ which includes those areas where the Facility may result in visual or auditory effects on above ground historic properties and/or

¹ As defined throughout this Application, the Facility refers to all components of the proposed Facility, including wind turbines, collection lines, access roads, two permanent meteorological towers, one Aircraft Detection Lighting System (ADLS) tower, laydown yards, a temporary concrete batch plant, an operations and maintenance (O&M) facility, a collection substation, a point of interconnection switchyard, and any other improvements subject to the Office of Renewable Energy Siting and Electric Transmission (ORES) jurisdiction.

² NYSHPO's Cultural Resources Information System is accessible at: <http://www.nysparks.com/shpo/online-tools/>.

³ The project impact area (PIA) as defined in 16 NYCRR Section 1100-1.3(h) is synonymous with the Area of Potential Effects for below ground resources as described in this exhibit and all associated support studies.

⁴ The PIA as defined in 16 NYCRR Section 1100-2.10 is synonymous with the Area of Potential Effects for Visual Effects for above ground resources as described in this exhibit and all associated support studies.

buildings. These potential effects, and the studies undertaken to evaluate the Facility's potential effects on cultural resources, are described in greater detail below.

(a) Archaeological Resources

In accordance with the requirements of 16 NYCRR Section 1100-1.3(h)(1-2), the Applicant has engaged in ongoing consultation with the NYSHPO and has completed Phase I archaeological resources studies for the Facility.

(1) Summary of Impacts and Avoidance Measures

A Phase IA Archaeological Survey was developed and submitted to the NYSHPO for review and comment. The Phase IA report defines the Facility's APE relative to archaeological resources and identifies if any previously documented archaeological resources occur within the APE (Appendix 9-B). To identify potential archaeological sites within the Facility Site, the Applicant completed Phase IB Archaeological Survey fieldwork in accordance with the methodology outlined in the Phase IA Archaeological Survey (Appendix 9-C). The archaeological surveys were conducted by EDR in a series of site visits and mobilizations between June 2023 and August 2024, concurrent with the evolving Facility design. Due to changes in the Facility layout, some areas that were submitted to Phase IB survey are no longer within the Facility Site or Archaeological APE. In these areas, Facility components were moved or eliminated to avoid impacts to archaeological resources, or due to other siting constraints (e.g., wetland impacts, slopes, landowner preferences, etc.). Consistent with the procedure/schedule established by the NYSHPO, a detailed Phase IB Archaeological Survey report was submitted to the NYSHPO on June 28, 2024 (EDR, 2024d; Appendix 9-D), and an addendum memorandum detailing supplemental Phase IB archaeological survey was submitted on September 19, 2024 (EDR, 2024h; Appendix 9-F).

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In an effort to avoid impacts to archaeological resources, the Applicant has moved, modified, or eliminated several Facility components. As detailed in the Archaeological Site Avoidance Plan submitted to NYSHPO on September 19, 2024 (Appendix 9-H), none of the archaeological resources recommended by EDR for avoidance will be disturbed by the construction and operation of the Facility.

⁵ A number of redactions have been included in the public version of this exhibit and associated materials at the request of ORES and NYSHPO. ORES and NYSHPO have asserted that these redactions are necessary for any information relating to the names, number, characteristics, or locations of archaeological resources identified in the course of the archaeological field surveys.

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CONFIDENTIAL INFORMATION The Applicant will continue to consult with the NYSHPO to ensure that recommended avoidance measures meet the expectations of the NYSHPO.

In the event that unanticipated archaeological resources are encountered during construction, the Facility's Unanticipated Cultural Resources Discovery Protocol (EDR, 2024k; Appendix 9-G) will include provisions to stop all work in the vicinity of the archaeological finds until those resources can be evaluated and documented by an archaeologist. The adoption of these measures, with additional avoidance measures being continually assessed, and ongoing consultation with the NYSHPO, the proposed Agricola Wind Project is not anticipated to affect any significant archaeological resources.

(2) Phase IA Cultural Resources Study

In compliance with the requirements of 16 NYCRR Section 1100-1.3(h)(1), the Applicant initiated consultation regarding the Facility with the NYSHPO (for the summary of correspondence, see Appendix 9-A) that included a description of the proposed Facility, a map of the Facility Site, and a proposed methodology. The NYSHPO replied with a recommendation for a Phase IA Archaeological Survey. The Phase IA Archaeological Survey (EDR, 2023; Appendix 9-B) was submitted through the CRIS website, approved by the NYSHPO, and is summarized below. The purpose of the Phase IA archaeological resources survey is to: 1) define the Facility's APE relative to archaeological resources based on the anticipated area of disturbance for Facility components; 2) determine whether previously identified archaeological resources are located within the APE; and 3) propose a methodology to identify additional archaeological resources within the APE, evaluate their eligibility for inclusion in the S/NRHP, and assess the potential effects of the Facility on those resources. The Phase IA report was prepared by professionals who satisfy the qualification criteria per the Secretary of the Interior's Standards for archaeology (36 CFR 61) and in accordance with applicable portions of the NYSHPO's *Phase I Archaeological Report Format Requirements* (NYSHPO, 2005).

Relative to the potential for archaeological sites to be located within the Facility Site, the results of the Phase IA archaeological resources survey for the proposed Facility can be summarized as follows:

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- Based on EDR's archaeological sensitivity model, approximately 1,508 acres of elevated archaeological sensitivity are located within the Facility Site.

In addition, the Phase IA Archaeological Survey proposed a methodology to conduct a Phase IB archaeological survey for the Facility, which was reviewed and approved by the NYSHPO. The preliminary results of the Phase IB archaeological survey are described below.

(3) Phase IB Cultural Resources Study

The Applicant conducted Phase IB archaeological surveys over multiple mobilizations between June 2023 and September 2024 to identify archaeological sites within the Facility Site. The Phase IB surveys for the Facility were conducted by EDR under the supervision of Registered Professional Archaeologists (RPAs) in a manner consistent with the New York Archaeological Council (NYAC) *Standards for Cultural Resource Investigations and Curation of Archaeological Collections in New York State* (the NYAC Standards; NYAC, 1994). A comprehensive Phase IB Archaeological Survey report was prepared in accordance with the NYSHPO's *Phase I Archaeological Report Format Requirements* (NYSHPO, 2005).

The NYSHPO recommended Phase IB archaeological testing for areas in the APE that have elevated sensitivity archaeological resources. The ground disturbance for wind energy generating facilities typically includes wind turbine sites, operations and maintenance (O&M) facilities, laydown yards, new access roads, collection lines, MET and ADLS towers, and areas of tree removal, grubbing, and grading. The NYSHPO concurred with the Phase IB survey research design presented in the Phase IA Archaeological Survey report to conduct Phase IB survey in areas of elevated archaeological sensitivity that overlapped with the Facility's Archaeological APE, which at the time included 1,865 acres of the 5,043-acre Facility Site (NYSHPO, 2023a; Appendix 9-B).

The GIS-based model has been updated concurrently with Facility revisions throughout the course of the Phase IB survey mobilizations following revisions to the Facility layout. Approximately 145 acres (39 percent) of the 370-acre APE is categorized as having elevated archaeological sensitivity. Due to layout changes, however, many areas that were tested as part of the Phase IB survey are no longer part of the APE.

Between June 2023 and September 2024, a total of 3,128 shovel test pits were excavated and approximately 266 acres of pedestrian surface survey was conducted by EDR during the Phase IB archaeological survey efforts completed for the Facility. **BEGIN CONFIDENTIAL INFORMATION**

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(4) Phase II Study

Phase II studies are implemented to obtain more detailed information about an archaeological site, and to evaluate its eligibility for listing in the S/NRHP. As previously stated, the Applicant is implementing Facility design measures to avoid impacts to the locations of archaeological sites unevaluated for inclusion in the S/NRHP. Phase II investigations are only warranted in the event that the unevaluated resources cannot be avoided by Facility impacts. The final Facility design will avoid all archaeological resources.

(5) Unanticipated Cultural Resources Discovery Protocol

An Unanticipated Cultural Resources Discovery Protocol is included as Appendix 9-G of this Application. The protocol identifies the actions to be taken in the unexpected event that resources of cultural, historical, or archaeological importance are encountered during Facility construction. Included is a provision for work stoppage upon the discovery of possible archaeological or human remains. Evaluation of such discoveries, if warranted, will be conducted by a Registered Professional Archaeologist, qualified according to the NYAC *Standards* (NYAC, 1994).

(b) Historic Resources

In accordance with the requirements of 16 NYCRR Section 1100-2.10(b), EDR has engaged in ongoing consultation with the NYSHPO and has completed historic resources studies for the Facility on behalf of the Applicant. As required per 16 NYCRR Section 1100-2.10(b), the historic resources studies conducted for the Facility are included as Appendices 9-C and 9-E.

As part of the Visual Impact Assessment (VIA) prepared for the Facility (Appendix 8-A), the Applicant conducted a systematic program of public outreach to assist in the identification of visually sensitive resources. Copies of the correspondence sent by the Applicant as part of this process, as well as responses

received from stakeholders, are included in the VIA. To identify potentially visually sensitive historic resources, the Applicant conducted outreach to the following town and village historians and historical societies (summarized in the Historic Resources Survey Report [Appendix 9-E]):

- Ruth Bradley, Cayuga County Historian
- Esther Thornton, Cayuga-Owasco Lakes Historical Society
- Shannon Armstrong, Town of Genoa Historian
- Judy Furness, Town of Ledyard Historian
- Esther Thornton, Town of Locke Historian
- Arlene Murphy, Town and Village of Moravia Historian
- Laura Wallenbeck, Town of Scipio Historian
- Phyllis Stanton, Town of Venice Historian
- Lorie DeWitt-Antilla, Town of Niles Historian
- Brian Lynn, Town of Fleming Historian
- Laural Auchampaugh, Town of Owasco Historian
- Sean Corbin, President, Genoa Historical Association and Museum
- Kirsten Gosch, Executive Director, Cayuga Museum of History and Art
- Guy Garnsey, President, Howland Stone Store Museum/Openore
- Jodi Baldwin, Owner, Howland Farm Museum
- Sydney Fischer, Executive Director, Community Preservation Committee

On behalf of the Applicant, EDR initiated correspondence with Native American nations with a Project Introduction Letter dated June 15, 2021 (EDR, EDR, 2021a; Appendix 9-A) in order to identify potentially visually sensitive historic resources as required by 16 NYCRR 1100-2.10 (b). The Applicant initiated outreach with the following nations via correspondence on June 15, 2021:

- Cayuga Nation
- Onondaga Nation

As part of this outreach, the Applicant provided copies of archaeological resource survey reports completed to date to the above-mentioned Native American nations (see Appendix 9-A). At the time of this filing, the Applicant has not received any response from the Cayuga Nation or the Onondaga Nation.

(1) Historic Resources Surveys

Historically significant resources are defined herein to include buildings, districts, objects, structures, and/or sites that have been listed in the S/NRHP, as well as those properties that the NYSHPO has formally determined are eligible for listing in the S/NRHP. The Applicant has engaged in ongoing consultation with the NYSHPO in order to evaluate the Facility's potential effect on historic resources listed or eligible for listing in the S/NRHP.

Area of Potential Effects for Visual Effects

Per the requirements set forth in 16 NYCRR Section 1100-2.10, the study area to be used for analysis of major electric generating facilities is defined as:

(bx) Study area means the area generally related to the nature of the technology and the setting of the proposed site. Unless otherwise provided in this Part, in highly urbanized areas, the study area is a minimum on (1)-mile radius from the property boundaries of the facility site, interconnections and related facilities, and for facilities with components spread across a rural landscape, the study area shall at a minimum include the area within a radius of at least five (5) miles from all generating facility components, interconnections and related facilities.

To ensure that potential visual effects on regional visually sensitive historic resources are adequately considered under Article VIII, and in accordance with the *New York State Historic Preservation Office Wind Energy Development Above-Ground Historic Resources Survey Work Recommendations* (hereafter, the NYSHPO *Wind Guidelines*; NYSHPO, 2023b), the historic resources survey addresses a 5-mile Historic Resources Study Area. The 5-Mile Historic Resources Study Area includes the entirety of the Town of Venice; most of the Town of Scipio; portions of the Towns of Fleming, Owasco, Niles, Moravia, Locke, Genoa, Ledyard, and Springport; and most of the Village of Moravia in Cayuga County, New York.

The Facility will have no direct physical impacts to historic architectural resources (i.e., no historic structures will be damaged or removed). The Facility's potential effect on a given historic property would be a change in the property's visual setting (resulting from the introduction of wind turbines or other Facility components). Therefore, the APE for Visual Effects on historic resources includes those areas where Facility components (including wind turbines) will be visible and where there is a potential for a significant visual effect. The APE for Visual Effects was developed based on a viewshed analysis utilizing a digital surface model of the Historic Resources Study Area, in accordance with the NYSHPO *Wind Guidelines* (NYSHPO, 2023b).

Effects to historic properties could theoretically consist of auditory and/or visual effects. A discussion of potential noise impacts of the Facility is provided in Exhibit 7 of this Application.

The proposed wind turbines could be a significant new feature in the visual landscape. The preparation of a GIS-based viewshed analysis is discussed in the Phase IA Historic Resources Survey Methodology (Appendix 9-C), Historic Resources Survey Report (Appendix 9-E), and in Exhibit 8 (Visual Impacts) of this Application.

Phase IA Historic Resources Survey Methodology

A formal consultation request was made to the NYSHPO via the CRIS website on June 15, 2021, that included a description of the proposed Facility as well as a map of the Facility Area (Appendix 9-A). On July 2, 2021, the NYSHPO provided a response via CRIS concurring with EDR's general approach to the historic resources survey and requesting a methodology and scope of work for historic resources surveys for the Facility (NYSHPO, 2021b; Appendix 9-A).

The Applicant prepared a Phase IA Historic Resources Survey Methodology (Appendix 9-C), which was submitted through the CRIS website on April 25, 2024. The purpose of the Phase IA Historic Resources Survey Methodology was to identify and document those resources within the Facility's Historic

Resources Study Area that appear to satisfy S/NRHP criteria and to provide a scope of work for additional survey of the Historic Resources Study Area and APE for Visual Effects for the Facility. All work as part of the Phase IA Historic Resources Survey was conducted by qualified architectural historians who meet the Secretary of Interior's Standards for Historic Preservation Projects as defined in 36 CFR Part 61 (CFR, 2024).

On April 26, 2024, the NYSHPO provided a response via the CRIS website to the Phase IA Historic Resources Survey Methodology, which concurred with the methodology and APE proposed by EDR (NYSHPO, 2024a; Appendix 9-A).

Historic Resources Survey

The Applicant conducted a Historic Resources Survey for the Facility (Appendix 9-E) in accordance with the methodology outlined in the Phase IA Historic Resources Survey Methodology (Appendix 9-C) in May through July 2024. The historic resources survey included review of previous similar studies within the Historic Resources Study Area, site visits to identify and evaluate potential historic resources within the study area, and supplemental research on specific historic properties (as necessary). As part of the historic resources survey, EDR also contacted local historians and historical societies seeking input regarding the identification of historic resources with historic or architectural significance located within the APE for Visual Effects and Historic Resources Study Area. Outreach included email correspondence, the outcomes of which are summarized in the Historic Resources Survey Report (Appendix 9-E).

All historic resources survey fieldwork was conducted by qualified architectural historians who meet the Secretary of Interior's Standards for Historic Preservation Projects as defined in 36 CFR Part 61 (CFR, 2024). Prior to conducting the historic resources survey fieldwork, EDR reviewed the CRIS website maintained by the NYSHPO to identify previously completed historic resources studies, previously identified significant historic buildings and/or districts (i.e., properties listed in or determined eligible for listing in the S/NRHP), as well as other previously identified historic resources (i.e., cemeteries, bridges, monuments) located within the APE for Visual Effects.

Historic resources survey fieldwork included systematically walking and/or driving all public roads within the Historic Resources Study Area and APE for Visual Effects to evaluate the S/NRHP eligibility of structures and properties within the APE. Site visits were conducted on May 16 through July 16, 2024. When historic properties were identified that were not previously surveyed but appeared to satisfy S/NRHP eligibility criteria, EDR's architectural historians documented the existing conditions of the property, using the ArcGIS Online application software to collect geospatial location data. Photographs of the building(s) (and associated property when necessary) and field notes describing the style, physical characteristics and materials (e.g., number of stories, plan, external siding, roof, foundation, and sash), condition, physical integrity, and other noteworthy characteristics were recorded for each resource. EDR's evaluation of historic resources within the study area focused on the physical condition and integrity (with respect to design, materials, feeling, and association) to assess the potential architectural significance of each resource.

All properties evaluated in the historic resources survey were photographed and assessed from public rights-of-way. The condition and integrity of all resources were evaluated based solely on the visible exterior of the structures. No inspections or evaluations requiring access to the interior of buildings, or any portion of private property, were conducted as part of this assessment. Based on consultation with the NYSHPO and as described in the *Phase IA Historic Resources Survey Methodology*, buildings that were not sufficiently old (i.e., less than 50 years in age), that lacked architectural integrity, or have been evaluated by EDR's architectural historians as lacking historical or architectural significance were *not* included in or documented during the survey.

Properties inventoried and evaluated as part of the historic resources survey included both previously and newly identified resources. A total of 148 resources are located within the Historic Resources Study Area and APE for Visual Effects for the Facility. The results of the survey are summarized as follows:

- A total of 83 resources within the Historic Resources Study Area and APE for Visual Effects were previously identified in the CRIS database or through review of previous historic resources surveys:
 - EDR recommends no change in status for the National Historic Landmark Jethro Wood House (90NR00099).
 - EDR recommends no change in status for the 10 S/NRHP-listed resources.
 - Of the 12 resources previously determined to be S/NRHP-eligible by NYSHPO, EDR found that one resource is no longer extant, recommends that one resource no longer meets S/NRHP eligibility criteria, and recommends that the remaining 10 resources meet S/NRHP eligibility criteria.
 - Of the 60 resources for which S/NRHP eligibility has not been formally determined by NYSHPO, EDR recommends that 43 meet S/NRHP eligibility criteria and 10 do not meet S/NRHP eligibility criteria; five resources were found to be no longer extant; and two resources could not be evaluated due to their inaccessibility and lack of visibility from the public right-of-way.
- A total of six resources not previously identified in CRIS within the Historic Resources Study Area were identified through outreach to local stakeholders. EDR recommends that four of these resources meet S/NRHP eligibility criteria; the remaining two resources could not be evaluated due to their lack of visibility from the public right-of-way.
- A total of 57 newly identified resources within the APE for Visual Effects are recommended by EDR to meet S/NRHP eligibility criteria, including two historic districts. Two newly identified resources could not be fully evaluated due to their lack of visibility from the public right-of-way.

No resources listed in or recommended to be eligible for listing in the S/NRHP are located within the Facility Site. No further historic resource surveys were recommended for the Facility. A Historic Resources Survey Report (Appendix 9-E) summarizing the findings of this survey was submitted to the NYSHPO via the CRIS website on August 8, 2024. On September 10, 2024, the NYSHPO provided a response determining that the Facility will have an Adverse Impact to above ground historic resources and requested that a Cultural Resources Mitigation and Offset Plan be prepared for the Facility (NYSHPO, 2024c; Appendix 9-A).

(2) Analysis of Potential Impacts to Historic Resources

The Historic Resources Survey Report (Appendix 9-E) describes the potential impacts on historic resources located within the APE for Visual Effects, including potential visual impacts of the Facility.

Construction of the Facility will not require the demolition or physical alteration of any historic architectural resources. The Facility's potential effect on a given historic resource would be a change (resulting from the introduction of wind turbines) in the resource's setting. As it pertains to historic resources, *setting* is defined as "the physical environment of a historic property" and is one of seven aspects of a resource's *integrity*, which refers to the "ability of a property to convey its significance" (NPS, 1990). The other aspects of integrity include location, design, materials, workmanship, feeling, and association (NPS, 1990). The potential effect resulting from the introduction of wind turbines into the visual setting for any historic or architecturally significant resource is dependent on several factors including distance, visual dominance, orientation of views, viewer context and activity, and the types and density of modern features in the existing view (such as buildings/residences, overhead electrical transmission lines, cellular towers, billboards, highways, and silos).

The Federal Regulations entitled "Protection of Historic Resources" (36 CFR 800) include in Section 800.5(2) a discussion of potential adverse effects on historic resources. The following types of effects apply to the Facility:

Adverse effects on historic properties include but are not limited to: [items i-iii do not apply]; (iv) Change of the character of the property's use or of physical features within the property's setting that contribute to its historic significance; (v) Introduction of visual, atmospheric or audible elements that diminish the integrity of the property's significant historic features; [items vi-vii do not apply] (CFR, 2023).

The implementing regulations for New York State Parks, Recreation and Historic Preservation Law, Section 14.09 (9 NYCRR Section 428.7) state:

- a. In determining whether an undertaking will have an adverse impact on eligible or register property, the commissioner shall consider whether the undertaking is likely to cause:
 - 1. destruction or alteration of all or part of the property;
 - 2. isolation or alteration of the property's environment;
 - 3. introduction of visual, audible or atmospheric elements which are out of character with the property or alter its setting;
 - 4. neglect of the property resulting in its deterioration or destruction.

Under this approach, the mere fact that the Facility may be visible from a particular historic resource does not constitute a significant impact to that resource. Instead, the significance and magnitude of the impact must be considered.

Much of the Facility's APE for Visual Effects is located in areas consisting of farmsteads and agricultural landscapes with a traditional rural character. These landscape elements include open fields, pastures, hedgerows, forest stands, and other rural landscape features. Many of these open areas extend beyond the APE for Visual Effects and the Historic Resources Study Area, cross municipal and parcel boundaries, are inaccessible to the public, and are not associated with any specific historic resources previously identified by the NYSHPO. Consequently, the various rural landscapes and open agricultural areas

located within the APE were not evaluated as specific historic resources in conducting the Historic Resources Survey (Appendix 9-E). However, the potential effects of the Facility on these rural landscapes will be evaluated as part of the VIA to be included as part of the Article VIII Application for the Facility, as well as Exhibit 8 (Visual Impacts) of the Application.

Relative to historic properties, the potential visual effect of the Facility is therefore limited to the overall effect on the traditional agricultural landscape that serves as the setting for historic properties in the region. The introduction of modern interventions such as wind turbines and associated infrastructure will alter the historic character of the visual setting, as confirmed in NYSHPO's September 10, 2024 letter, which concludes that the Facility will have an adverse impact on aboveground historic resources (see Appendix 9-A). The Applicant will continue consultation with the NYSHPO to avoid, minimize, and mitigate the Facility impacts to aboveground historic properties, to the maximum extent practicable. Additional information regarding the Project's potential visual effects is included in Exhibit 8 of this application.

(c) Avoidance, Minimization and Mitigation

The Applicant anticipates that the cultural resources surveys summarized above, as well as relevant additional information included in the Article VIII Application will provide the basis for ongoing consultation with the NYSHPO, ORES, and other applicable consulting parties regarding avoidance, minimization, and/or potential mitigation for visual and auditory impacts of the Facility on cultural resources. In accordance with Section 1100-10.2(g) of the Article VIII regulations, the Applicant will complete a Cultural Resources Avoidance Minimization and Mitigation Plan (CRAMMP) as part of the Pre-Construction Compliance Filings, consisting of the following:

- (1) A demonstration that impacts of construction and operation of the facilities on cultural resources (including archeological sites and any stone landscape features, and historic resources) will be avoided or minimized to the extent practicable by selection [of] the proposed facility's location, design and/or implementation of identified mitigation measures.
- (2) A Cultural Resources Mitigation and Offset Plan, either as adopted by federal permitting agency in subsequent National Historic Preservation Act (NHPA) Section 106 review, or as required by the Office, in consultation with New York State Historic Preservation Office (SHPO) in the event that the NHPA Section 106 review does not require that the mitigation plan be implemented. Proof of mitigation funding awards for offset facility implementation to be provided within two (2) years of the start of construction of the facility shall be included.

As described above, an Unanticipated Cultural Resources Discovery Plan will be prepared as part of the CRAMMP to satisfy Section 1100-10.2(g)(1). In addition, the NYSHPO has requested the preparation of a Cultural Resources Mitigation and Offset Plan to address adverse impacts on historic resources within the Facility's Area of Potential Effects for Visual Effects (NYSHPO, 2024c; Appendix 9-A). The Cultural Resources Mitigation and Offset Plan will summarize any outreach efforts to stakeholders as well as efforts to identify appropriate mitigation projects and offset funding amounts for those projects. Based on recent consultation with the NYSHPO regarding wind projects, it is anticipated that offset funding could total up to approximately \$100,000. Typical mitigation projects include funding for municipalities, local historical societies, and similar groups to support the preservation, rehabilitation, and/or interpretation of historic properties.

The Applicant anticipates that the NYSHPO's evaluation regarding potential impacts to cultural resources and/or identification of any required mitigation will be finalized as part of the U.S. Army Corps of Engineer's review of the Facility under Section 106 of the National Historic Preservation Act. Section 106 review would be triggered by submission of a wetland permit application, which is anticipated to occur following the submission of the Article VIII Application.

REFERENCES

Code of Federal Regulations (CFR). 2024. 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. Available at: <https://www.ecfr.gov/current/title-36/chapter-I/part-60?toc=1> (Accessed July 2024).

Environmental Design and Research, Landscape Architecture, Engineering, and Environmental Services, D.P.C. (EDR). 2021a. RE: Proposed Agricola Wind Project, Cultural Resources Surveys and Environmental Review. Correspondence from EDR to Cayuga Nation and Onondaga Nation. Via email, June 15, 2021.

EDR. 2021b. Request for Consultation, Agricola Wind Project, Towns of Venice, Scipio, and Moravia, Cayuga County, New York. Submitted to NYSHPO by Environmental Design & Research Landscape Architecture, Engineering & Environmental Services, D.P.C., Syracuse, NY. June 16, 2021.

EDR. 2021c. *Phase IA Archaeological Survey, Agricola Wind Project, Towns of Venice, Scipio, and Moravia, Cayuga County, New York*. Prepared for Liberty Renewables by Environmental Design & Research Landscape Architecture, Engineering & Environmental Services, D.P.C., Syracuse, NY. August 2021.

EDR. 2023. *Phase IA Archaeological Survey, Agricola Wind Project, Towns of Venice, Scipio, and Moravia, Cayuga County, New York*. Prepared for Liberty Renewables by Environmental Design & Research Landscape Architecture, Engineering & Environmental Services, D.P.C., Syracuse, NY. May 22, 2023.

EDR. 2024a. *Phase IA Historic Resources Survey Methodology, Agricola Wind Project, Towns of Venice, Scipio, and Moravia, Cayuga County, New York*. Prepared for Liberty Renewables by Environmental Design & Research Landscape Architecture, Engineering & Environmental Services, D.P.C., Syracuse, NY. April 25, 2024.

EDR. 2024b. Re: Cultural Resources Surveys and Environmental Review EDR Project #21029. Phase IA Report Consultation Letter from EDR to Anthony Gonyea (Onondaga Nation). Syracuse, NY. June 13, 2024

EDR. 2024c. Re: Cultural Resources Surveys and Environmental Review EDR Project #21029. Phase IA Report Consultation Letter from EDR to Chief Sam Georg and Clint Halftown (Cayuga Nation). Syracuse, NY. June 13, 2024

EDR. 2024d. *Phase IB Archaeological Survey, Agricola Wind Project, Towns of Venice, Scipio, and Moravia, Cayuga County, New York*. Prepared for Liberty Renewables by Environmental Design & Research Landscape Architecture, Engineering & Environmental Services, D.P.C., Syracuse, NY. June 28, 2024.

EDR. 2024e. Re: Cultural Resources Surveys and Environmental Review EDR Project #21029. Phase IA Report Consultation Letter from EDR to Anthony Gonyea (Onondaga Nation). Syracuse, NY. July 9, 2024

EDR. 2024f. Re: Cultural Resources Surveys and Environmental Review EDR Project #21029. Phase IA Report Consultation Letter from EDR to Chief Sam Georg and Clint Halftown (Cayuga Nation). Syracuse, NY. July 9, 2024

EDR. 2024g. *Historic Resources Survey Report, Agricola Wind Project, Towns of Venice, Scipio, and Moravia, Cayuga County, New York*. Prepared for Liberty Renewables by Environmental Design & Research Landscape Architecture, Engineering & Environmental Services, D.P.C., Syracuse, NY. August 8, 2024.

EDR. 2024h. *Phase IB Archaeological Survey Addendum Memorandum, Agricola Wind Project, Towns of Venice and Scipio, Cayuga County, New York*. Prepared for Liberty Renewables, Inc. by Environmental Design & Research Landscape Architecture, Engineering & Environmental Services, D.P.C. Syracuse, NY, September 2024.

EDR. 2024i. Re: Agricola Wind Project, Archaeological Site Avoidance Plan. Correspondence from EDR to NYSHPO. Via CRIS, September 19, 2024.

EDR. 2024j. RE: Agricola Wind Project. Correspondence from EDR to Onondaga Nation and Cayuga Nation. Via email, September 25, 2024.

EDR. 2024k. *Unanticipated Discoveries Protocol, Towns of Venice and Scipio, Cayuga County, New York*. Prepared for Liberty Renewables, Inc. by Environmental Design & Research Landscape Architecture, Engineering & Environmental Services, D.P.C., Syracuse, NY. October 2024.

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. https://www.nps.gov/subjects/nationalregister/upload/NRB-15_web508.pdf. Accessed March 2021.

New York Archaeological Council (NYAC). 1994. *Standards for Cultural Resources Investigations and the Curation of Archaeological Collections in New York State*. New York State Office of Parks, Recreation, and Historic Preservation, Waterford, NY.

New York State Office of Parks, Recreation and Historic Preservation (NYSHPO). 2021a. Re: ORES, Agricola Wind Project, Towns of Moravia, Scipio and Venice, Cayuga County, NY. Review correspondence from Tim Lloyd (NYSHPO). NYSOPRHP, Waterford, NY. Via CRIS, June 21, 2021.

NYSHPO. 2021b. Review correspondence from James Carter (NYSHPO). NYSOPRHP, Waterford, NY. Via CRIS, July 2, 2021.

NYSHPO. 2021c. Re: ORES, Agricola Wind Project, Towns of Moravia, Scipio and Venice, Cayuga County, NY. Review correspondence from Tim Lloyd (NYSHPO). NYSOPRHP, Waterford, NY. Via CRIS, September 9, 2021.

NYSHPO. 2023a. Re: ORES, Agricola Wind Project, Towns of Moravia, Scipio and Venice, Cayuga County, NY. Review correspondence from Tim Lloyd (NYSHPO). NYSOPRHP, Waterford, NY. Via CRIS, May 30, 2023.

NYSHPO. 2023b. *New York State Historic Preservation Office Wind Energy Development Above-Ground Historic Resources Survey Work Recommendations*. New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP), Waterford, NY.

NYSHPO. 2024a. Re: ORES, Agricola Wind Project, Towns of Moravia, Scipio and Venice, Cayuga County, NY. Review correspondence from Virginia Bartos (NYSHPO). NYSOPRHP, Waterford, NY. Via CRIS, April 26, 2024.

NYSHPO. 2024b. Re: ORES, Agricola Wind Project, Towns of Moravia, Scipio and Venice, Cayuga County, NY. Review correspondence from Virginia Bartos (NYSHPO). NYSOPRHP, Waterford, NY. Via CRIS, July 17, 2024.

NYSHPO. 2024c. Re: ORES, Agricola Wind Project, Towns of Moravia, Scipio and Venice, Cayuga County, NY. Review correspondence from Robyn Sedgwick (NYSHPO). NYSOPRHP, Waterford, NY. Via CRIS, September 10, 2024.