

**Tracy Solar Energy Center
Matter No. 21-00962
§900-2.10 Exhibit 9: Cultural Resources**

Revision 1



Table of Contents

9.0	EXHIBIT 9 – CULTURAL RESOURCES	9-1
	SUMMARY OF EXHIBIT	9-1
9.1	ARCHAEOLOGICAL AND CULTURAL RESOURCES (19 NYCRR § 900-2.10(a)).....	9-2
9.1.1	Summary of Impacts and Avoidance Measures (19 NYCRR§ 900-2.10(a)(1)).....	9-2
9.1.2	Phase IA Archaeological/Cultural Resources Study (19 NYCRR § 900-2.10(a)(2))	9-3
9.1.3	Phase IB Archaeological Survey (19 NYCRR § 900-2.10(a)(3))	9-4
9.1.4	Phase II Archaeological Survey (19 NYCRR § 900-2.10(a)(4)).....	9-6
9.1.5	Unanticipated Discoveries Plan (19 NYCRR § 900-2.10(a)(1)).....	9-6
9.2	HISTORIC RESOURCES SURVEY.....	9-6
9.2.1	Architectural Reconnaissance Survey	9-6
9.2.2	Consultation with Local Historic Preservation and Federal/State-Recognized Indian Nations.....	9-8
9.3	UNIFORM STANDARDS AND CONDITIONS	9-8
9.4	REFERENCES	9-8

List of Appendices

Appendix 9-A	Figures	A-1
	Figure 9-1 Archaeological and Architectural APE	
Appendix 9-B	Historic Resources Report	B-1
Appendix 9-C	Consultation with Local Historic Preservation and Federal/State Recognized Indian Nations	C-1
Appendix 9-D	Revised Unanticipated Discoveries Plan.....	D-1
Appendix 9-E	Phase IA Archaeological Survey Report.....	E-1
Appendix 9-F	Phase IB Archaeological Survey Report.....	F-1
Appendix 9-G	OPRHP Correspondence Regarding Effects Finding.....	G-1

§900-2.10 Exhibit 9 Cultural Resources

Information	Found in Section
Exhibit 9 shall contain:	
a) A study of the impacts of the construction and operation of the Facility, interconnections and related facilities on archeological/cultural resources within the project impact area, including:	
1. A summary of the nature of the probable impact on any archeological/cultural resources identified, addressing how those impacts shall be avoided or minimized;	9.1.1
2. If required pursuant to section 900-1.3(h) of this Part, a Phase IA archeological/cultural resources study for the proposed Facility;	9.1.2 Appendix 9-E
3. If required pursuant to section 900-1.3(h) of this Part, a Phase IB field study for the proposed Facility;	9.1.3 Appendix 9-F
4. If required by the Phase I study results, as determined pursuant to section 900-1.3(h) of this Part, a Phase II site evaluation study to assess the boundaries, integrity and significance of identified cultural resources;	9.1.4 Appendix 9-G
5. An Unanticipated Discovery Plan that shall identify the actions to be taken in the unexpected event that resources of cultural, historical, or archaeological importance are encountered during the excavation process. This plan shall include a provision for work stoppage upon the discovery of possible archaeological or human remains and be prepared by a professional archaeologist in accordance with the NYAC standards.	9.1.5 Appendix 9-D
b) A study of the impacts on historic resources within the project impact area, including the results of field inspections, a review of the statewide inventory of historic property, and consultation with local historic preservation groups and federal/state-recognized Indian Nations to identify sites or structures listed or eligible for listing in the State or National Register of Historic Places within the PIA, including an analysis of potential impact on any standing structures which appear to be at least fifty (50) years old and potentially eligible for listing in the State or National Register of Historic Places, based on an assessment by a qualified individual.	9.2 Appendix 9-B and Appendix 9-C

9.0 EXHIBIT 9 – CULTURAL RESOURCES

SUMMARY OF EXHIBIT

Tracy Solar Energy Center, LLC (TSEC) conducted an architectural reconnaissance survey and archaeological surveys (Phase IA and IB) of the Facility Site.

Archaeological and architectural studies use different Study Areas, which are also known as the areas of potential effect (APEs). The archaeological APE focused on archaeologically sensitive areas associated with proposed ground-disturbing activities. The APE for architectural resources is generally defined as the geographic area(s) within which the Facility may directly or indirectly change the character or use of historic properties; this includes land disturbances, indirect land disturbances, and visual impacts. The architectural APE was initially established as the area within approximately 3.2 kilometers (2 miles) of the Facility. The APE was refined to consist of the Zone of Visual Influence (ZVI; see Appendix 9-B, Section 9.4.1). In addition, 19 New York Codes, Rules and Regulations (NYCRR) § 900-1.2(bk) defines the Project Impact Area (PIA) as the geographic area or areas within which the proposed undertaking may cause any change, beneficial or adverse, in the character or use of an identified archaeological site, historic resource, or cultural property. For the purposes of this analysis, the PIA is considered the same as the APE for archaeological resources, which constitutes the area that may be impacted by the Facility. Figure 9-1 in Appendix 9-A provides the archaeological and architectural APEs and key historic resources considered in this analysis.

The archaeological and architectural surveys identify any potential historic resources (i.e., archaeological sites or historic properties eligible for or listed in the State Register/National Register of Historic Places [SR/NRHP]) in the APEs and determine if there is any potential for adverse effects from construction of the Facility on such sites and/or properties. A Phase IA archaeological survey, including background research, a pedestrian reconnaissance, and sensitivity assessment, was completed in November 2020 and the Phase IA archaeological survey report was uploaded to the New York State Office of Parks, Recreation, and Historic Preservation (OPRHP) Cultural Resource Information System (CRIS) on March 5, 2021 and provided to ORES on March 7, 2021. A Phase IB archaeological survey was conducted from May 17 through June 2, 2021. The Phase IB archaeological survey report was submitted to OPRHP CRIS on August 19, 2021. The Phase IB archaeological survey consisted of 1,050 shovel tests, recovered 194 historic artifacts and no precontact artifacts. The field effort identified four historic-period sites: Temporary Sites 1 through 4. Each of these artifact assemblages dates to the 19th–20th centuries. Temporary Site 1 lies outside of the limit of disturbance. The Phase IB archaeological survey report determined that none of the four Temporary Sites are eligible for inclusion in the SR/NRHP and that no further archaeological work is required in the vicinity of these four sites. On September 8, 2021, the OPRHP determined that the identified archaeological sites do not meet the eligibility

requirements of the SR/NRHP and that no additional archaeological work is necessary (see Appendix 9-G).

On behalf of TSEC, WSP USA, Inc. (WSP) uploaded the work plan for the architectural survey that defined the ZVI/APE and previously surveyed properties within the ZVI to the New York State OPRHP through the CRIS on March 29, 2021. The architectural survey included background research and a windshield reconnaissance of the APE conducted from April 5 through 8, 2021. The historic resource survey report and survey forms were uploaded to the OPRHP CRIS for review on August 12, 2021. The landscape is characterized by mostly flat agricultural fields and small hills. The village of LaFargeville, which contains the majority of the surveyed properties, is approximately 1 mile north of the Facility, with limited visibility. Three SR/NRHP-listed properties in the APE: 34312 New York Route 180 (John Rottiers Farm), 21217 Buttermilk Flat Road (Buttermilk Flat Schoolhouse No. 22), and 33510 Wilder Road (Tracy Farm); are located near the Facility Site. At John Rottiers Farm, the solar array is separated from the property by an intervening residential property, which limits visibility of the Facility. The view of the Facility to the west of the Buttermilk Flats Schoolhouse No. 22 is blocked by vegetation lining Carter Street. The Tracy Farm, located 0.28 miles west of the Facility, will also have limited visibility due to intervening vegetation behind the farm buildings. Given the limited visibility from all three sites, WSP concludes that the Facility will not adversely affect these historic properties because it will not diminish the setting or feeling of the properties.

9.1 ARCHAEOLOGICAL AND CULTURAL RESOURCES (19 NYCRR § 900-2.10(A))

9.1.1 Summary of Impacts and Avoidance Measures (19 NYCRR§ 900-2.10(a)(1))

The archaeological APE focused on archaeologically sensitive areas associated with proposed ground-disturbing activities. In addition, 19 NYCRR § 900-1.2(bk) defines the PIA as the geographic area or areas within which the proposed undertaking may cause any change, beneficial or adverse, in the character or use of an identified archaeological site, historic resource, or cultural property. For the purposes of this analysis, the PIA is considered the same as the APE for archaeological resources, which constitutes the area that may be impacted by the Facility.

The OPRHP recommends that the archaeological APE for solar projects include areas of “substantial proposed ground disturbance,” including grading and excavating more than 6 inches below ground surface, grubbing, tree, and stump removal, and trenches more than 3 feet wide. The OPRHP does not consider areas where no grading or grubbing is required, including panel array areas, perimeter fencing, and utility poles, if their associated poles are driven or screwed into the ground, to be part of the archaeological APE.

Solar facilities result in minimal soil disturbance relative to other types of development projects, and, therefore, have a lower relative potential to affect archaeological resources. TSEC sited the Facility in a rural agricultural region to minimize the need for land clearing. Solar panels will be installed on a low-profile racking system, which consists of vertical posts driven into the ground. The installation of panel arrays, perimeter fencing, and utility poles, if the associated poles are driven or drilled, is not considered substantial ground disturbance and is, therefore, not considered to cause a significant impact on potential archaeological resources.

Grading may be necessary in some areas, depending on topography, such as along the route of proposed access roads. During preliminary design, placement of solar panel arrays prioritized areas of least slope and minimization of grading with use of cut and fill. For example, cuts and fills are expected for the construction of site access roads, the collection substation, and the point of interconnection substation. Construction will be accomplished with machines generally consistent in terms of size, weight, and tread with the agricultural machines currently used on these properties. Therefore, the existing conditions within the Facility Site, coupled with the specific construction measures, will minimize impacts to archaeological resources.

In addition, in areas where soil disturbance is necessary, topsoil will be stripped and stockpiled for restoration purposes. Following construction, disturbed areas within the solar panel array areas will be restored with topsoil, and a cover of native grass species will be established underneath and around the solar panels. Areas of soil disturbance located in areas that will remain in agricultural production (such as the routes of proposed buried collection lines) will be restored to their existing condition.

Lastly, the Applicant will avoid and minimize impacts to archaeological resources through the use of an Unanticipated Discoveries Plan (see Appendix 9-D), which identifies the actions to be taken in the unexpected event that resources of cultural, historical, or archaeological importance are encountered during construction.

9.1.2 Phase IA Archaeological/Cultural Resources Study (19 NYCRR § 900-2.10(a)(2))

Appendix 9-E provides the Phase IA archaeological survey report, which determined that 60 hectares (149 acres) of the Facility Site have a moderate/high potential for intact archaeological resources. The Phase IA archaeological survey report was submitted through the CRIS on March 5, 2021. In accordance with 19 NYCRR § 900-1.3(h)(2), the Phase IA archaeological survey report was also submitted to ORES on March 7, 2021.

The Phase IA survey was conducted to evaluate the potential for encountering intact subsurface archaeological deposits. The survey area reflects the anticipated limit of disturbance, defined as the Buildable and Right-of-Way areas, covering approximately 697 hectares (1,722 acres).

The Phase IA survey included background research and pedestrian reconnaissance with photo documentation. Background research helped assess the potential for identifying archaeological resources in the Study Area. The research included a review of information through CRIS and other sources.

Background research identified three previously recorded archaeological sites located within 3.2 kilometers (2 miles) of the Facility: one precontact site and two historic sites. These sites are of undetermined eligibility for SR/NRHP listing. Analysis of the available historical maps from 1855 through the present day show a general continuity of settlement patterns, and the region remains an area of dispersed rural homes and farmsteads.

The pedestrian reconnaissance was conducted on November 17, 2020. The surface reconnaissance revealed a generally uniform landscape across all of the parcels. The landscape consisted almost entirely of agricultural fields or pasture, with small woodland copses and woodlots at the intersections of property boundaries. None of the parcels demonstrated any signs of disturbance, such as large, earth-moving activities or historic-era development, that would have displaced natural soil strata. The only landscape features affecting the assessment were wetland features previously identified during field surveys, summarized in Exhibit 14 Wetlands; approximately 45.1 hectares (111.4 acres) of land in the Phase IA survey area consists of wetland. The remaining 651.9 hectares (1,610.6 acres) of land was undisturbed.

9.1.3 Phase IB Archaeological Survey (19 NYCRR § 900-2.10(a)(3))

Appendix 9-F provides the results of the Phase IB archaeological survey for the presence or absence of archaeological resources within the archaeological APE. The Phase IB archaeological survey was conducted from May 17 through June 2, 2021. The Phase IB archaeological survey report was submitted to the New York State Office OPRHP CRIS on August 19, 2021.

The OPRHP solar guidance recommends subsurface Phase IB archaeological testing only in areas of proposed significant ground disturbance, including grading and excavation more than 6 inches below ground surface, grubbing, tree, and stump removal, and trenches more than 3 feet wide; however, TSEC conducted the Phase IB survey concurrently with the development of the final layout, so subsurface testing occurred in some areas with little or no proposed disturbance.

The subsurface survey consisted of 1,050 shovel tests, recovered 194 historic artifacts, and did not include precontact artifacts. The field effort identified four historic-period sites: Temporary Sites 1 through 4. Each of these artifact assemblages dates to the 19th–20th centuries. Temporary Site 1 consists of a very small assemblage between Tracy Road and a small foundation on the farm property of Terrance Strock. A total of 16 historic artifacts were recovered, with diagnostic material dating to the late 19th and early 20th centuries. Temporary Site 1 is not recommended as eligible for listing in the SR/NRHP. The area has been extensively disturbed, and the assemblage has limited density and diversity. No further archaeological work is recommended within the boundaries of the site.

Temporary Site 2 consists of a small assemblage recovered from an area adjacent to a collapsed barn and silo structure west of Wilder Road. Twelve historic artifacts were recovered from the site, and diagnostic material included artifacts with open production dates extending from the 19th century to the present day. The surface area and soils appear to have been significantly disturbed, likely during the demolition of the barn/silo structure. The Phase IB archaeological survey report determined that Temporary Site 2 is not eligible for inclusion in the SR/NRHP and that no further archaeological work is required in the vicinity of Temporary Site 2.

Temporary Site 3 is a sheet midden associated with a historic barn standing in the approximate location of a map-documented structure east of Tracy Road on the farm property of Terrance Strock. One hundred artifacts were recovered from this site. Diagnostic material extends from the mid-19th through 20th centuries, and most of the material has open production dates extending to the present day. The site's landscape has been visibly disturbed, likely a result of historic-era modification to the landscape. The site stratigraphy has poor to moderate integrity. The Phase IB archaeological survey report determined that Temporary Site 3 is not eligible for inclusion in the SR/NRHP and that no further archaeological work is required in the vicinity of Temporary Site 3.

Temporary Site 4 is a sheet midden located west of Carter Street Road around a small concrete barn foundation. The sheet midden falls within the vicinity of a historic map-documented structure, although the foundation likely represents an outbuilding rather than a house. Fifty-six historic artifacts were recovered from the area. Diagnostic material from the assemblage primarily included material with open production dates extending from the 19th century to the present day. Pearlware sherds were also found, which date to the late 18th through mid-19th centuries. This area of the site has been used as a place to discard trash to the present day. Bedrock outcrops are present throughout the site area, and stratigraphy for the site is very thin, with most shovel tests terminating in the initial stratum. Evidence of grading and pushed soils was present in the site area, indicating that the site has poor integrity. The Phase IB archaeological survey report determined that Temporary Site 4 is not eligible for inclusion in the SR/NRHP and that no further archaeological work is required in the vicinity of Temporary Site 4.

In addition, in combination with the Unanticipated Discoveries Plan to be implemented during construction, no further minimization or mitigation efforts are required for archaeological resources (see Appendix 9-C).

9.1.4 Phase II Archaeological Survey (19 NYCRR § 900-2.10(a)(4))

Based on the results described above, no further archaeological investigations are recommended for the Facility. Appendix 9-G provides the September 8, 2021, correspondence from the OPRHP stating that the identified archaeological sites do not meet the eligibility requirements of the SR/NRHP and that no additional archaeological work is necessary.

9.1.5 Unanticipated Discoveries Plan (19 NYCRR § 900-2.10(a)(1))

Appendix 9-D provides the Unanticipated Discoveries Plan, which identifies the actions to be taken in the unexpected event that resources of cultural, historical, or archaeological importance are encountered for excavations during construction.

9.2 HISTORIC RESOURCES SURVEY

9.2.1 Architectural Reconnaissance Survey

Appendix 9-B provides the Historic Resources Report of the survey and findings from the architectural reconnaissance survey in the towns of Clayton and Orleans, Jefferson County, New York. The completed historic resource survey report and survey forms were uploaded to the OPRHP CRIS system for review on August 12, 2021.

The Facility will be located on the relatively flat lands of the St. Lawrence-Champlain Valley about 80 miles north of Syracuse, New York, and about 12 miles northwest of the city of Watertown. Land uses in this area of the county consist primarily of agricultural, residential, and vacant parcels.

The architectural survey identifies potential historic resources (i.e., properties eligible for or listed in the SR/NRHP in the historic architectural APE) to determine the potential for adverse effects from construction on such properties. The architectural APE encompasses the full extent of any visual impacts to historic properties caused by the Facility. The APE was initially established as the area within approximately 3.2 kilometers (2 miles) of the Facility and was refined to consist of the ZVI, described in Section 9.4.1 of Appendix 9-B. On behalf of TSEC, WSP uploaded the work plan for the architectural survey that defined the ZVI/APE and previously surveyed properties within the ZVI to the OPRHP CRIS on March 29, 2021. The OPRHP approved the work plan. The architectural survey included background research and a windshield reconnaissance of the APE, which was conducted April 5 through 8, 2021.

The background research, survey, and reporting were conducted in accordance with guidelines and recommendations established by the OPRHP; the National Historic Preservation Act of 1966, as amended; NRHP *Bulletin 24: Technical Information on Comprehensive Planning, Survey of Cultural Resources, and Registration in the National Register of Historic Places*, and NRHP *Bulletin 15: How to Apply the National Register Criteria for Evaluation; Procedures for the Protection of Historic and Cultural Properties* (36 Code of Federal Regulations [CFR] 800); the Procedures for Determining Site Eligibility for the National Register of Historic Places (36 CFR 60 and 63); New York State Environmental Quality Review Act; and the Secretary of the Interior's *Standards for Archaeology and Historic Preservation* (USDOI 1983). The architectural historians who performed the investigation meet or exceed the standards specified in 36 CFR 66.3(b) (2) and 36 CFR 61.

The survey included all resources in the APE that appeared to be 50 years old or older. Properties previously SR/NRHP-listed, SR/NRHP-eligible, or undetermined for listing were resurveyed. Properties previously SR/NRHP-listed or determined not eligible for listing were assumed to be unchanged from previous surveys and also not resurveyed. Surveyed properties totaled 252 (see Appendix 9-C). Each property was surveyed using high-resolution digital photographs and the CRIS Trekker portable application. The resources were then evaluated according to the National Register Criteria for Evaluation to determine eligibility for the SR/NRHP.

The survey identified 41 previously surveyed properties in the APE. Of these, 16 are individually listed in the NRHP, one was determined individually eligible, 20 were determined not eligible, and four are recorded with an undetermined SR/NRHP status. Since listing, one of the listed properties, St. Paul's Episcopal Church, has been demolished, and WSP, therefore, recommends the church as no longer eligible for SR/NRHP listing. No changes are recommended to the status of previously eligible historic properties. One of the four previously undetermined properties is recommended as eligible for SR/NRHP listing (Collins Rouse/Phelps House). The remaining properties with undetermined status are recommended as not eligible for SR/NRHP listing.

The background research identified 231 previously unrecorded properties, and all of these were individually surveyed. Ten are recommended as individually eligible for listing in the SR/NRHP, nine previously unrecorded dwellings are recommended as eligible in the Clayton Street Historic District (the district also contains one previously NRHP-listed dwelling), and one is recommended as undetermined because of limited accessibility. The remaining 211 properties are recommended as not eligible because of lack of integrity, distinction, or significant historical associations.

Of the previously recorded and previously unrecorded properties in the APE, 215 were identified as not SR/NRHP-eligible; one as undetermined; and 36 as listed, eligible for listing, or recommended as eligible for listing in the SR/NRHP.

The Facility will have no direct physical impacts on historic resources. The APE consists mostly of farmsteads surrounding the Facility Site. The village of LaFargeville, which contains the majority

of the surveyed properties, is approximately 1 mile north of the Facility, with limited visibility. Three SR/NRHP-listed properties in the APE: 34312 Route 180 (John Rottiers Farm), 21217 Buttermilk Flat Road (Buttermilk Flat Schoolhouse No. 22), and 33510 Wilder Road (Tracy Farm); are near the proposed Facility Site. At John Rottiers Farm, the solar array is separated from the property by an intervening residential property, which limits visibility of the Facility. The view of the Facility to the west of the Buttermilk Flats Schoolhouse No. 22 is blocked by vegetation lining Carter Street. The Tracy Farm, located 0.28 miles west of the Facility, will also have limited visibility due to intervening vegetation behind the farm buildings. Given the limited visibility from all three sites, WSP concludes that the Facility will not adversely affect these historic properties because it will not diminish the setting or feeling of the properties.

9.2.2 Consultation with Local Historic Preservation and Federal/State-Recognized Indian Nations

Appendix 9-C provides the consultation letter sent to the local historic preservation. TSEC identified one local group, the Jefferson County Historical Society, as a potential interested party for the project. On August 12, 2021, WSP submitted a letter requesting information on historic properties within the APE of the Facility to Toni Engleman, Director of the Historical Society, via email. No response from Ms. Engleman has been received to date.

In accordance with 19 NYCRR § 900-1.3(h)(1), TSEC reviewed the potential PIA to determine whether the statewide archaeological inventory map identified any areas of archaeological sensitivity that would warrant outreach to Indian Nations. TSEC, through the Phase IA submittal and Phase IB workplan, also consulted with the OPRHP about potential areas of archaeological sensitivity. No Indian Nation structures or sites listed or eligible for listing in the SR/NRHP of Historic Places were identified in the PIA or through OPRHP consultations. Based on these investigations, no further consultations with Indian Nations were conducted.

9.3 UNIFORM STANDARDS AND CONDITIONS

There are no applicable Uniform Standards and Conditions for this exhibit.

9.4 REFERENCES

U.S. Department of the Interior (USDOI). 1983. *Archaeology and Historic Preservation: Secretary of the Interior's Standards and Guidelines*. Federal Register, Part IV, 48(2):44716-44742. Annotated version showing later technical and officially adopted revisions available from the National Park Service's preservation laws, regulations, and standards webpage. Accessed online at: http://www.cr.nps.gov/local-law/arch_stnds_0.htm.

Appendix 9-A

Figures

Previously Submitted; No Changes

Appendix 9-B Historic Resources Report

Previously Submitted; No Changes

Appendix 9-C
Consultation with Local Historic Preservation and Federal/State
Recognized Indian Nations

Previously Submitted; No Changes

**Appendix 9-D Revised
Unanticipated Discoveries Plan**

Unanticipated Discoveries Plan Tracy Solar Energy Center

Village of La Fargeville, Towns of Clayton and Orleans
Jefferson County, New York



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Project Description

The Tracy Solar Energy Center (Facility) will be located in the towns of Clayton and Orleans, Jefferson County, New York. The Facility will comprise the installation of solar arrays and associated infrastructure over approximately 416 hectares (1,027 acres) of pasture and agricultural fields. In order to assess the potential impact of the Facility on cultural resources, WSP USA Inc. (WSP) conducted a Phase IA Cultural Resources Assessment and a Phase IB Archaeological Survey within the archaeologically sensitive sections of the buildable areas of the Facility Site.

Previous Work and Archaeological Sites

A Phase IA archaeological survey conducted by WSP in 2020 determined that a total of 60 hectares (149 acres) of Buildable and Right-of Way areas were determined to have moderate/high potential for intact archaeological resources. The goals of the Phase IB archaeological survey were to determine if any subsurface cultural resources are present in the area of potential effect. Fieldwork was conducted May 17 through June 2, 2021. The subsurface survey consisted of the excavation of 1,050 shovel tests and recovered a total of 194 historic artifacts.

No precontact artifacts were recovered. The field effort identified four historic-period sites initially labeled Temporary Sites 1 through 4. Each of these artifact assemblages dates to the 19th–20th centuries.

Temporary Site 1 consists of a very small assemblage between Tracy Road and a small foundation on the farm property of Terrance Strock. A total of 16 historic artifacts were recovered, with diagnostic material dating to the late 19th and early 20th centuries. Temporary Site 1 is not recommended as eligible for listing in the State Register/National Register of Historic Places (SR/NRHP). The area has been extensively disturbed, and the assemblage has limited density and diversity. No further archaeological work is recommended within the boundaries of the site.

Temporary Site 2 consists of a small assemblage recovered from an area adjacent to a collapsed barn and silo structure west of Wilder Road. Twelve historic artifacts were recovered from the site, and diagnostic material included artifacts with open production dates extending from the 19th century to the present day. The surface area and soils appear to have been significantly disturbed, likely during the demolition of the barn/silo structure. The Phase IB archaeological survey report determined that Temporary Site 2 is not eligible for inclusion in the SR/NRHP and that no further archaeological work is required in the vicinity of Temporary Site 2.

Temporary Site 3 is a sheet midden associated with a historic barn standing in the approximate location of a map-documented structure east of Tracy Road on the farm property of Terrance Strock. One hundred artifacts were recovered from this site. Diagnostic material extends from the mid-19th through 20th centuries, and most of the material has open production dates extending to the present day. The site's landscape has been visibly disturbed, likely a result of historic-era modification to the landscape. The site stratigraphy has poor to moderate integrity. The Phase IB archaeological survey report determined that Temporary Site 3 is not eligible for inclusion in the SR/NRHP and that no further archaeological work is required in the vicinity of Temporary Site 3.

Temporary Site 4 is a sheet midden located west of Carter Street Road around a small concrete barn foundation. The sheet midden falls within the vicinity of a historic-map-documented structure, although the foundation likely represents an outbuilding rather than a house. Fifty-six historic artifacts were recovered from the area. Diagnostic material from the assemblage primarily included material with open production dates extending from the 19th century to the present day. Pearlware sherds were also found, which date to the late 18th through mid-19th centuries. This area of the site has been used as a place to discard trash to the present day. Bedrock outcrops are present throughout the site area, and stratigraphy for the site is very thin, with most shovel tests terminating in the initial stratum. Evidence of grading and pushed soils was present in the site area, indicating that the site has poor integrity. The Phase IB archaeological survey report determined that Temporary Site 4 is not eligible for inclusion in the SR/NRHP and that no further archaeological work is required in the vicinity of Temporary Site 4.

The remaining cultural material consisted of scattered field refuse. No site designations were assigned to the remaining material. It is the opinion of WSP that no further archaeological work is required within the Facility Site as currently designed.

This Unanticipated Discoveries Plan is intended to provide the framework for protocols to be followed in the event that a significant archaeological resource is discovered during the construction.

SIGNIFICANT ARCHAEOLOGICAL DISCOVERY IDENTIFICATION

As used in this document, the term “significant archaeological resource” denotes a resource that is likely to be eligible for listing on the National Register of Historic Places. The types of archaeological resources that may be present and could be considered significant finds requiring notification and additional evaluation include but are not limited to the following:

- Fire pits/hearths - reddened/burnt stone clusters with charcoal and blackened soil; these may also have bone, nuts, shell, or other artifacts in them or near by;
- Storage or refuse pits - contrasting soil in a conical, cylindrical or basin shape, often flecked with carbonized material including charcoal;
- Dense layers of artifacts, including large numbers of flakes, prehistoric ceramics, projectile points, or large stone implements; and
- Clusters or heaps of freshwater mussel shell.

Some types of findings will always be considered significant and will result in a cessation of work, including, but not limited to:

- Ceremonial objects; and
- Human remains.

UNANTICIPATED ARCHAEOLOGICAL DISCOVERY PROTOCOL

The procedures that will be followed in the event that potentially significant archaeological material is discovered during construction of the Facility are described below.

Stop Activities

If significant archaeological resources are uncovered during construction activities, the construction contractor will immediately stop all construction activity in the immediate vicinity of the archaeological resources, unless immediate cessation of construction activities would create an unsafe condition or endangers the construction contractor. The construction contractor will stop all work at the location where the archaeological resource has been found and not resume construction within 100 feet (in any direction) of the find until cleared to proceed. Until work is authorized to resume, the area will be staked or flagged to ensure avoidance around the location. This work stoppage is necessary to provide WSP archaeologists the opportunity to communicate the nature of the find to appropriate parties.

Contact WSP

On-site contractors will contact WSP via the contact listed below. Archaeologists from WSP will assess the nature of the archaeological resource to determine if it represents an archaeological site, and if the site appears to be eligible for inclusion in the National Register of Historic Places.

Notifications

The WSP archaeologist will contact EDF Renewables Development, Inc., the State Historic Preservation Office (SHPO), and Tribal Historic Preservation Offices (THPOs) within 24 hours of the discovery with a description of the resource, and a recommendation regarding the need for further treatment. The permittee will promptly notify DPS Staff indicating details of discovery. The SHPO and THPO will provide a response as soon as possible and within no more than 48 hours. If WSP archaeologists determine that the site is not potentially significant, is isolated, or is completely disturbed, and the SHPO concurs, the WSP archaeologist will inform the construction contractor that construction may resume. The decision will be documented appropriately by WSP archaeologists. The method of documentation will be determined at the time, and, depending on the circumstances, may range from a letter report to a simple email.

Additional Archaeological Study

If WSP archaeologists recommend the site as representing a significant archaeological discovery, and the SHPO concurs, the archaeologists will prepare a recommended plan for additional archaeological investigations and/or mitigation of the identified archaeological discovery and submit the plan to the SHPO, THPO and EDF Renewables for review and concurrence.

Resumption of Construction Activities

Construction in the archaeological site area will not resume until all required fieldwork and required consultation are completed. Upon receipt of concurrence that all required fieldwork has been completed, and with confirmation from EDF Renewables, the WSP archaeologist will notify the construction contractor that work at the archaeological discovery location may resume. The decision will be documented appropriately by the WSP archaeologist. The method of documentation will be determined at the time, and, depending on the circumstances, may range from a letter report to a simple email.

HUMAN REMAINS

Human remains found anywhere in the Facility Site (including known sites that have been subjected to intensive study) are of concern and must be reported. “Human remains” may be full burials (and burials may be represented only by decomposing bones found in the ground in an area of darker soil, or they may be more recent burials with identifiable caskets or their remains) or they may be represented only by an individual bone or tooth. All must be reported and appropriately addressed.

The treatment of any human remains encountered during construction of the Facility will be guided by the policy statement adopted by the Advisory Council on Historic Preservation (Advisory Council on Historic Preservation, Policy Statement Regarding Treatment of Burial Sites, Human Remains and Funerary Objects, Advisory Council on Historic Preservation 2007) SHPO/New York State Office of Parks, Recreation and Historic Preservation Human Remains Discovery Protocol (2018) and by the relevant state laws and guidelines, including the New York Cemetery laws. It is imperative that all burial sites, human remains, and funerary objects be treated with dignity and respect, and that all measures be taken to protect such remains from undue harm until the area is released to the construction contractor.

The procedures that will be followed in the event that potential skeletal material is discovered during construction of the project are as follows.

Immediately Stop Activities

If any personnel on the construction site identify potential skeletal remains (including teeth, single bones or bone fragments, etc.) or indicators of potential skeletal remains such as gravestones or other means of marking potential grave sites, the contractor’s on-site construction supervisor will immediately stop all construction work that could affect the integrity or harm the remains (including full exposure/digging out of the remains). The remains will be left in place and not be touched, moved, or further disturbed until assessed by the appropriate consultants. They should be carefully covered by a tarp, and access to the area precluded through the use of fluorescent flagging tape or safety/barrier fencing.

Contact WSP

On-site contractors will contact WSP via the contact listed below. Archaeologists from WSP will assess the potential skeletal remains to determine if they represent an archaeological site, and if the site appears to be eligible for inclusion in the National Register of Historic Places. The permittee will promptly notify DPS Staff indicating details of the discovery.

Consultation

The WSP archaeologist will inspect the skeletal remains and determine if the remains may be human; this may require consultation with a physical anthropologist. If the WSP archaeologist, in consultation with the physical anthropologist if necessary, determines the skeletal remains to be clearly non-human, and no other archaeological features that require evaluation are present, the WSP archaeologist will notify the construction contractor that construction may resume. If the WSP archaeologist, or physical anthropologist, has any doubt or determines the remains to be human, the appropriate parties listed below will be contacted.

Treatment

If the human remains are determined to be Native American, the remains will be left in place and protected from further disturbance until a plan for their avoidance or removal can be generated, with avoidance being the preferred outcome. EDF Renewables will consult with the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) and the Onondaga Nation to develop a plan of action that is consistent with the Native American Graves Protection and Repatriation Act guidance. No photographs of the remains should be taken. If the human remains are determined to be non-Native-American, the remains will be left in place and protected from further disturbance until a plan for their avoidance or removal can be generated. EDF Renewables will consult with the OPRHP and any other appropriate parties to develop a plan for treatment for the remains, which may include avoidance. Any deviations from the plan during implementation must be approved by the consulting parties.

Reporting

All decisions and any action will be documented appropriately by the WSP archaeologist. The method of documentation will be determined at the time, and, depending on the circumstances, may range from a summary memorandum to a longer report document.

CONTACT INFORMATION

<p style="text-align: center;">OPRHP</p> <p style="text-align: center;">Tim Lloyd, Ph.D., RPA Scientist – Archaeology Division for Historic Preservation New York State Parks, Recreation & Historic Preservation Peebles Island State Park, P.O. Box 189 Waterford, New York 12188-0189 518.268.2186 timothy.lloyd@parks.ny.gov</p>	<p style="text-align: center;">Onondaga Nation</p> <p style="text-align: center;">Dyohdihwasne’ha Administration Building 4040 Route 11 Onondaga Nation Nedrow, NY 13120 315.469.0302 Fax: 315.469.4717 admin@onodaganation.org</p> <p style="text-align: center;">Tony Gonyea Faithkeeper Onondaga, Beaver Clan 4040 Route 11 Onondaga Nation Nedrow, NY 13120 315.469.0302 Fax: 315.469.4717</p>
<p style="text-align: center;">Oneida Nation of New York</p> <p style="text-align: center;">Raymond Halbritter Nation Representative 2037 Dream Catcher Plaza Verona, NY 13421 315.829.8900</p>	<p style="text-align: center;">Department of Public Service</p> <p style="text-align: center;">Contact To be Determined Albany, NY</p>
<p style="text-align: center;">EDF Renewables</p> <p style="text-align: center;">Erin Shirkey Permitting and Environmental Manager Grid Scale Power EDF Renewables (914) 336-6966 erin.shirkey@edf-re.com</p>	<p style="text-align: center;">WSP</p> <p style="text-align: center;">Lauren Hayden, RPA 412 Mount Kemble Avenue Morristown, NJ 07962 Phone 973.407.1275 Mobile 973.610.8172 lhayden@louisberger.com</p>
<p style="text-align: center;">Jefferson County Medical Examiner & Coroner</p> <p style="text-align: center;">531 Meade Street Watertown, NY 13601 315-786-3770</p>	<p style="text-align: center;">New York State Police</p> <p style="text-align: center;">25873 NY-37 Watertown, NY 13601 315-782-2112</p>

Appendix 9-E
Phase IA Archaeological Survey Report

Previously Submitted; No Changes

Appendix 9-F
Phase IB Archaeological Survey Report

Previously Submitted; No Changes

Appendix 9-G
OPRHP Correspondence Regarding Effects Finding



**Parks, Recreation,
and Historic Preservation**

KATHY HOCHUL
Governor

ERIK KULLESEID
Commissioner

September 08, 2021

Jack Honor
Development Manager
EDF Renewables
15445 Innovation Drive
San Diego, CA 92128

Re: ORES
Tracy Solar Project
Towns of Clayton and Orleans, Jefferson County, NY
21PR01258

Dear Jack Honor:

Thank you for requesting the comments of the Division for Historic Preservation of the Office of Parks, Recreation and Historic Preservation (OPRHP). We have reviewed the submitted materials in accordance with the New York State Historic Preservation Act of 1980 (Section 14.09 of the New York Parks, Recreation and Historic Preservation Law). These comments are those of the Division for Historic Preservation and relate only to Historic/Cultural resources.

We have reviewed the report of the Phase 1B archaeological survey (21SR00495) and it is OPRHP's opinion that no additional archaeological work is necessary. Please note that OPRHP's review of potential impacts to historic architectural resources has not been completed.

If further correspondence is required regarding this project, please refer to the OPRHP Project Review (PR) number noted above. If you have any questions, please contact me via email.

Sincerely,

Tim Lloyd, Ph.D.
Scientist - Archaeology
timothy.lloyd@parks.ny.gov

via e-mail only

