

Hoffman Falls Wind Project

Case No. 23-00038

900-2.10 Exhibit 9

Cultural Resources

Revision 2

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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 19 New York Codes, Rules and Regulations (NYCRR) 900-1.3(h)(2), 900-2.9, and 900-2.10(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, 2021a; see Table 9-1). 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 Table 9-1.

Table 9-1. Summary of Cultural Resources Correspondence

Date	Sender	Recipient(s)	Content
June 15, 2021	EDR on behalf of Liberty Renewables	Oneida Indian Nation (OIN)	Project introduction letter and maps for Hoffman Falls Wind Project (EDR, 2021a).
June 15, 2021	EDR on behalf of Liberty Renewables	Oneida Indian Nation (OIN)	Project introduction letter and maps for Blue Hill Wind Project ³ (EDR, 2021b).
June 16, 2021	EDR on behalf of Liberty Renewables	NYSHPO	Formal consultation initiated with NYSHPO via the CRIS website for Hoffman Falls Wind Project (EDR, 2021c).
June 16, 2021	EDR on behalf of Liberty Renewables	NYSHPO	Formal consultation initiated with NYSHPO via the CRIS website for Blue Hill Wind Project (EDR, 2021d).

¹ As defined throughout this Application, the Facility refers to all components of the proposed Facility, including wind turbines, underground and overhead collection lines, access roads, one permanent meteorological towers, one Aircraft Detection Lighting System (ADLS) tower, laydown yards, a temporary concrete batch plant, electric transmission line, collection substation, point of interconnection switchyard, and any other improvements subject to the Office of Renewable Energy Siting (ORES) jurisdiction.

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

³ The Blue Hill Wind Project was combined with the Hoffman Falls Wind Project. Therefore, cultural resources correspondence for the Blue Hill Wind Project is included in this Exhibit and in Appendix 9-A.

Date	Sender	Recipient(s)	Content
June 21, 2021	NYSHPO	EDR, Liberty Renewables	Response to initial request for consultation and request for a Phase IA Archaeological Survey for Hoffman Falls Wind Project (NYSHPO, 2021a).
June 21, 2021	NYSHPO	EDR, Liberty Renewables	Response to initial request for consultation and request for a Phase IA Archaeological Survey for Blue Hill Wind Project (NYSHPO, 2021b).
July 2, 2021	NYSHPO	EDR, Liberty Renewables	Response to initial request for consultation and request for a historic resources survey work plan for Hoffman Falls Wind Project (NYSHPO, 2021c).
July 2, 2021	NYSHPO	EDR, Liberty Renewables	Response to initial request for consultation and request for a historic resources survey work plan for Blue Hill Wind Project (NYSHPO, 2021d).
July 9, 2021	OIN	EDR	OIN inquired if federal permits or assistance is anticipated (OIN, 2021a).
July 20, 2021	EDR on behalf of Liberty Renewables	OIN	EDR replied that USACE Nationwide Permit is assumed (EDR, 2021e).
July 21, 2021	OIN	EDR	OIN inquired if the Facility Area could be amended to avoid the OIN-owned parcel it currently includes, and if not, why it needs to be included (OIN, 2021b).
August 12, 2021	EDR on behalf of Liberty Renewables	OIN	EDR clarified that the Facility Area depicts the general project area and that no components are proposed to be sited on OIN-owned parcels (EDR, 2021f).
August 30, 2021	EDR on behalf of Liberty Renewables	NYSHPO	<i>Phase IA Archaeological Survey, Blue Hill Wind Project, Town of Eaton, Madison County, New York</i> (EDR, 2021g).

Date	Sender	Recipient(s)	Content
September 7, 2021	EDR on behalf of Liberty Renewables	OIN	Meeting/call to discuss anticipated cultural resources studies and environmental permitting review for the Facility. Liberty Renewables reiterated that the Facility Area just depicts the general project area and that no components are proposed to be sited on OIN-owned parcels. Regardless, OIN requested that the Facility Area be amended to exclude OIN-owned parcels. OIN also requested a copy of the Phase IA Archaeological Survey and that a project introduction letter be sent to OIN leadership (EDR, 2021h).
September 9, 2021	NYSHPO	EDR, Liberty Renewables	Request for revisions to Blue Hill Phase IA report (NYSHPO, 2021e).
March 21, 2022	EDR on behalf of Liberty Renewables	NYSHPO	<i>Phase IA Archaeological Survey (Revised), Blue Hill Wind Project, Town of Eaton, Madison County, New York</i> (EDR, 2022).
April 14, 2022	NYSHPO	EDR, Liberty Renewables	Concurrence with revised Phase IA Archaeological Survey (NYSHPO, 2022).
January 31, 2023	EDR on behalf of Liberty Renewables	NYSHPO	<i>Phase IA Archaeological Survey, Hoffman Falls Wind Project, Towns of Eaton, Fenner, Nelson, and Smithfield, Madison County, New York</i> (EDR, 2023a).
February 15, 2023	NYSHPO	EDR, Liberty Renewables	Concurrence with Phase IA report and request for Phase IB survey (NYSHPO, 2023a).
May 5, 2023	EDR on behalf of Liberty Renewables	NYSHPO	<i>Phase IA Archaeological Survey, Hoffman Falls Wind Project, Towns of Eaton, Fenner, Nelson, and Smithfield, Madison County, New York</i> (EDR, 2023b).
May 16, 2023	NYSHPO	EDR, Liberty Renewables	Concurrence with Phase IA report and request for Phase IB survey (NYSHPO, 2023b).
August 7, 2023	NYSHPO	EDR	Correspondence regarding updates to NYSHPO Wind Guidelines (NYSHPO, 2023c).

Date	Sender	Recipient(s)	Content
October 27, 2023	EDR on behalf of Liberty Renewables	NYSHPO	<i>Phase IA Historic Resources Survey Methodology, Hoffman Falls Wind Project, Towns of Eaton, Fenner, Nelson, and Smithfield, Madison County, New York</i> (EDR, 2023c).
November 17, 2023	NYSHPO	EDR, Liberty Renewables	Concurrence with Phase IA Historic Resources Survey Methodology and request for historic resources Survey (NYSHPO, 2023d).
December 13, 2023	EDR on behalf of Liberty Renewables	NYSHPO	<i>Phase IB Archaeological Survey, Hoffman Falls Wind Project, Towns of Eaton, Fenner, Nelson, and Smithfield, Madison County, New York</i> (EDR, 2023d).
December 22, 2023	EDR on behalf of Liberty Renewables	NYSHPO	<i>Phase IB Archaeological Survey Addendum Memorandum, Hoffman Falls Wind Project, Towns of Eaton, Fenner, Nelson, and Smithfield, Madison County, New York</i> (EDR, 2023e).
January 3, 2024	EDR on behalf of Liberty Renewables	NYSHPO	<i>Historic Resources Survey Report, Hoffman Falls Wind Project, Towns of Eaton, Fenner, Nelson, and Smithfield, Madison County, New York</i> (EDR, 2024a).
January 10, 2024	NYSHPO	EDR, OIN, Tuscarora Nation	NYSHPO forwarding <i>Phase IA Archaeological Survey, Hoffman Falls Wind Project, Towns of Eaton, Fenner, Nelson, and Smithfield, Madison County, New York</i> and <i>Phase IB Archaeological Survey, Hoffman Falls Wind Project, Towns of Eaton, Fenner, Nelson, and Smithfield, Madison County, New York</i> (NYSHPO, 2024a).
January 26, 2024	EDR on behalf of Liberty Renewables	NYSHPO	Archaeological Avoidance Plan (EDR, 2024b).
February 8, 2024	NYSHPO	EDR, Liberty Renewables	Response to <i>Historic Resources Survey Report</i> and request for additional information (NYSHPO, 2024b).

Date	Sender	Recipient(s)	Content
February 9, 2024	NYSHPO	EDR, Liberty Renewables	Concurrence with <i>Phase IB Archaeological Survey</i> and <i>Phase IB Archaeological Survey Addendum Memo</i> . Request for revisions to Archaeological Site Avoidance Plan (NYSHPO, 2024c).
February 12, 2024	EDR on behalf of Liberty Renewables	NYSHPO	Revised Archaeological Site Avoidance Plan (EDR, 2024d).
February 16, 2024	EDR on behalf of Liberty Renewables	NYSHPO	Section 94-c Application, Exhibits 8 and 9 and associated appendices, including the Visual Impact Assessment (VIA; EDR, 2024e; Appendix 8-A).
March 6, 2024	NYSHPO	EDR, Liberty Renewables	Concurrence with and acceptance of Revised Archaeological Site Avoidance Plan; no further archaeological concerns if the plan is fully implemented (NYSHPO, 2024d).
March 15, 2024	NYSHPO	EDR, Liberty Renewables	Finding of Adverse Impact for aboveground historic resources. Requested development of a mitigation plan and Cultural Resource Avoidance, Minimization and Mitigation Plan (NYSHPO, 2024e).
March 15, 2024	EDR on behalf of Liberty Renewables	NYSHPO	Request for clarification regarding request for additional information on February 8, 2024 (EDR, 2024f).
March 21, 2024	NYSHPO	EDR	Clarification rescinding request for additional information (NYSHPO, 2024f).
May 16, 2024	EDR on behalf of Liberty Renewables	Tuscarora Nation, OIN	Revised Archaeological Site Avoidance Plan (EDR, 2024d).
September 19, 2024	EDR on behalf of Liberty Renewables	NYSHPO	<i>Phase IB Archaeological Survey Addendum Memorandum, Hoffman Falls Wind Project, Towns of Eaton, Fenner, Nelson, and Smithfield, Madison County, New York</i> (EDR, 2024g).

Date	Sender	Recipient(s)	Content
September 23, 2024	EDR on behalf of Liberty Renewables	Tuscarora Nation, OIN	<i>Phase IB Archaeological Survey Addendum Memorandum, Hoffman Falls Wind Project, Towns of Eaton, Fenner, Nelson, and Smithfield, Madison County, New York</i> (EDR, 2024h).
October 10, 2024	NYSHPO	EDR	Concurrence with September 19, 2024, <i>Phase IB Archaeological Survey Addendum Memo</i> ; no further archaeological concerns (NYSHPO, 2024g).

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, 2023b; Appendix 9-B)
- A Phase IA Historic Resources Survey Methodology (EDR, 2023c; Appendix 9-C)
- A Historic Resources Survey Report (EDR, 2024a; Appendix 9-D)
- A Phase IB Archaeological Survey (EDR, 2023d; Appendix 9-E)
- An Archaeological Site Avoidance Plan (EDR, 2024b; Appendix 9-F)
- An Unanticipated Cultural Resource Discovery Protocol (EDR, 2024c; Appendix 9-G)
- A Phase IB Archaeological Survey Addendum Memorandum (EDR, 2023e; Appendix 9-H)
- A Revised Archaeological Site Avoidance Plan (EDR, 2024d; Appendix 9-I)
- A Phase IB Archaeological Survey Addendum Memorandum (EDR, 2024g; Appendix 9-J)

Cultural resources studies typically identify a Project Impact Area (PIA), also referred to as the Area of Potential Effect (APE),⁴ 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) totaling approximately 430 acres, and an APE for Visual Effects,⁵ which includes those areas where the Facility may result in effects on above ground historic properties and/or buildings (totaling approximately 45.3 square miles [29,022 acres]). These potential effects, and the studies undertaken to evaluate the Facility's potential effects on cultural resources, are described in greater detail below.

⁴ The project impact area (PIA) as defined in 19 NYCRR § 900-1.3(h) is synonymous with the Archaeological APE for below ground resources as described in this exhibit and all associated support studies.

⁵ The PIA as defined in 19 NYCRR § 900-2.10 is synonymous with the APE for Visual Effects for above ground resources as described in this exhibit and all associated support studies.

(a) Archaeological Resources

In accordance with the requirements of NYCRR 900-1.3(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 Archaeological APE relative to archaeological resources and identifies if any previously documented archaeological resources occur within the Archaeological 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. The archaeological surveys were conducted by EDR in a series of site visits and mobilizations between October 2021 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 December 13, 2023 (Appendix 9-E), and addendum memorandums detailing supplemental Phase IB archaeological survey were submitted on December 22, 2023 (Appendix 9-H) and September 19, 2024 (Appendix 9-J).

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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 Revised Archaeological Site Avoidance Plan submitted to NYSHPO on February 12, 2024 (Appendix 9-I), none of the archaeological resources recommended by EDR for avoidance will be disturbed by the construction and operation of the Facility.⁶

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CONFIDENTIAL INFORMATION In review correspondence dated March 6, 2024, NYSHPO concurred with and accepted the Revised Archaeological Site Avoidance Plan (Appendix 9-A). NYSHPO stated no further archaeological concerns provided the plan was fully implemented.

In the event that unanticipated archaeological resources are encountered during construction, the Facility's Unanticipated Cultural Resources Discovery Protocol (EDR, 2024c; 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. With the adoption of these measures, and the avoidance measures in the Revised Archaeological Site Avoidance Plan, the proposed Hoffman Falls Wind Project is not anticipated to affect any significant archaeological resources.

(2) Phase IA Cultural Resources Study

In compliance with the requirements of 19 NYCRR 900-1.3(h)(1), the Applicant initiated consultation regarding the Facility with the NYSHPO in June 2021 (EDR, 2021c; for the summary of correspondence, see Table 9-1; Appendix 9-A) that included a description of the proposed Facility, a map of the Facility Site, and a proposed survey methodology. Liberty Renewables Inc. also initiated consultation in June 2021 for the Blue Hill Wind Project (EDR, 2021d), however the Blue Hill Wind Project has since been incorporated into the Hoffman Falls Wind Project and is no longer proposed as a separate project. The NYSHPO replied to both consultation requests with a recommendation for a Phase IA Archaeological Survey (NYSHPO, 2021a, 2021b). The Phase IA Archaeological Survey for Blue Hill Wind Project was submitted to NYSHPO via CRIS in August 2021 (EDR, 2021g). NYSHPO requested revisions to this Phase IA (NYSHPO, 2021e), and the revised Phase IA Archaeological Survey was submitted in March 2022 (EDR, 2022). After the submission of the Blue Hill Wind Project Phase IA Survey and NYSHPO's concurrence, the Blue Hill Wind Project was incorporated into the Hoffman Falls Wind Project. The Hoffman Falls Project Phase IA Survey, which now included the former Blue Hill Wind Project area, was submitted to NYSHPO via CRIS in January 2023 (EDR, 2023a). NYSHPO concurred with the Phase IA in February 2023 (NYSHPO, 2023a). In May 2023, the Applicant submitted an updated Phase IA report (EDR, 2023b; Appendix 9-B) due to significant layout changes from the original Phase IA report. NYSHPO concurred with this updated Phase IA in May 2023 (NYSHPO, 2023b). The May 2023 Phase IA report (EDR, 2023b; Appendix 9-B) 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 Archaeological APE; and 3) propose a methodology to identify additional archaeological resources within the Archaeological APE, evaluate their eligibility for inclusion in the S/NRHP, and assess the potential effect 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 1,282 acres (25%) of the 4,945-acre Facility Site at the time of the Phase IA report was considered sensitive for archaeological resources.

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 for the former Blue Hill Wind Project in October 2021, which was later incorporated into the Hoffman Falls Wind Project. Additional Phase IB archaeological surveys for the Hoffman Falls Wind Project were conducted over multiple mobilizations between June 2023 and August 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 Archeological Report Format Requirements* (NYSHPO, 2005).

The NYSHPO recommended Phase IB archaeological testing for areas in the Archaeological APE that have elevated sensitivity for archaeological resources. Testing was conducted in areas with significant ground disturbance, which typically includes wind turbine sites, operations and maintenance facilities, laydown yards, new access roads, buried collection lines, meteorological towers, 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 included 1,282 acres of the 4,945-acre Facility Site at the time of the Phase IA report (NYSHPO, 2021c; Appendix 9-A).

The GIS-based model has been updated concurrently with Facility revisions throughout the course of the October 2021 to September 2024 Phase IB surveys, including the incorporation of the former Blue Hill Wind Project area into the Hoffman Falls Wind Project and the supplemental Phase IB survey conducted following the submittal of the Phase IB report to the NYSHPO. As of the September 19, 2024 addendum, approximately 1,282 acres (25%) of the Facility Site was categorized as having elevated archaeological sensitivity, and the Archaeological APE measured 430 acres. Due to layout changes, however, many areas that were tested as part of the Phase IB survey are no longer part of the Archaeological APE. A total of 2,451 shovel test pits were excavated and approximately 43.9 acres of pedestrian surface survey was conducted during the combined Phase IB archaeological survey efforts completed for the Facility. **BEGIN CONFIDENTIAL INFORMATION <**

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Table 9-2 below for a descriptive summary of each identified archaeological resource, as well as potential Facility impacts, avoidance measures, and S/NRHP recommendations.

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Site / Isolate	Description	Phase IB Report Appendix / Sheet	Civil Design Drawing ¹ Sheet	Potential Impact	Avoidance Measure / Recommendation
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

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(4) Phase II Study

Phase II archaeological 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 these unevaluated resources cannot be avoided by Facility impacts. The Facility design avoids impacts to 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 NYCRR 900-2.10(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 NYCRR 900-2.10(b), the historic resources studies conducted for the Facility are included as Appendices 9-C and 9-D.

As part of the Visual Impact Assessment (VIA) prepared for the Facility (Exhibit 8), 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-D]):

- Matthew Urtz, Historian, Madison County
- Madison County Historical Society
- Connie Sunderman, Clerk, Town of Cazenovia
- Jen Wong, Executive Director, Cazenovia Preservation Foundation
- Anne Beckwith Ferguson, President, Cazenovia Heritage
- Mike Beardsley, Historian, Town of Sullivan
- David Sadler, Historian, Towns of Lincoln and Stockbridge
- Gerald Davies, Historian, Town of Fenner
- Donna Burdick, Historian, Town of Smithfield
- Fay Lyon, Historian, Town of Nelson
- Fay Lyon, Erieville-Nelson Heritage Society
- Sue Greenhagen, Historian, Town of Eaton
- Sue Greenhagen, Historian, Village of Morrisville
- Old Town of Eaton Museum
- Kelly Johnson, Clerk/Treasurer, Village of Munnsville
- Celeste Smith, Village of Munnsville, Fryer Memorial Museum; Deputy Historian, Town of Stockbridge
- Diane VanSlyke, Historian, Town of Madison
- Madison Historical Society Museum
- Joann Collins, Town Clerk, Town of Lebanon
- Sonya Furness, Historian, Town of Augusta
- Charles Page, Cemetery Historian

On behalf of the Applicant, EDR initiated correspondence with the Oneida Indian Nation with a Project Introduction Letter dated June 15, 2021 (EDR, 2021a, 2021b; Appendix 9-A) to identify potential historic resources as required by NYCRR 900-2.10(b). EDR corresponded with a representative from the Oneida Indian Nation between July and September in 2021 (EDR, 2021a, 2021b, 2021e, 2021f, 2021h; OIN, 2021a, 2021b; Appendix 9-A). As part of ongoing outreach, NYSHPO and the Oneida Indian Nation have been provided copies of cultural resources survey reports completed to date. NYSHPO also shared cultural resource survey reports directly with the Oneida Indian Nation and Tuscarora Nation via email on January 10, 2024 (NYSHPO, 2024a; Appendix 9-A) and September 23, 2024 (EDR, 2024h; Appendix 9A). A copy of the Applicant's Revised Archaeological Site Avoidance Plan was provided to the Oneida Indian Nation and Tuscarora Nation via email on May 16, 2024 (EDR, 2024d; Appendix 9-I).

(6) 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 Effect Relative to Aboveground Historic Resources

Per the requirements set forth in 19 NYCRR § 900-1.2(bx), 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 Section 94-c, and in accordance with the *New York State Historic Preservation Office Guidelines for Wind Farm Development Cultural Resources Survey Work* (NYSHPO Guidelines; NYSHPO, 2006), the historic resources survey addresses a 5-mile Historic Resources Study Area. The 5-Mile Historic Resources Study Area includes portions of the Towns of Cazenovia, Nelson, Fenner, Eaton, Madison, Lebanon, Stockbridge, Smithfield, Sullivan, and Lincoln, including the Villages of Cazenovia, Munnsville, Morrisville, and Hamilton, in Madison County; and a portion of the Town of Augusta in Oneida County.

The Facility will have no direct physical impacts to aboveground historic 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. In accordance with the NYSHPO *Guidelines* (NYSHPO, 2006) as well as recent NYSHPO guidance on cultural resources surveys for wind energy projects (NYSHPO, 2023c), the APE for Visual Effects was developed based on a viewshed analysis utilizing a Digital Surface Model (DSM) of the Historic Resources Study Area. The DSM viewshed analysis considers the screening effects of topography, structures, and estimated existing vegetation heights, which provides the basis for the APE for Visual Effects.

Effects to historic properties could theoretically consist of auditory and/or visual effects. A detailed discussion of potential noise impacts of the Facility is provided in Exhibit 7 of this Application. Potential primary sources of sound include 24 proposed wind turbines and the high voltage transformer at the collection substation. As described in the *Pre-Construction Noise Impact Assessment* (Appendix 7-A; Epsilon, 2024), this equipment generates sound, but meets all Section 94-c requirements, which are intended to protect neighboring residences and other sensitive receptors. Therefore, no auditory effects are anticipated to occur as a result of the Facility, and no auditory effects will occur to any historic resources.

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-D), 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 16, 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, 2021c, 2021d; Appendix 9-A).

The Applicant prepared a *Phase IA Historic Resources Survey Methodology* (Appendix 9-C), which was submitted through the CRIS website on October 27, 2023 (EDR, 2023c). The purpose of the *Phase IA Historic Resources Survey Methodology* was to identify and document those resources within the Facility's APE 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 November 17, 2023, 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, 2023d; Appendix 9-A).

Historic Resources Survey

The Applicant conducted a Historic Resources Survey for the Facility (Appendix 9-D) in accordance with the methodology outlined in the *Phase IA Historic Resources Survey Methodology* (Appendix 9-C) on November 15 through November 21, 2023. 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 a 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 phone and email conversations, the outcomes of which are summarized in the *Historic Resources Survey Report* (Appendix 9-D).

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. As described in the *Phase IA Historic Resources Survey Methodology* (Appendix 9-C) and *Historic Resources Survey Report* (Appendix 9-D), EDR analyzed the APE for Visual Effects for the Hoffman Falls Wind Project and surveyed all areas not included in previous historic resources studies, to ensure that all historic resources within the Facility's APE for Visual Effects have been identified.

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 November 15 through November 21, 2023. 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 resource(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.

A total of 135 resources are located within the Historic Resources Study Area and APE for Visual Effects for the Facility. Of these 135 resources, 10 were surveyed in 2023 for the Oxbow Hill Solar Historic Resources Survey Project and were not evaluated by EDR as part of the historic resources survey; they include:

- One resource listed in the S/NRHP;
- Three resources determined by the NYSHPO to be eligible for listing in the S/NRHP; and
- Six resources with undetermined S/NRHP eligibility.

The 125 properties evaluated as part of the historic resources survey included both previously and newly identified resources. The results of the survey are summarized as follows:

- No change in status was recommended by EDR for the National Historic Landmark (NHL) Gerrit Smith Estate (97NR01148); NYSHPO concurred with this recommendation.
- Of the 16 resources listed on the S/NRHP, EDR recommended no change in status; NYSHPO concurred with this recommendation.
- Of the 15 resources previously determined by the NYSHPO to be S/NRHP-eligible, EDR found that one resource is no longer extant and recommends that the remaining 14 resources meet S/NRHP eligibility criteria; NYSHPO determined that all 15 resources continue to meet S/NRHP eligibility criteria.
- Of the 35 resources which had not been formally evaluated in terms of their S/NRHP eligibility, EDR recommends that 24 meet S/NRHP eligibility criteria and eight do not meet S/NRHP eligibility criteria; two resources were found to be no longer extant; and one resource could not be evaluated due to their inaccessibility and lack of visibility from the public right-of-way. Of these 35 resources, NYSHPO determined that 24 are S/NRHP-eligible, eight are not S/NRHP-eligible, one is not extant, one (a cemetery) is already S/NRHP-listed as part of the Nelson Welsh Congregational Church (93NR00504), and one was not evaluated in terms of its S/NRHP eligibility.
- A total of 32 resources were identified through consultation with local stakeholders; EDR recommends that 20 of these resources meet S/NRHP eligibility criteria and seven do not meet S/NRHP eligibility criteria; the remaining five resources could not be evaluated due to their lack of visibility from the public right-of-way. Of these 32 resources, NYSHPO determined that 23 are S/NRHP-eligible, six are not S/NRHP-eligible, and three were not evaluated in terms of their S/NRHP eligibility.
- An additional 26 resources not previously documented in CRIS were identified by EDR and were recommended to meet S/NRHP eligibility criteria, including four historic districts. Of these 26 resources, NYSHPO determined that 25 are S/NRHP-eligible (including the four historic districts), and one was not evaluated in terms of its S/NRHP eligibility.⁷

Two of the resources determined by the NYSHPO 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-D) summarizing the findings of this survey was submitted to the NYSHPO via the CRIS website on January 3, 2024. On February 8, 2024, NYSHPO provided a response⁸ via the CRIS

⁷ In addition, NYSHPO identified two resources which were not previously recorded in CRIS nor included in the *Historic Resources Survey Report*. NYSHPO determined that these two resources are S/NRHP-eligible.

⁸ NYSHPO's response letter of February 8, 2024, included a list of 142 S/NRHP-listed and/or S/NRHP-eligible resources within the 5-mile-radius Historic Resources Study Area for the Facility. A total of 27 resources included in this list are located outside the APE for Visual Effects for the Facility, and a total of 13 resources included in the list are duplicates of resources that were surveyed or are individual resources which are contributing elements to resources that were surveyed and documented in the *Historic Resources Survey Report*.

Website to the *Historic Resources Survey Report*, with a request for additional information, including visual simulations from the S/NRHP-listed Lorenzo State Historic Site (90NR01443) and the S/NRHP-eligible Chittenango Falls State Park (USN 05302.000167) (NYSHPO, 2024b; Appendix 9-A). A visual simulation for the Lorenzo State Historic Site is included in the Visual Impact Assessment (VIA; EDR, 2024e; Appendix 8-A). Chittenango Falls State Park is not anticipated to have significant Facility visibility. On February 16, 2024, EDR submitted Section 94-c Application Exhibits 8 and 9 with associated appendices, including the Visual Impact Assessment (VIA; EDR, 2024e; Appendix 8-A), to the NYSHPO. On March 15, 2024, the NYSHPO issued a Finding of Adverse Impact for aboveground historic resources and requested development of a mitigation plan to offset the Facility's potential visual impacts to historic resources (NYSHPO, 2024e). On March 15, 2024, EDR requested clarification from the NYSHPO regarding the request for additional information on February 8, 2024 (EDR, 2024f); the NYSHPO responded on March 21, 2024, stating that that request was rescinded when the Finding of Adverse Impact was issued (NYSHPO, 2024f).

The Applicant will continue to consult with NYSHPO regarding the development of a mitigation plan to offset potential impacts of the Facility to historic resources.

(7) Analysis of Potential Impacts to Historic Resources

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

Potential Direct Effects

Construction of the Facility will not require the demolition or physical alteration of any historic resources. No direct physical impact to historic resources listed in or determined eligible for listing in the S/NRHP will occur as a result of construction of the Facility. Therefore, the Facility is not anticipated to have any direct impact on historic properties.

Potential Visual Effects

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, existing wind turbines, 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, 2024).

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

- 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.

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-D)). 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 Section 94-c 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 could alter the historic character of the visual setting. The NYSHPO has determined that the Facility will have an Adverse Impact on historic resources due to the potential visual impacts to 128 historic resources listed in or eligible for listing in the S/NRHP.

The Applicant will continue consultation with the NYSHPO and ORES to assist in these agencies' assessment of potential Facility impacts to aboveground historic properties. 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 Section 94-c 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 900-10.2(g) of the 94-c 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 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.

The CRAMMP is anticipated to be developed as a result of NYSHPO review of the *Phase IB Archaeological Survey* report as well as the *Historic Resources Survey Report*. The aforementioned *Archaeological Avoidance Plan* and *Unanticipated Cultural Resource Discovery Protocol* will be included as attachments to the CRAMMP, satisfying NYCRR 900-10.2(g)(1) by demonstrating that construction of the Facility will avoid impacts to archaeological sites. In addition the NYSHPO has requested the preparation of a mitigation plan to address adverse impacts on historic resources within the Facility's Area of Potential Effect for Visual Effects. The mitigation plan will summarize any outreach efforts to stakeholders as well as efforts to identify appropriate mitigation projects and offset funding amounts for those projects. 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 is initiating outreach to the appropriate entities and anticipates that approximately \$100,000 to \$150,000 will be dedicated to these mitigation projects.

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 Section 94-c Application.

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