

To: Bradley W. Russell, Ph.D.
Historic Preservation Specialist - Archaeology
Division for Historic Preservation
New York State Office of Parks, Recreation & Historic Preservation

From: Joseph Kwiatek, Archaeology Project Manger
Moira Magni, Project Archaeologist
EDR

Date: January 26, 2023

Reference: Hoffman Falls Wind Project
Archaeological Site Avoidance Plan

NYSHPO No: 21PR03978

Introduction

On behalf of Hoffman Falls Wind LLC, a wholly owned subsidiary of Liberty Renewables Inc. (the Applicant), Environmental Design & Research, Landscape Architecture, Engineering, and Environmental Services, D.P.C. (EDR) conducted Phase IB archaeological survey for the proposed Hoffman Falls Wind Project (the Facility), located in the Towns of Eaton, Fenner, Nelson, and Smithfield, Madison County, New York. The proposed Facility is an approximately 100-megawatt wind-powered electric generating facility and will consist of up to 24 wind turbines and supporting infrastructure, which will include access roads, collection lines, an aircraft detection lighting system, a meteorological tower, temporary laydown yards, a collection substation, and an associated point-of-interconnection (POI), as well as other Facility components.

This memorandum summarizes the archaeological resources identified by the Phase IB survey that are currently located within the Area of Potential Effect (APE), and the proposed Avoidance Measures for these resources which, if not avoided could be potentially impacted by the Facility layout.

Phase IB Survey Results

The Phase IB archaeological survey was conducted within all areas categorized as elevated archaeological sensitivity that overlapped with areas that were considered for development. Phase IB archaeological survey fieldwork occurred during multiple mobilizations between October 2021 and December 2023 that were concurrent with Facility design to inform the ongoing design and facilitate the avoidance or minimization of potential impacts to sensitive archaeological resources identified by the survey. The results of the Phase IB survey detailed in the *Phase IB Archaeological*

Survey report (EDR, 2023a) and *Phase IB Archaeological Survey Addendum Memorandum* (EDR, 2023b) are summarized here:

- Pedestrian survey of 43.9 acres and excavation of 2,447 shovel tests
- Recovery of 273 artifacts
- Identification of 10 Euro-American archaeological sites
 - 4 domestic and/or structural artifact scatters
 - 6 domestic and/or structural artifact scatters with structural remains
- Identification of 8 isolated finds

Archaeological Sites Recommended for Avoidance

The Phase IB report recommended that all 10 of the sites be avoided by significant ground disturbance during Facility construction, or completion of Phase II investigations if avoidance is not possible. In an effort to avoid impacts to all unevaluated archaeological sites identified in the Phase IB survey, the Applicant has moved, modified, or eliminated several Facility components. Construction techniques were modified to avoid ground disturbance within 50 feet of all 10 sites¹.

Table 1 lists all 10 archaeological sites encountered during Phase IB survey, with an updated status with respect to Facility location. The nine sites that are now fully avoided by the Facility layout are highlighted in green, with associated mapping included in Attachment A.

However, since the submission of the Phase IB report, the Facility’s proposed APE was modified to include grading within the 50-foot avoidance buffer of **BEGIN CONFIDENTIAL INFORMATION**< [REDACTED] >**END CONFIDENTIAL INFORMATION**. Additional information for **BEGIN CONFIDENTIAL INFORMATION**< [REDACTED] >**END CONFIDENTIAL INFORMATION** where disturbance will be confined to the 50-foot avoidance buffer, is included below.

Table 1. Summary of Site Impacts

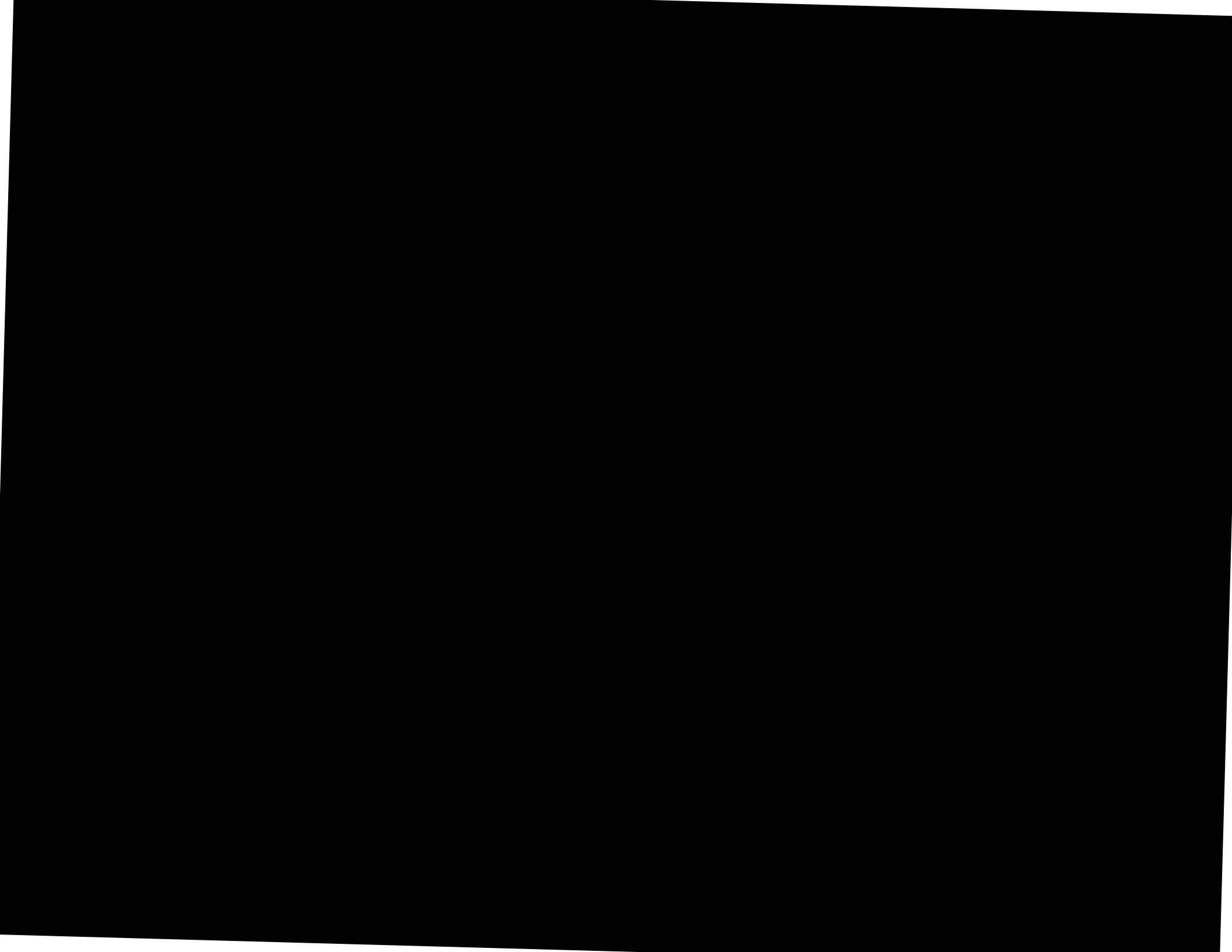
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Site	Site Description	Current Status, Recommendation	Figure
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

¹ Note that in some instances the 50-foot avoidance buffer has been clipped to exclude established roadways and/or driveways where significant soil disturbance during construction and ongoing disturbance during maintenance has removed or compromised the stratigraphic integrity of natural soils.

Recommendation: EDR is requesting concurrence from NYSHPO that while the limit of grading overlaps the 50-foot avoidance buffer for the delineated site, there is sufficient spacing from the delineated site boundary, and it is avoided by significant ground disturbance.

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>END CONFIDENTIAL INFORMATION**Unanticipated Cultural Resources Discoveries Protocol**

The Applicant recognizes that it is possible that unanticipated buried or aboveground archaeological features and/or artifacts may be encountered during Facility construction. Therefore, to provide additional safeguards against the possibility that the proposed Facility might impact unidentified archaeological resources, EDR, on behalf of the Applicant, will prepare an Unanticipated Cultural Resources Discovery Protocol (UDP). The UDP will outline the steps for dealing with unanticipated discoveries of cultural resources which may be encountered during construction of the proposed Facility. This protocol will include stopping work, notifying the appropriate personnel (e.g., ORES, NYSHPO, Indigenous Nations), and photographing the finds. A site visit by an archaeologist to further investigate and document the discovery may be necessary, and appropriate mitigation measures will be determined. This process will occur in consultation with NYSHPO and Native American Nation representatives as appropriate. UDPs are written to provide construction contractors guidance and protocols for identifying possible archaeological material and/or human remains uncovered during construction, and similar protocols will be followed by archaeological crews during Phase II work.

In the event of an unanticipated discovery of potential human remains and/or funerary objects during the Phase II investigation, all work in the immediate vicinity will stop until further notice and the NYSHPO, the county coroner/medical examiner, local law enforcement, and all consulting parties identified in the Protocol will be contacted. The potential remains/funerary objects will be treated with respect, left *in situ* by on-site personnel, and protected from further disturbance. If human remains or funerary objects are determined to be Indigenous, a treatment plan will be developed in consultation with the NYSHPO and the appropriate Nations, consistent with established protocols and guidance. These will include NYSHPO's Human Remains Discovery Protocol (2021), the Advisory Council on Historic Preservation's *Policy Statement on Burial Sites, Human Remains and Funerary Objects* (ACHP, 2023), and the *Haudenosaunee Policy on Human Remains* (Grand Council of the Haudenosaunee, 2014).

The NYSHPO, ACHP, and Haudenosaunee human remains protocols all require temporary suspension of activity in the vicinity of the discovery, protection of discovered remains, notification of NYSHPO and Indigenous representatives, and consultation regarding treatment of remains. The coroner and local law enforcement will make the official ruling on the nature of the remains, being either forensic or archaeological. A decision concerning avoidance or hand excavation of the burial and final disposition of the remains shall be made by consulting parties.

Conclusion

To avoid impacts to unevaluated archaeological sites identified in the Phase IB survey, the Applicant has moved or modified a number of Facility components. Areas within 50 feet of **BEGIN CONFIDENTIAL INFORMATION** < [REDACTED] > **END CONFIDENTIAL INFORMATION** is located within 50 feet of the Facility's APE. Since the submission of the Phase IB survey report, the Facility's proposed APE was modified to include limited grading in row cropland within 50 feet of site **BEGIN CONFIDENTIAL INFORMATION** < [REDACTED] > **END CONFIDENTIAL INFORMATION**. Proposed grading is confined to the 50-foot avoidance buffer around the site where shovel testing identified no cultural material; impacts will not occur within the delineated boundary of the site itself. EDR recommends that this site, as well as the other **BEGIN CONFIDENTIAL INFORMATION** < [REDACTED] > **END CONFIDENTIAL INFORMATION**, have been avoided by the proposed Facility and is requesting concurrence from NYSHPO on this recommendation.

To provide additional safeguards against the possibility that the proposed Facility might impact unidentified archaeological resources, EDR, on behalf of the Applicant, will prepare an UDP which will outline the steps for dealing with unanticipated discoveries of cultural resources which may be encountered during construction of the proposed Facility.

If you have any questions/concerns or would like to discuss the information described herein, please contact me at jkwiatek@edrdpc.com or (908) 295-5284 and/or Doug Pippin at dpippin@edrdpc.com or (585) 752-6147.

Thank you very much for your time.

Sincerely,



Joseph Kwiatek

EDR Archaeology Project Manager

Attachments:

Attachment A

Archaeological Sites Avoided by Archaeological Sites Avoided by Facility Construction

References

Advisory Council on Historic Preservation (ACHP). 2023. *Policy Statement on Burial Sites, Human Remains, and Funerary Objects*. Available at <https://www.achp.gov/sites/default/files/policies/2023-07/PolicyStatementonBurialSitesHumanRemainsandFuneraryObjects30June2023.pdf> (Accessed October 2023).

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

Attachment A

Archaeological Sites Avoided by Facility Construction

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AVAILABLE REPORT BECAUSE IT CONTAINS
PROTECTED/CONFIDENTIAL ARCHAEOLOGICAL SITE
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