



Appendix 9-E
SHPO Correspondence



Parks, Recreation and Historic Preservation

ANDREW M. CUOMO
Governor

ERIK KULLESEID
Commissioner

ARCHAEOLOGY COMMENTS

Phase IA/IB Archaeological Survey Recommendation for Solar Facilities

Project: Hecate Energy Cider Solar Project (500MW/~3500 Acres)

PR#: 20PR03191

Location: Towns of Oakfield & Elba, Genesee County

Date: June 2, 2020

The State Historic Preservation Office/Office of Parks, Recreation and Historic Preservation (SHPO/OPRHP) recommends a Phase IA archaeological survey, including recommendations for potential Phase IB archaeological field testing. A Phase IA: Literature Search and Sensitivity Study is the initial assessment of the overall sensitivity of a project area (*Area of Potential Effects or APE*) for the presence of archaeological sites and Native American sites of religious and cultural significance and to guide any subsequent field investigations. The Phase IA should be conducted early in project planning to allow the results to be used in developing project options. Research should be comprehensive, using the SHPO/OPRHP's site files and archaeological library, as well as other sources such as universities, local libraries, museums, Indian Nations, historical societies, local informants or other pertinent sources. An initial field inspection of the project area must be conducted to assess the level of testing that may be necessary. This study should document the cultural history of the project area, relevant environmental and geological data, the boundaries and description of the proposed project, any previous ground disturbance, known archaeological sites and provide Phase IB field investigation recommendations.

To protect the archaeological record and to refine the Phase IB archaeological testing scope-of-work, the SHPO/OPRHP strongly encourages developers to reduce grubbing and grading activities, reduce the width of trenches to 3 feet or less, and reduce or eliminate grading for the construction of roadways and staging areas.

Recommendations for the Development of the Phase IB Archeological Scope of Work

Phase IB archaeological testing is not recommended for panel arrays, perimeter fencing and utility poles, if their associated posts are driven or drilled into the ground and no grubbing or grading is involved, and for excavations and grading less than six inches in depth. Phase IB testing is also not recommended for trenches less than three feet wide. However, if the installation of the panel array supports, fencing or utility poles requires grubbing and grading exceeding six inches in depth, then Phase IB archaeological testing is recommended.

Phase IB archaeological testing is recommended for areas of substantial proposed ground disturbance, which includes areas of grading and excavation more than six inches deep, grubbing, tree and stump removal, and trenches more than three feet wide, unless the archaeological sensitivity warrants greater effort.

If Native American cultural resources may be affected by a solar facility, the pertinent Indian Nations should be provided the Phase IA Report, including Phase IB archaeological testing scope-of-work, for review and comment. The SHPO/OPRHP can provide Indian Nations contact information upon request. Please request this information by contacting the archaeology reviewer responsible for the county in which your project is located. Contact information can be found at <https://parks.ny.gov/shpo/contact/>.

Division for Historic Preservation

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

Our office does not conduct archaeological surveys. A 36 CFR 61 qualified archaeologist should be retained to conduct the Phase IA/IB survey.

If you have any questions concerning archaeology, please contact Josalyn Ferguson at Josalyn.Ferguson@parks.ny.gov.

Robert Hanley

From: "Ferguson, Josalyn (PARKS)" <Josalyn.Ferguson@parks.ny.gov>
Date: Thursday, September 17, 2020 10:36 AM
To: "Robert Hanley" <rhanley@panamconsultants.com>
Subject: Automatic reply: 20PR03191 Hecate Energy Cider Solar Project (500MW/~3500 Acres)

Thank you for contacting me. For the foreseeable future our staff is telecommuting, and our principal method of communication will be via e-mail. Our entire office is working remotely to try and perform tasks in a timely fashion. We appreciate your patience.

Sincerely,
Josalyn Ferguson, Ph.D.
Scientist Archaeology
Archaeology Unit
New York State Historic Preservation Office



Parks, Recreation, and Historic Preservation

**ANDREW M.
CUOMO**
Governor

ERIK KULLESEID
Commissioner

September 24, 2020

Jen Kelly
Environmental Project Manager
Stantec
61 Commercial Street, Suite 100
Rochester, NY 14614-1009

Re: DPS
Hecate Energy Cider Solar Project (500MW/~3500 Acres)
Towns of Oakfield & Elba, Genesee County, NY
20PR03191

Dear Jen Kelly:

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 Phase IA Cultural Resources Investigation Report prepared by Panamerican Consultants (Hanley et al. July 2020; 20SR00427), 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. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8) and its implementing regulations (6NYCRR Part 617).

Based on our review of the Phase IA Archaeology Report, we offer the following comments.

- OPRHP concurs that a Phase IB cultural resource investigation is warranted for those portions of the project area where soils could be significantly disturbed during construction, once the project design is complete and project component locations are determined. A Phase IB Scope-of-Work should be developed and submitted to OPRHP and the Indian Nations for review and comment prior to field work.
- OPRHP concurs that site avoidance or Phase II Site Examinations are warranted for previously identified and unassessed archaeological sites should proposed impacts be planned in their locations. Phase II Scope(s)-of-Work or Short- and/or Long-Term Avoidance Plan(s) for the treatment of previously identified archaeological sites should be developed and submitted to OPRHP and the Indian Nations for review and comment prior to field work.

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- A copy of the Phase IA Report and this letter is being provided to the Seneca Nation of Indians, the Tonawanda Seneca Nation and the Tuscarora Indian Nation by OPRHP along with the request that the Indian Nations provide cultural resource comments to the Secretary of the Public Service Commission and copy the OPRHP.
- Please verify all government agencies involved in this project from which permits, permissions and/or funding is being sought, and provide OPRHP with the contact information (including email addresses) for each involved agency.

If you have any questions, I can be reached via e-mail at Josalyn.Ferguson@parks.ny.gov.

Sincerely,



Josalyn Ferguson, Ph.D.
Scientist Archaeology

c.c. Alexandra Page, Tonawanda Seneca Nation
c.c. Joe Stahlman, SNI
c.c. Robert Hanley, Panamerican Consultants
c.c. Chief Hill & Christine Abrams, Tonawanda Seneca Nation (under separate cover)
c.c. Bryan Printup, Tuscarora Indian Nation (under separate cover)

Indian Nation Contact Information

Seneca Nation of Indians

Dr. Joe Stahlman

Director – THPO
Seneca-Iroquois National Museum
Onöhsagwë: De' Cultural Center
82 W. Hetzel Street
Salamanca, NY 14778
Phone: (716) 945-1760
Joe.Stahlman@sni.org

Tuscarora Indian Nation

Bryan Printup

Tuscarora Nation
5226 Walmore Road
Lewiston, NY 14092
Phone: (716) 264-6011
Email: bprintup@hetf.org

Tonawanda Seneca Nation

Chief Roger Hill c/o Christine Abrams

Tonawanda Seneca Nation
7027 Meadville Road
Basom, NY 14013
Phone: (716) 542-4244
Fax: (716) 542-4008
Email: tonseneca@aol.com

Robert Hanley

From: "Ferguson, Josalyn (PARKS)" <Josalyn.Ferguson@parks.ny.gov>
Date: Tuesday, September 29, 2020 9:48 AM
To: "Robert Hanley" <rhanley@panamconsultants.com>
Cc: "Jen Kelly" <Jen.Kelly@stantec.com>; "Schifferli, Michael (PARKS)" <Michael.Schifferli@parks.ny.gov>
Subject: RE: Hecate Energy Cider Solar Project - 20PR03191

Hi Bob,

Thank you for your email, and I apologize for the delay in my response. I needed to check with Nancy about your request before I responded. OPRHP has no issues providing our GIS information to Panamerican and Stantec for the purposes of this specific project; however, we must insist that this information is not to be shared publicly, and with the caveat that Stantec is to work with Panamerican to verify the site locations and to make sure the full extent of the site(s) are known. Our GIS layers are a good starting point, but they should not be taken at face value. As you are aware, the NYSM site data is not our data and thus we don't have access to their GIS database. You will thus have to manually plot the locations of NYSM sites. As you are also aware, their site locations can often be even more problematic.

I have included Michael Schifferli on this email as it is my understanding he will be the one who is able to assist you in providing the requested shapefiles. Please contact him directly and provide him with any information he may need to assist you.

Best,
 Josalyn

Josalyn Ferguson, Ph.D.

Scientist Archaeology
 Division for Historic Preservation

New York State Parks, Recreation & Historic Preservation

Peebles Island State Park, P.O. Box 189, Waterford, NY 12188
 (518)268-2218 / Josalyn.Ferguson@parks.ny.gov
<https://parks.ny.gov/shpo>

The **NYS Division for Historic Preservation** is working on the **2021-2025 State Historic Preservation Plan**. We invite you to take a brief survey to help inform the outcome of the plan, which can be found [here](#).

Are you registered to vote? [Register to vote online today](#). Moved recently? Update your information with the NYS Board of Elections. Not sure if you're registered to vote? [Search your voter registration status](#).

From: Robert Hanley <rhanley@panamconsultants.com>
Sent: Friday, September 25, 2020 3:34 PM
To: Ferguson, Josalyn (PARKS) <Josalyn.Ferguson@parks.ny.gov>
Cc: Jen Kelly <Jen.Kelly@stantec.com>
Subject: Hecate Energy Cider Solar Project - 20PR03191

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Hello Josalyn,
thank you for your timely review of the Cider Solar Phase IA report.
Would it be possible to provide shapefiles of CRIS site locations and other pertinent cultural resources (e.g., historic structures) within, and in the vicinity of, the project area?
This will help Stantec complete the project design and possibly avoid resources. They understand it is privileged info and not for public release.

Thank you and have a nice weekend,
-Bob

Robert J. Hanley, RPA
Senior Archaeologist
Panamerican Consultants, Inc.
Buffalo, NY 14227
(716) 821-1650
ghanley@panamconsultants.com

Robert Hanley

From: <abrown@panamconsultants.com>
Date: Wednesday, September 30, 2020 1:35 PM
To: <Michael.Schifferli@parks.ny.gov>
Cc: "Robert Hanley" <rhanley@panamconsultants.com>
Attach: 20PR03191CiderSolarShapefiles.zip
Subject: 20PR03191 (Hecate Energy Cider Solar) Shapefiles

Dear Mr. Schifferli,

Per your request, please find attached polygon shapefiles for the Cider Solar APE and a 2-mile buffer boundary. Projected in State Plane NY West.

Best,
Alec Brown

Robert Hanley

From: "Robert Hanley" <rhanley@panamconsultants.com>
Date: Friday, October 23, 2020 3:42 PM
To: "Joselyn (PARKS) Ferguson" <Joselyn.Ferguson@parks.ny.gov>
Cc: "Jen Kelly" <Jen.Kelly@stantec.com>; "Nicole Lynass" <Nicole.Lynass@stantec.com>
Subject: Hecate Energy Cider Solar Project - 20PR03191

Hello Joselyn,
I left you a voicemail regarding the following but will also follow up with this email:

Stantec is hoping to keep the CRM compliance component of the Cider Solar Project moving forward. They are at a point where they don't have the exact design complete but are estimating the construction APE acreage and general design.

Would we be able to use that number and knowledge of involved parcels to develop a testing plan/model for Phase IB survey with the understanding that:

- A) any previously reported site locations within the project area be included; and,
- B) that additional survey would be needed if APE acreage is ultimately determined to be larger than what would be initially considered in the testing plan?

Also, Stantec hasn't communicated with the Nations yet as they understand SHPO provided the THPOs with the Phase IA report and would be aware of the project.
Have you received any responses (feedback, review) from the Nations?

Thank you,
Bob

Robert J. Hanley, RPA
Senior Archaeologist
Panamerican Consultants, Inc.
Buffalo, NY 14227
(716) 821-1650
rhanley@panamconsultants.com



Parks, Recreation and Historic Preservation

ANDREW M. CUOMO
Governor

ERIK KULLESEID
Commissioner

SOLAR FACILITY

Phase IB Archaeological Survey Recommendations/Sensitivity Model Testing Protocol

Project: Hecate Energy Cider Solar Project (500MW/~3500 Acres)

PR#: 20PR03191

Date: October 27, 2020

Following our letter of September 24, 2020, the State Historic Preservation Office/Office of Parks, Recreation and Historic Preservation (SHPO/OPRHP) concurs with the Phase IA Archaeology report that a Phase IB archaeological survey is warranted. We recommend that a Phase IB Scope-of-Work be developed and submitted to OPRHP and the Indian Nations for review and comment prior to fieldwork, based upon the following archaeological sensitivity and testing protocols:

The State Historic Preservation Office/Office of Parks, Recreation and Historic Preservation (SHPO/OPRHP) recommends that Phase IB archaeological testing is warranted for areas of substantial proposed ground disturbance that fall within areas of high archaeological sensitivity. Substantial proposed ground disturbance includes: (1) grading and excavation more than six inches deep; (2) grubbing, tree and stump removal; and (3) trenches more than three feet wide. Phase IB archaeological testing is not recommended for panel arrays; perimeter fencing and utility poles, if their associated posts are driven or drilled into the ground and no grubbing or grading is involved, and for excavations and grading less than six inches in depth.

The SHPO defines areas of high sensitivity, where archaeological sites are most likely to be identified, as those: (1) within 100-meters (328 feet) of permanent water (rivers, streams, wetlands, ponds and lakes and hydric soils) and on slopes equal to or less than 12%; (2) within or near to known archaeological sites; and (3) locations of standing or demolished historic structures. Hydric soils are included to account for areas that may not be currently near water but were in the past. The 100-meter cut off from water is based on data presented by Robert E. Funk in his 1993 *Archaeological Investigations in the Upper Susquehanna Valley, New York State*. Pedestrian Survey and/or shovel testing may be employed as appropriate. Testing should conform to the 1994 New York Archaeological Council Standards.

All other portions of the project area are considered to have low sensitivity for the presence of archaeological sites, including areas of previous ground disturbance. The SHPO has no archaeological concerns with low sensitivity areas and does not recommend Phase IB testing in these locations.

If project design flexibility or shovel ready status is desired, the SHPO recommends 100% sampling of all highly sensitive areas irrespective of the nature and type of construction impacts. With this approach, changes in project design will not require further archaeological consultation except for changes that may impact sites within the APE or that increase the size of the project area.

Our office does not conduct archaeological surveys. A 36 CFR 61 qualified archaeologist should be retained to conduct this work.

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Phase IB Archaeological Survey Recommendations/Sensitivity Model Testing Protocol

Page 2.

Please provide the interested Indian Nations with a copy of the Phase IA report, including the Phase IB archaeological testing scope-of-work, and request that the Indian Nations provide cultural resource comments to the Secretary of the Public Service Commission (*address enclosed*) and copy the SHPO/OPRHP. Indian Nation contact information is enclosed below. Likewise, please provide the Nations with a copy of the Phase IB report for review and comment upon completion and copy the SHPO/OPRHP.

If you have any questions, please contact Josalyn Ferguson at Josalyn.Ferguson@parks.ny.gov.

Hon. Michelle L. Phillips

Secretary to the Commission
New York State Public Service Commission
Agency Building 3
Albany, NY 12223-1350
Phone: (518) 474-2500
Fax: (518) 474-9842
E-mail: secretary@dps.ny.gov

Indian Nation Contact Information

Tonawanda Seneca Nation (TSN)

Chief Hill and Christine Abrams

Tonawanda Seneca Nation
7027 Meadville Road
Basom, NY 14013
(716) 542-4244
tonseneca@aol.com

AND

Alex Page
Tonawanda Seneca Nation Attorney
Berkey Williams
616 Whittier St. NW
Washington, DC
20012
alex.c.page@gmail.com

Seneca Nation of Indians (SNI)

Dr. Joe Stahlman and President Rickey Armstrong

Seneca Nation of Indians
Seneca-Iroquois National Museum
Onöhsagwë: De' Cultural Center
82 W. Hetzel St.
Salamanca, NY 14779
(716) 945-1760
joe.stahlman@sni.org

Tuscarora Nation

Bryan Printup

Tuscarora Nation
5226 Walmore Road
Lewiston, NY 14092
(716) 264-6011 press 0
bprintup@hetf.org

Robert Hanley

From: "Moaveni, Houtan (ORES)" <Houtan.Moaveni@ores.ny.gov>
Date: Tuesday, December 08, 2020 3:56 PM
To: "Robert Hanley" <rhanley@panamconsultants.com>
Attach: ATT05563.txt
Subject: FW: Cider Solar, DEC, SHIPO & ORES Meeting

-----Original Appointment-----

From: Moaveni, Houtan (ORES) <Houtan.Moaveni@ores.ny.gov>
Sent: Tuesday, December 8, 2020 12:28 PM
To: Moaveni, Houtan (ORES); Rosenblatt, Daniel L (DEC); Denoncour, Brianna M (DEC); Kennedy, Heidi E (DEC); Landry, Jenny A (DEC); Wasilco, Mike R (DEC); Higgins, Michael T (DEC); Hogan, Chris M (DEC); Bonafide, John (PARKS); Herter, Nancy (PARKS); Shaw, Noah
Cc: Palumbo, Matthew (DEC); Sullivan, Diane; Kelly, Jen
Subject: Cider Solar, DEC, SHIPO & ORES Meeting
When: Tuesday, December 8, 2020 3:00 PM-4:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where:

Agenda:

- 3:00-3:45 PM (ORES, DEC and Cider Solar)
- 3:45-4:00 PM (ORES, SHIPO and Cider Solar)

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Panamerican Consultants, Inc. • 2390 Clinton St. • Buffalo, NY 14227 • (716) 821-1650

December 16, 2020

Dr. Nancy Herter
Division for Historic Preservation
New York State Parks, Recreation & Historic Preservation
Peebles Island State Park
PO Box 189
Waterford, NY 12188

SUBJECT: Phase IB Cultural Resources Investigation Scope-of-Work (SOW) and proposed workplan for the Hecate Energy - Cider Solar Project in the Towns of Oakfield and Elba in Genesee County, New York. NYSHPO #20PR03191.

Dear Dr. Herter:

Panamerican Consultants, Inc. (Panamerican) was contracted by Stantec, Rochester, New York, to conduct a Phase IB cultural resources investigation for the Hecate Energy - Cider Solar Project (Cider Solar Project) in the Towns of Oakfield and Elba in Genesee County, New York (Figure 1) for which this letter proposes a plan for archaeological survey. Hecate Energy LLC plans to develop an approximately 500-megawatt (MW) solar project on approximately 3,500 acres (1,416 hectares) of leased private land. For the purposes of this investigation, the Project Area includes the parcels that comprise the approximately 3,500 acres (1,416 hectares) and this is also considered the maximum Area of Potential Effect (APE). The project design is not complete and ultimately the construction APE will be smaller and encompassed within the limits of the project area of the Phase IA investigation (Hanley and Steinback 2020). The project will involve the installation of photovoltaic panels arrayed primarily in fields on tracking structures and include buried electrical collection cables, inverters, access drives, a gen-tie line and a point of interconnection station adjacent to an existing substation, fencing, and temporary laydown areas for equipment staging during construction.

The State Historic Preservation Office/Office of Parks, Recreation and Historic Preservation (SHPO/OPRHP) had concurred with the recommendations of Panamerican's Phase IA Archaeology Investigation that a Phase IB archaeological survey is warranted due to the sensitivity of the project for archaeological cultural resources (Letter to Jennifer Kelly [Stantec] dated September 24, 2020). SHPO recommended that a Phase IB Scope-of-Work (SOW) be developed and submitted to OPRHP and the Indian Nations (October 27, 2020).

The SOW was drafted as a component of Stantec's compliance with its cultural resources obligations for the project as defined by laws including, among others: Section 106 of the National Historic Preservation Act (as amended) (54 U.S.C. 300101 et seq.) and its implementing regulations; the National Environmental Policy Act (42 U.S.C. 4321 et. seq.); the New York State Historic Preservation Act (Section 14.09); Article 10 of the New York Public Service Law; and the State Environmental Quality Review Act (SEQRA). Its recommendations are in accordance with New York Archaeological Council investigation standards (NYAC 1994) and the SHPO guidance in its Phase I Report Standards (SHPO 2005).

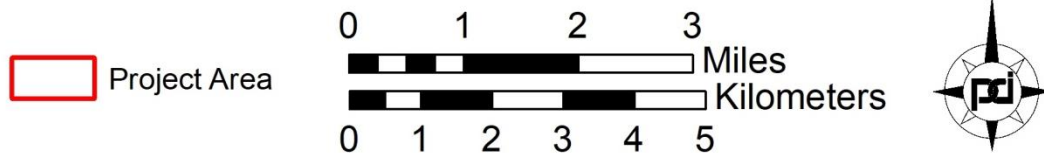
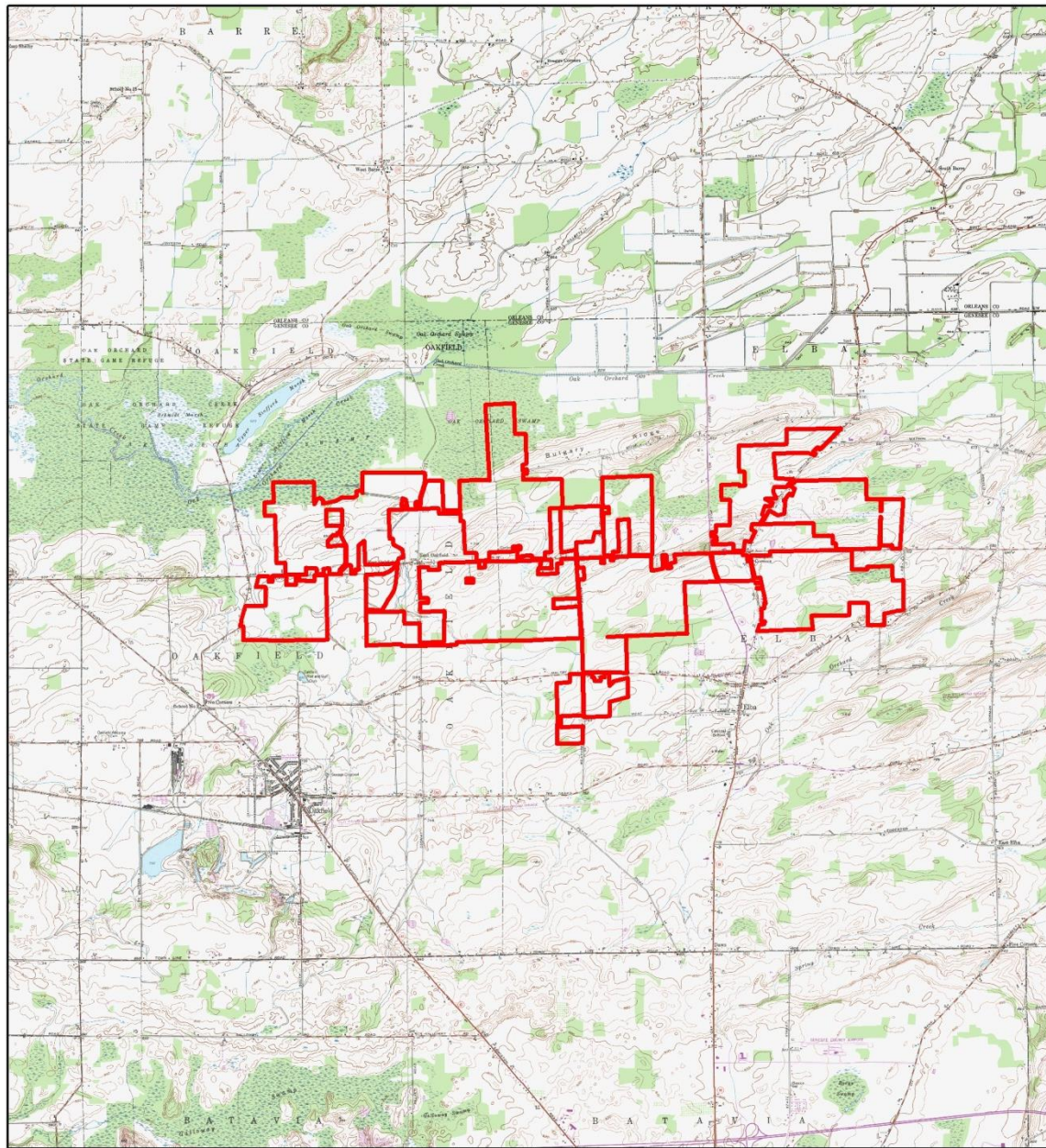


Figure 1. Location of the project area in the Towns of Oakfield and Elba, Genesee County, New York (USGS Quadrangles: Batavia North, NY 1950 [1978]; Oakfield, NY 1950 [1978]; Albion, NY 1950; and Knowlesville, NY 1950).

Area of Potential Effect and Archaeological Sensitivity

In the October 27, 2020 letter requesting a SOW for Phase IB field investigation, SHPO recommended developing an archaeological sensitivity model and testing protocols. SHPO recommends that Phase IB archaeological testing is warranted for areas of substantial proposed ground disturbance that fall within areas of high archaeological sensitivity. SHPO considers following project components and construction activities likely to result in significant soil disturbances:

- Grading and excavation more than six inches deep;
- Grubbing, tree and stump removal; and,
- Trenches more than three feet wide.

Phase IB archaeological testing was not recommended for “panel arrays; perimeter fencing and utility poles, if their associated posts are driven or drilled into the ground and no grubbing or grading is involved, and for excavations and grading less than six inches in depth.”

The Cider Solar project components that could result in significant soil disturbance include: subsurface collection lines, access roads, inverters, and a substation. The maximum total Area of Potential Effect (APE) of soil disturbance for the project includes approximately 124.5 acres (50.4 hectares).

- Linear Components. The APE for linear components including collection lines and access roads) is 121.9 acres (49.3 hectares). The total length is 106,173 ft (32,361.5 m] with a maximum width of 50 ft (15 m); and,
- Substation. The APE of the proposed substation is 2.46 acres (1 hectare).

Inverter locations will be encompassed by the APE of adjacent collection lines and/or access roads. Therefore, their APE does not contribute to total APE.

For the archaeological sensitivity model, SHPO defined the following geographic characteristics to be archeologically sensitive (i.e., where archaeological sites are most likely to be identified):

- Within 100-meters (328 feet) of permanent water (rivers, streams, wetlands, ponds and lakes and hydric soils). Hydric soils are included to account for areas that may not be currently near water but were in the past. The 100-meter cut off from water is based on data presented by Robert E. Funk in his 1993 Archaeological Investigations in the Upper Susquehanna Valley, New York State.;
- On slopes equal to or less than 12%;
- Within or near to known archaeological sites. The project area is *not considered* highly sensitive for Native American burial sites or villages as none have been previously reported in the vicinity (see the Phase 1A Cultural Resources Investigation for the Hecate Energy - Cider Solar Project, Towns of Oakfield and Elba, Genesee County, New York [Hanley and Steinback 2020]); and,
- Locations of standing or demolished historic structures.

All other portions of the project area are considered to have low sensitivity for the presence of archaeological sites, including areas of previous ground disturbance. The SHPO has no archaeological concerns with low sensitivity areas and does not recommend Phase IB testing in these locations (SHPO October 28, 2020). Figure 2 presents to the locations where significant soil disturbances could occur within areas of high archaeological sensitivity.

Phase IB Field Investigation Methodology

The field investigation will comply with the standards outlined in the NYAC and SHPO guidelines. Surface inspection is conducted wherever possible to help reduce the amount of soil disturbance. Surface investigation will be utilized in locations where ground visibility is suitable to identify cultural artifacts and features (i.e., greater than 70 percent surface visibility). Archaeologically sensitive locations in areas of proposed ground disturbance that cannot be surface inspected will be subjected to subsurface shovel testing (such as forested areas proposed for buried linear components).

Pedestrian Survey and Photo-Documentation. All archaeologically sensitive locations in proposed ground disturbance areas and identified in this testing plan (see Figure 2) will be subjected to pedestrian survey to identify cultural features, soil disturbances, and setting. These observations will be used in conjunction with background research results to determine the appropriate field investigation strategy (i.e., surface inspection or shovel testing). Photographs will be taken to document environmental conditions and pertinent site conditions (e.g., cultural features, existing disturbances).

Surface Inspection. Plowed fields with surface visibility greater than 70 percent will be surface inspected with a series of linear passes with field technicians spaced approximately 10 ft to 16.4 ft (3 m to 5 m) apart. A Trimble® global positioning system (GPS) unit will be used to record the Universal Transverse Mercator (UTM; North American Datum [NAD] 83) coordinates of artifacts found on the ground surface. Artifacts found within one meter of each other will be collected together and recorded as one set of coordinates as the small differences in location were considered less than that caused by previous movements due to agricultural plowing.

Shovel Testing. Where surface inspection cannot be conducted, shovel-test pits (STPs) will be spaced at the standard 50-ft (15-m) interval. Single transects of STPs will be utilized to survey linear component areas of potential effect that have a width 50-ft (15-m) or less. STPs will average 16 inches (40 centimeters [cm]) in diameter and be excavated at least four inches (10 cm) into culturally sterile soil unless an impasse such as bedrock is encountered or digging is precluded by water seepage. Soil colors will be recorded using Munsell® color chart designations and soil descriptions follow pedological clay, silt, and sand categories (i.e., texture). Excavated soils will be sieved through ¼-inch hardware screens. STPs will be backfilled to original landscape contour upon completion. All information will be recorded on forms, including provenience, stratigraphic context, natural or manmade disturbances, and the presence or absence of cultural materials.

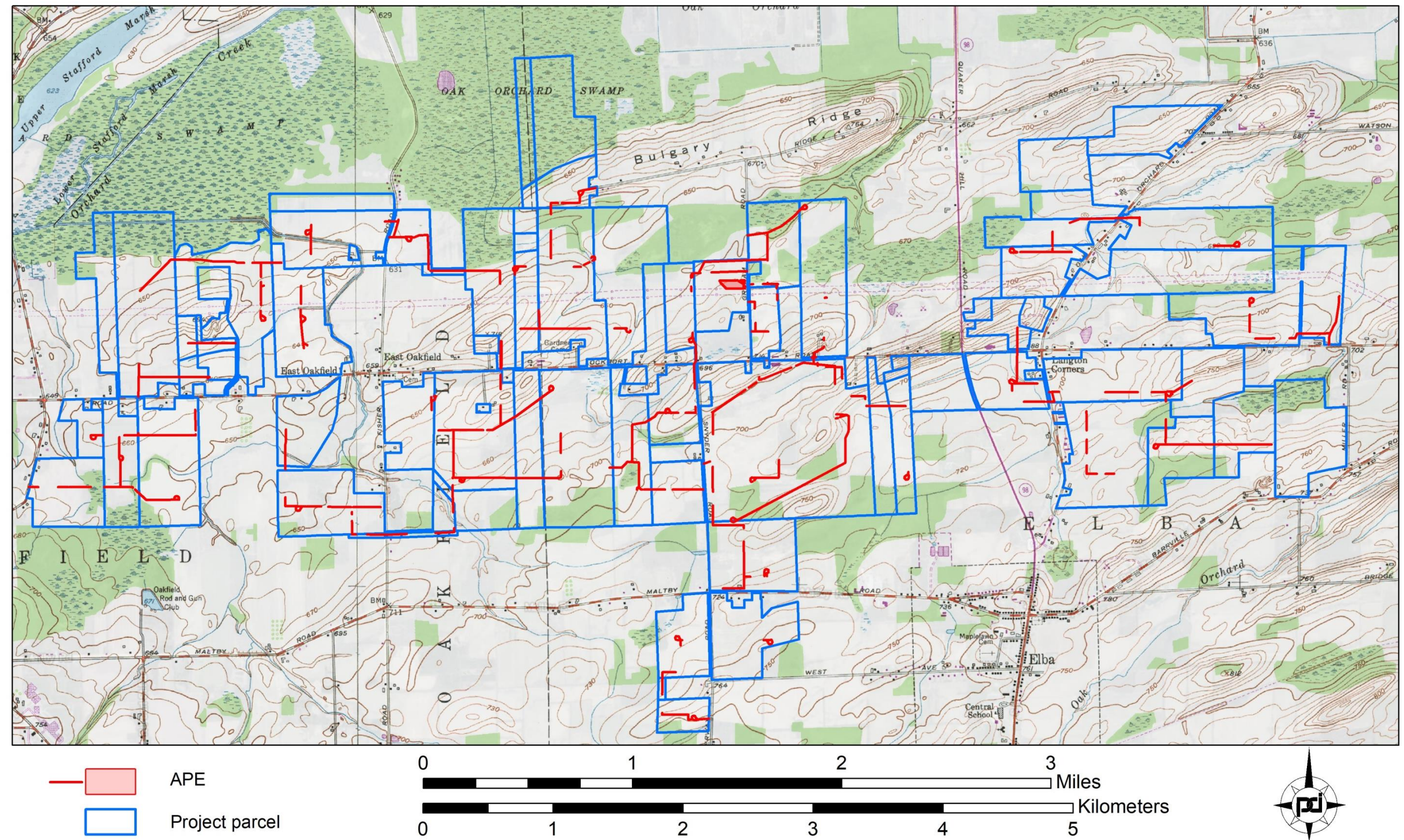


Figure 2: Anticipated soil disturbance locations (i.e., APE) in archaeologically-sensitive areas (USGS Quadrangles: Batavia North, NY 1950 [1978]; Oakfield, NY 1950 [1978]; Albion, NY 1950; and Knowlesville, NY 1950).

Panamerican Consultants, Inc.

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Phase IB Investigation SOW
Cider Solar Project

Laboratory Analysis

Recovered cultural materials will be stored at Panamerican's Buffalo Office for processing and analysis. Processing of recovered artifacts follows guidelines elaborated in 36 CFR 79 (Curation of Federally-Owned and Administered Archaeological Collections) and in the New York Archaeological Council's Standards and Curation of Archaeological Collections document (NYAC 1994). Standard archaeological procedures of cleaning and storage will also be followed, with provenience information kept with artifacts at all times. Permanent curation of artifacts will be arranged in consultation with SHPO, involved Indian Nations, and in coordination with Stantec upon landowner consent.

Conclusion

Due to the time-sensitive permitting requirements of the project and a high potential for adverse seasonal conditions, Phase IB field investigation commenced on December 14, 2020. Although the project area is not considered highly sensitive for Native American burial sites or villages, Phase IB fieldwork will continue to be conducted in portions of the project area located away from previously reported archaeological sites until this SOW can be reviewed by SHPO and the Indian Nations. We welcome input and will address any concerns and refine this testing plan if needed. If the project design is revised and it results in other areas of potential significant soil disturbance, the archaeological sensitivity of their locations will be reviewed and additional Phase IB field investigations may be warranted.

Please do not hesitate to contact me at 716-821-1650 if you have any questions or require any additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert J. Hanley". The signature is fluid and cursive, with the first name "Robert" being more prominent than the last name "Hanley".

Robert J. Hanley, M.A., RPA
Senior Archaeologist

References

Hanley, Robert and Mark Steinback

2020 Phase 1A Cultural Resources Investigation for the Hecate Energy - Cider Solar Project, Towns of Oakfield and Elba, Genesee County, New York.

United States Geological Survey (USGS)

1950 [1978] Batavia North Quadrangle New York. 7.5 Minute Series (Topographic). Photorevised. U.S. Geological Survey, Department of the Interior, Reston, VA.

1950 [1978] Oakfield Quadrangle New York. 7.5 Minute Series (Topographic). Photorevised. U.S. Geological Survey, Department of the Interior, Reston, VA.



Parks, Recreation, and Historic Preservation

ANDREW M. CUOMO
Governor

ERIK KULLESEID
Commissioner

January 11, 2021

Jen Kelly, Environmental Project Manager
Stantec
61 Commercial Street, Suite 100
Rochester, NY 14614-1009

Re: ORES
Hecate Energy Cider Solar Project (500MW/~3500 Acres)
Towns of Oakfield & Elba, Genesee County, NY
20PR03191

Dear Jen Kelly:

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 proposed Phase IB Cultural Resources Investigation Scope-of-Work (SOW) prepared by Panamerican Consultants, Inc. (Hanley, December 16, 2020) 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.

Based upon our review, OPRHP is recommending the following revisions and additions be made to the SOW:

1. Include a map or maps that sensitize the project's Area of Potential Effects (APE): Indicate the areas with high archaeological sensitivity based upon the previously indicated criteria, and where Phase IB investigations are being proposed based upon proposed ground-disturbing impacts.
2. If there is a potential for deeply buried cultural deposits to be impacted, please indicate their locations on a map or maps, and add the testing strategy to be employed in these locations to the *Field Investigation Methodology* section of the SOW.
3. If previously identified archaeological sites located within the project's APE have the potential to be impacted, address whether the intention is to avoid each site, or conduct additional testing. OPRHP and the Indian Nation's preference is site avoidance. If site avoidance is not feasible, indicate the intended testing strategy in the *Field Investigation Methodology* section.
4. Amend the Surface Inspection and Shovel Testing sections accordingly:
 - a. Surface Inspection: to help determine if solitary finds are isolated, an additional surface inspection will be conducted, and four (4) shovel test pits will be excavated in cardinal directions around the isolated find at 1-meter intervals.

...2

- b. Shovel Testing: to help determine if solitary finds are isolated, eight (8) shovel test pits will be excavated in cardinal directions around the isolated find at 1-meter and 3-meter intervals.

At present OPRHP is continuing to coordinate Indian Nation consultation for this project. OPRHP will thus be providing a copy of the Phase IB SOW and this letter requesting revisions to the involved Indian Nations for their review and comment. Please submit the revised SOW to OPRHP using the enclosed Cultural Resource Information System (CRIS) token, and directly to the Indian Nations.

If you have any questions, please contact me via email at Josalyn.Ferguson@parks.ny.gov.

Sincerely,



Josalyn Ferguson, Ph.D.
Scientist Archaeology

via email only

c.c. Alexandra Page, Tonawanda Seneca Nation Attorney
c.c. Bryan Printup, Tuscarora Nation
c.c. Houtan Moaveni, ORES
c.c. Jenna Macaulay, Tuscarora Nation Attorney
c.c. Joe Stahlman, SNI THPO
c.c. Noah Shaw & Sarah Main, Hodgson Russ
c.c. Robert Hanley, Panamerican Consultants, Inc.
c.c. Chief Hill & Christine Abrams, Tonawanda Seneca Nation (under separate cover)



BUFFALO • TUSCALOOSA • MEMPHIS

Panamerican Consultants, Inc. • 2390 Clinton St. • Buffalo, NY 14227 • (716) 821-1650

December 16, 2020 [Revised January 29, 2021]

Dr. Josalyn Ferguson
Scientist Archaeology
Archaeology Unit
Division for Historic Preservation
New York State Parks, Recreation & Historic Preservation
Peebles Island State Park
PO Box 189
Waterford, NY 12188

SUBJECT: Phase IB Cultural Resources Investigation Scope-of-Work (SOW) and proposed workplan for the Hecate Energy - Cider Solar Project in the Towns of Oakfield and Elba in Genesee County, New York. NYSHPO #20PR03191.

Dear Dr. Ferguson:

Panamerican Consultants, Inc. (Panamerican) was contracted by Stantec, Rochester, New York, to conduct a Phase IB cultural resources investigation for the Hecate Energy - Cider Solar Project (Cider Solar Project) in the Towns of Oakfield and Elba in Genesee County, New York (Figure 1) for which this letter proposes a plan for archaeological survey. Hecate Energy LLC plans to develop an approximately 500-megawatt (MW) solar project on approximately 3,500 acres (1,416 hectares) of leased private land. For the purposes of this investigation, the Project Area includes the parcels that comprise the approximately 3,500 acres (1,416 hectares) and this is also considered the maximum Area of Potential Effect (APE). The project design is not complete and ultimately the construction APE will be smaller and encompassed within the limits of the project area of the Phase IA investigation (Hanley and Steinback 2020). The project will involve the installation of photovoltaic panels arrayed primarily in fields on tracking structures and include buried electrical collection cables, inverters, access drives, a gen-tie line and a point of interconnection station adjacent to an existing substation, fencing, and temporary laydown areas for equipment staging during construction.

The State Historic Preservation Office/Office of Parks, Recreation and Historic Preservation (SHPO/OPRHP) had concurred with the recommendations of Panamerican's Phase IA Archaeology Investigation that a Phase IB archaeological survey is warranted due to the sensitivity of the project for archaeological cultural resources (Letter to Jennifer Kelly [Stantec] dated September 24, 2020). SHPO recommended that a Phase IB Scope-of-Work (SOW) be developed and submitted to OPRHP and the Indian Nations (October 27, 2020).

The SOW was drafted as a component of Stantec's compliance with its cultural resources obligations for the project as defined by laws including, among others: Section 106 of the National Historic Preservation Act (as amended) (54 U.S.C. 300101 et seq.) and its implementing regulations; the National Environmental Policy Act (42 U.S.C. 4321 et. seq.); the New York State Historic Preservation Act (Section 14.09); Article 10 of the New York Public Service Law; and the State Environmental Quality Review Act (SEQRA). Its recommendations are in accordance with

New York Archaeological Council investigation standards (NYAC 1994) and the SHPO guidance in its Phase I Report Standards (SHPO 2005).

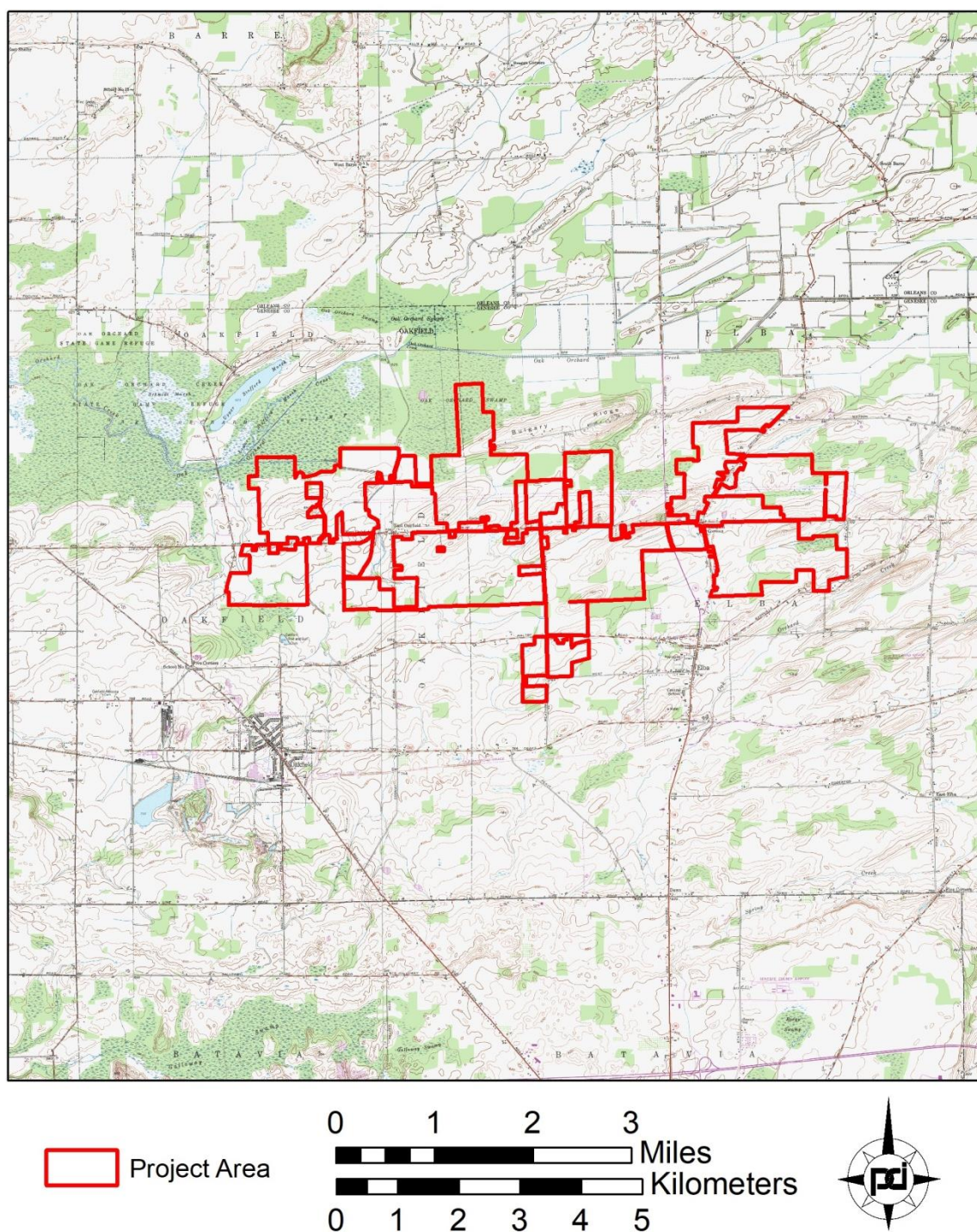


Figure 1. Location of the project area in the Towns of Oakfield and Elba, Genesee County, New York (USGS Quadrangles: Batavia North, NY 1950 [1978]; Oakfield, NY 1950 [1978]; Albion, NY 1950; and Knowlesville, NY 1950).

Area of Potential Effect and Archaeological Sensitivity

In the October 27, 2020 letter requesting a SOW for Phase IB field investigation, SHPO recommended developing an archaeological sensitivity model and testing protocols. SHPO recommends that Phase IB archaeological testing is warranted for areas of substantial proposed ground disturbance that fall within areas of high archaeological sensitivity. SHPO considers following project components and construction activities likely to result in significant soil disturbances:

- Grading and excavation more than six inches deep;
- Grubbing, tree and stump removal; and,
- Trenches more than three feet wide.

Phase IB archaeological testing was not recommended for “panel arrays; perimeter fencing and utility poles, if their associated posts are driven or drilled into the ground and no grubbing or grading is involved, and for excavations and grading less than six inches in depth.”

The Cider Solar project components that could result in significant soil disturbance include: subsurface collection lines, access roads, inverters, and a substation. The maximum total Area of Potential Effect (APE) of soil disturbance for the project includes approximately 124.5 acres (50.4 hectares).

- Linear Components. The APE for linear components including collection lines and access roads) is 121.9 acres (49.3 hectares). The total length is 106,173 ft (32,361.5 m] with a maximum width of 50 ft (15 m); and,
- Substation. The APE of the proposed substation is 2.46 acres (1 hectare).

Inverter locations will be encompassed by the APE of adjacent collection lines and/or access roads. Therefore, their APE does not contribute to total APE.

For the archaeological sensitivity model, SHPO defined the following geographic characteristics to be archeologically sensitive (i.e., where archaeological sites are most likely to be identified):

- Within 100-meters (328 feet) of permanent water (rivers, streams, wetlands, ponds and lakes and hydric soils). Hydric soils are included to account for areas that may not be currently near water but were in the past. The 100-meter cut off from water is based on data presented by Robert E. Funk in his 1993 Archaeological Investigations in the Upper Susquehanna Valley, New York State;
- On slopes equal to or less than 12%;
- Within or near (i.e., less than 100 meters) to known archaeological sites. The project area is *not considered* highly sensitive for Native American burial sites or villages as none have been previously reported in the vicinity (see the Phase 1A Cultural Resources Investigation for the Hecate Energy - Cider Solar Project, Towns of Oakfield and Elba, Genesee County, New York [Hanley and Steinback 2020]). No project components associated with potentially

significant soil disturbances are proposed at the locations of previously reported archeological sites. Portions of the project APE where significant soil disturbances could occur which are within 100 meters of previously reported sites will be investigated using sampling higher intensity (e.g., closer intervals; see methodology discussion below);

- Locations of standing or demolished historic structures.

All other portions of the project area are considered to have low sensitivity for the presence of archaeological sites, including areas of previous ground disturbance. The SHPO has no archaeological concerns with low sensitivity areas and does not recommend Phase IB testing in these locations (SHPO October 28, 2020). Figure 2 presents the locations assessed to have high archaeological sensitivity using the criteria presented above. Figure 3 presents to the locations where significant soil disturbances could occur within areas of high archaeological sensitivity.

Archaeological Sensitivity for Deeply Buried Cultural Deposits. The setting of the project is *not* characteristically sensitive for deeply buried cultural deposits. A review of the USDA NRCS soil data finds few locations within the project area to have alluvium (sediment deposited by water) present and eolian sediment or colluvium (respectively wind and gravity deposited sediment) are absent. Only 2.3 percent of the project APE is within areas indicated to have alluvium. And, these locations are narrow bands of sediment along channels of relatively small unnamed tributary streams of Oak Orchard Creek (which is outside of the APE) that have small or no formal floodplains (Figure 4).

Phase IB Field Investigation Methodology

The field investigation will comply with the standards outlined in the NYAC and SHPO guidelines. Surface inspection is conducted wherever possible to help reduce the amount of soil disturbance. Surface investigation will be utilized in locations where ground visibility is suitable to identify cultural artifacts and features (i.e., greater than 70 percent surface visibility). Archaeologically sensitive locations in areas of proposed ground disturbance that cannot be surface inspected will be subjected to subsurface shovel testing (such as forested areas proposed for buried linear components).

Pedestrian Survey and Photo-Documentation. All archaeologically sensitive locations in proposed ground disturbance areas and identified in this testing plan (see Figure 3) will be subjected to pedestrian survey to identify cultural features, soil disturbances, and setting. These observations will be used in conjunction with background research results to determine the appropriate field investigation strategy (i.e., surface inspection or shovel testing). Photographs will be taken to document environmental conditions and pertinent site conditions (e.g., cultural features, existing disturbances).

Surface Inspection. Plowed fields with surface visibility greater than 70 percent will be surface inspected with a series of linear passes with field technicians spaced approximately 10 ft to 16.4 ft (3 m to 5 m) apart. A Trimble® global positioning system (GPS) unit will be used to record the Universal Transverse Mercator (UTM; North American Datum [NAD] 83) coordinates of artifacts found on the ground surface. Artifacts found within one meter of each other will be collected together and recorded as one set of coordinates as the small differences in location were considered less than that caused by previous movements due to agricultural plowing. If single artifacts are found during surface inspection, additional surface inspection of that location and four

shovel-test pits (STPs) will be excavated in cardinal directions around the find-spot at a distance of one meter to determine if the find is isolated/stray or if an archaeological site could be present.

Shovel Testing. Where surface inspection cannot be conducted, STPs will be spaced at the standard 50-ft (15-m) interval. Portions of the project APE where significant soil disturbances could occur and are within 100 meters of previously reported sites will be shovel tested using a closer interval of 25-ft (7.6-m) between STPs. Single transects of STPs will be utilized to survey linear component areas of potential effect that have a width 50-ft (15-m) or less. STPs will average 16 inches (40 centimeters [cm]) in diameter and be excavated at least four inches (10 cm) into culturally sterile soil unless an impasse such as bedrock is encountered or digging is precluded by water seepage. Soil colors will be recorded using Munsell® color chart designations and soil descriptions follow pedological clay, silt, and sand categories (i.e., texture). Excavated soils will be sieved through ¼-inch hardware screens. STPs will be backfilled to original landscape contour upon completion. All information will be recorded on forms, including provenience, stratigraphic context, natural or manmade disturbances, and the presence or absence of cultural materials. If single/isolated culturally positive STPs occur, eight additional STPs will be excavated in cardinal directions around the initial positive STP at one and three meters to determine if the find is isolated/stray or if an archaeological site could be present.

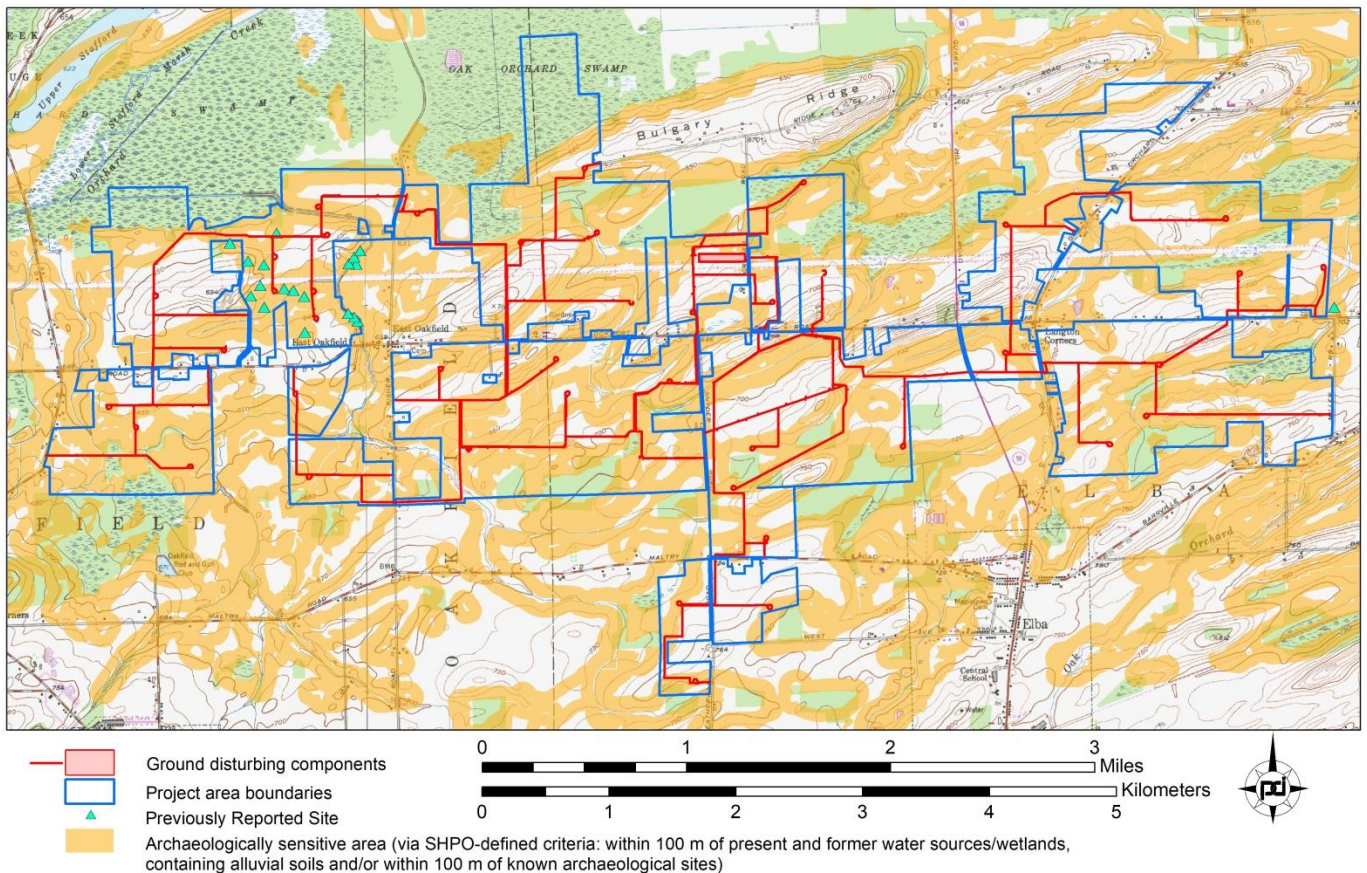


Figure 2: Archaeologically-sensitive areas within and surrounding the project area (USGS Quadrangles: Batavia North, NY 1950 [1978]; Oakfield, NY 1950 [1978]; Albion, NY 1950; and Knowlesville, NY 1950).

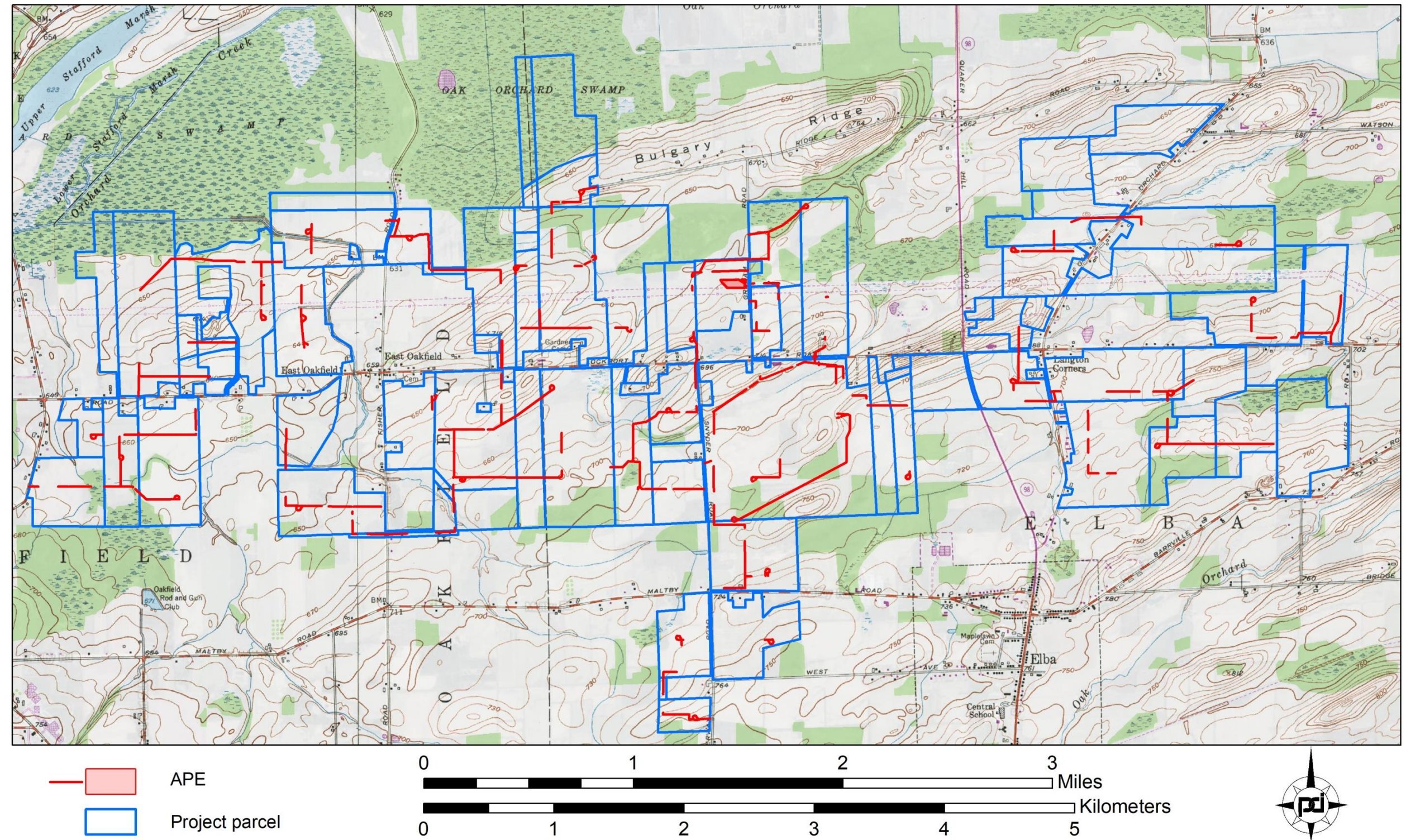


Figure 3: Anticipated soil disturbance locations (i.e., APE) in archaeologically-sensitive areas (USGS Quadrangles: Batavia North, NY 1950 [1978]; Oakfield, NY 1950 [1978]; Albion, NY 1950; and Knowlesville, NY 1950).

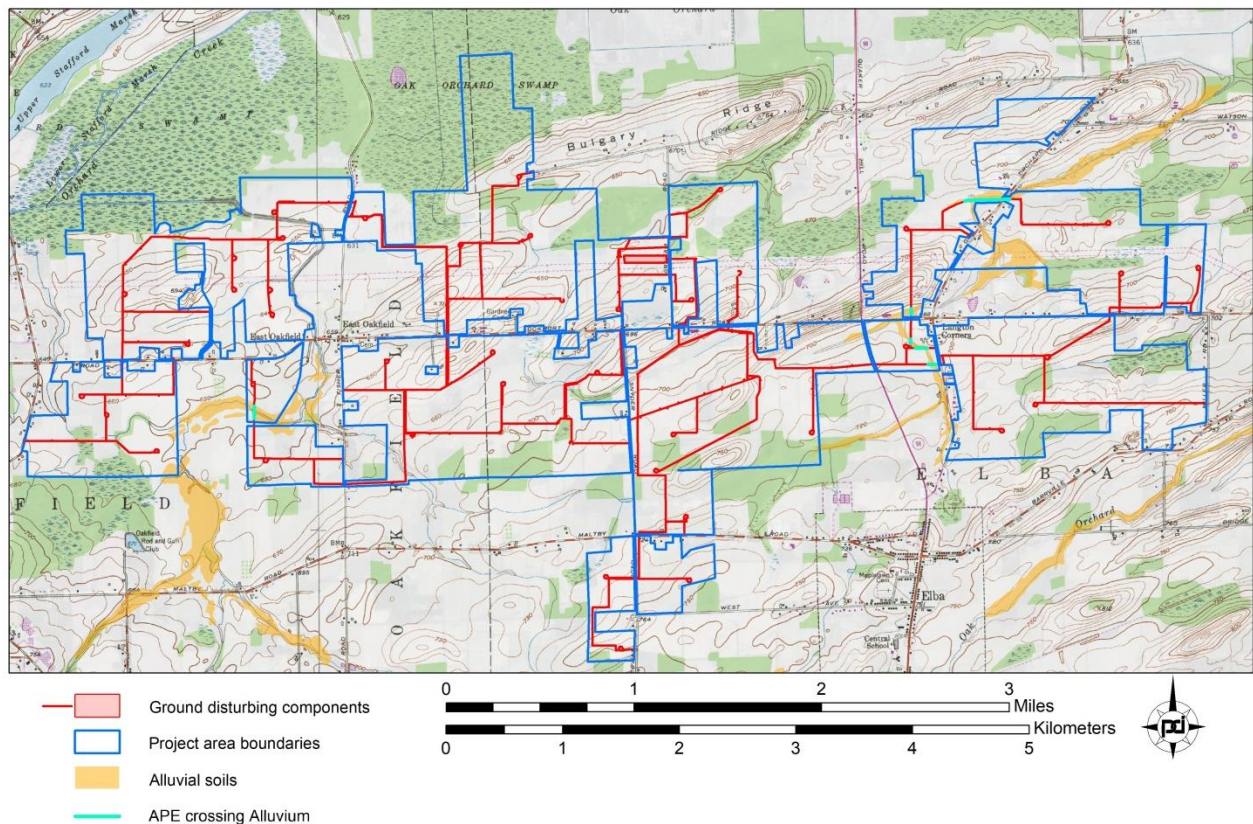


Figure 4: Alluvium present in the vicinity of the project area (USGS Quadrangles: Batavia North, NY 1950 [1978]; Oakfield, NY 1950 [1978]; Albion, NY 1950; and Knowlesville, NY 1950).

Laboratory Analysis

Recovered cultural materials will be stored at Panamerican's Buffalo Office for processing and analysis. Processing of recovered artifacts follows guidelines elaborated in 36 CFR 79 (Curation of Federally-Owned and Administered Archaeological Collections) and in the New York Archaeological Council's Standards and Curation of Archaeological Collections document (NYAC 1994). Standard archaeological procedures of cleaning and storage will also be followed, with provenience information kept with artifacts at all times. Permanent curation of artifacts will be arranged in consultation with SHPO, involved Indian Nations, and in coordination with Stantec upon landowner consent.

Conclusion

As presented, no project components associated with potentially significant soil disturbances are proposed at the locations of previously reported archeological sites. Although the project area is not considered highly sensitive for Native American burial sites or villages, project components such as panel arrays which won't significantly disturb soils are proposed at or near the locations of previously reported sites. Input regarding this testing plan is welcome and

concerns can be addressed to refine this testing plan or possible the project design if warranted. Due to the time-sensitive permitting requirements of the project and a high potential for adverse seasonal conditions, Phase IB field investigation commenced on December 14, 2020 and completion is anticipated in early February, 2021.

If the project design is revised and it results in other areas of potential significant soil disturbance, the archaeological sensitivity of their locations will be reviewed and additional Phase IB field investigations may be warranted.

Please do not hesitate to contact me at 716-821-1650 if you have any questions or require any additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert J. Hanley". The signature is fluid and cursive, with the first name "Robert" being more prominent than the last name "Hanley".

Robert J. Hanley, M.A., RPA
Senior Archaeologist

References

Hanley, Robert and Mark Steinback

2020 Phase 1A Cultural Resources Investigation for the Hecate Energy - Cider Solar Project, Towns of Oakfield and Elba, Genesee County, New York.

United States Geological Survey (USGS)

1950 [1978] Batavia North Quadrangle New York. 7.5 Minute Series (Topographic). Photorevised. U.S. Geological Survey, Department of the Interior, Reston, VA.

1950 [1978] Oakfield Quadrangle New York. 7.5 Minute Series (Topographic). Photorevised. U.S. Geological Survey, Department of the Interior, Reston, VA.

From: [Joe Stahlman](#)
To: [Ferguson, Josalyn \(PARKS\)](#); [Christine Abrams \(and Chief Roger Hill\) \(tonseneca@aol.com\)](#); [Alex Page](#); [Bryan Printup \(bprintup@hetf.org\)](#); [macaulay.jenna@gmail.com](#)
Subject: RE: ExternalFW: 20PR03191 Hecate Energy Cider Solar Project (500MW/~3500 Acres)
Date: Thursday, February 4, 2021 10:23:03 AM
Attachments: [image001.png](#)

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Hi Josalyn,

For a number of reasons, my office was unable to effectively respond in a timely manner on the 20PR03191 Solar Project. SNITHPO is in concurrence with SHPO's recommendations. We will have more input once we can see the proposed map for the next steps.

Thank you,

Joe

Dr. Joe Stahlman

Director
Seneca-Iroquois National Museum
Tribal Historic Preservation Office
Onöhsagwë:De' Cultural Center
82 W. Hetzel Street
Salamanca, NY 14779
Phone (716) 945-1760
Cell (716) 277-5580
Joe.Stahlman@sni.org



From: Ferguson, Josalyn (PARKS) [mailto:Josalyn.Ferguson@parks.ny.gov]
Sent: Monday, January 11, 2021 3:34 PM
To: Christine Abrams (and Chief Roger Hill) (tonseneca@aol.com) <tonseneca@aol.com>; Alex Page <alex.c.page@gmail.com>; Bryan Printup (bprintup@hetf.org) <bprintup@hetf.org>; macaulay.jenna@gmail.com; Joe Stahlman <Joe.Stahlman@sni.org>
Subject: ExternalFW: 20PR03191 Hecate Energy Cider Solar Project (500MW/~3500 Acres)

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recognize the sender and know the content is safe.

Good afternoon everyone,

I hope you are all having a healthy and happy new year thus far.

I am reaching out to you today to let you know we received the Phase IB Scope-of-Work for the above-noted project. As promised in my September 24, 2020 email, I am attaching a copy of the scope-of-work, and OPRHP's comments for your review and consideration. We have asked for some revisions as you will see. Please let Houtan Moaveni at ORES and OPRHP know if you have any comments.

I did not hear back from any of the Nations after I forwarded the Phase IA report and OPRHP's comments in September. If you had provided comments to DPS or ORES we have yet to receive them. Please feel free to forward me any comments you may have. At present, OPRHP is continuing to coordinate Nation-to-Nation consultation, as appropriate. In case these documents got lost in the shuffle, I have attached the Phase IA report and OPRHP's Phase IA review comments herein for your convenience.

All the best,
Josalyn

Josalyn Ferguson, Ph.D.

Scientist Archaeology
Division for Historic Preservation

New York State Parks, Recreation & Historic Preservation

Peebles Island State Park, P.O. Box 189, Waterford, NY 12188
(518)268-2218 / Josalyn.Ferguson@parks.ny.gov
<https://parks.ny.gov/shpo>

The **NYS Division for Historic Preservation** is working on the **2021-2025 State Historic Preservation Plan**. We invite you to take a brief survey to help inform the outcome of the plan, which can be found [here](#).

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From: Ferguson, Josalyn (PARKS)

Sent: Thursday, September 24, 2020 1:47 PM

To: Christine Abrams (and Chief Roger Hill) (tonsenece@aol.com) <tonsenece@aol.com>; Alex Page <alex.c.page@gmail.com>; Joe Stahlman, Ph.D. (joe.stahlman@sni.org) <joe.stahlman@sni.org>; Bryan Printup (bprintup@hetf.org) <bprintup@hetf.org>

Subject: 20PR03191 Hecate Energy Cider Solar Project (500MW/~3500 Acres)

Good afternoon everyone,

I hope everyone is enjoying the beautiful transition to fall weather. I am contacting you today about the above noted large solar project in the Towns of Oakfield and Elba, Genesee County. We have received a Phase IA report prepared by Panamerican Consultants that I have attached herein for your perusal and review. I have also attached a copy of our initial comments to the Phase IA.

Because the specific impact locations have not yet been finalized, and the intent is to limit the ground disturbing impacts as much as possible, they have not provided us with the Phase IB Scope of Work yet. We have asked that the Phase IB scope-of-work be submitted to OPRHP, and that it also be provided directly to the Indian Nations for review and comment by the consultant or project sponsor. We are also requesting that the Nations please provide your comments directly to the DPS contact noted below, and carbon copy OPRHP on your comments for both the Phase IA and the Phase IB scope-of-work when it is provided. OPRHP will of course continue to provide the Nations with our comments as well.

Please let me know if you have any questions or concerns.

Best,
Josalyn

Please address project comments to the Secretary of the Public Service Commission and NYS Siting Board

Hon. Michelle L. Phillips

Secretary to the Commission
New York State Public Service Commission
Agency Building 3
Albany, NY 12223-1350
Phone: (518) 474-2500
Fax: (518) 474-9842
E-mail: secretary@dps.ny.gov

Josalyn Ferguson, Ph.D.

Scientist Archaeology
Division for Historic Preservation

New York State Parks, Recreation & Historic Preservation

Peebles Island State Park, P.O. Box 189, Waterford, NY 12188
(518)268-2218 / Josalyn.Ferguson@parks.ny.gov
<https://parks.ny.gov/shpo>

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Parks, Recreation, and Historic Preservation

ANDREW M. CUOMO
Governor

ERIK KULLESEID
Commissioner

April 14, 2021

Jen Kelly
Environmental Project Manager
Stantec
61 Commercial Street
Suite 100
Rochester, NY 14614-1009

Re: ORES
Hecate Energy Cider Solar Project (500MW/~3500 Acres)
Towns of Oakfield & Elba, Genesee County, NY
20PR03191

Dear Jen Kelly:

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 revised Phase IB Cultural Resources Investigation Scope-of-Work (SOW) and Proposed Workplan prepared by Panamerican Consultants, Inc. (Hanley, revised January 29, 2021) 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 archaeological Historic/Cultural resources.

Based upon our review of SOW, OPRHP concurs with Panamerican's proposed scope-of-work. OPRHP/SHPO provided the involved Indigenous Nations with a copy of the Phase IB SOW for review and comment. At this time the Tonawanda Seneca Nation (TSN) and the Seneca Nation of Indians (SNI) have no further comments. The Tuscarora Nation did not respond to our request for comments on the Ph. IB SOW. Please submit the completed Phase IB report and a zipped polygon shapefile of the Phase IB Survey Area to OPRHP using the enclosed Cultural Resource Information System (CRIS) survey token. Please also send the report directly to the Seneca Nation of Indians (SNI) and the Tonawanda Seneca Nation (TSN), and the Tuscarora Nation via email (see contact information below).

Please note that should changes to the project's APE occur, including the addition of new areas of construction, OPRHP/SHPO requests that these changes be submitted to our office for review along with an assessment of the archaeological sensitivity of the added locations. Please note that if significant construction impacts are proposed within areas of high archaeological sensitivity, additional archaeological investigations will likely be warranted.

...2

Jen Kelly
April 14, 2021
Page 2.

If you have any questions, I can be reached via e-mail at Josalyn.Ferguson@parks.ny.gov.

Sincerely,



Josalyn Ferguson, Ph.D.
Scientist Archaeology

via email only

c.c. Alexandra Page, TSN Attorney
c.c. Joe Stahlman, SNI
c.c. Chief Hill & Christine Abrams, TSN (under separate cover)

Indigenous Nation Contact Information

Tonawanda Seneca Nation (TSN)

Chief Hill and Christine Abrams

Tonawanda Seneca Nation
7027 Meadville Road
Basom, NY 14013
tonseneca@aol.com

AND

Alexandra Page

Tonawanda Seneca Nation Attorney
Berkey Williams
616 Whittier St. NW
Washington, DC 20012
alex.c.page@gmail.com

Seneca Nation of Indians (SNI)

Dr. Joe Stahlman

Seneca Nation of Indians
Seneca-Iroquois National Museum
Onöhsagwë: De' Cultural Center
82 W. Hetzel St.
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joe.stahlman@sni.org

Tuscarora Nation

Bryan Printup
Tuscarora Nation
5226 Walmore Road
Lewiston, NY 1409
bprintup@hetf.org

Robert Hanley

From: "Ferguson, Josalyn (PARKS)" <Josalyn.Ferguson@parks.ny.gov>
Date: Monday, May 17, 2021 10:29 AM
To: "Robert Hanley" <rhanley@panamconsultants.com>
Subject: RE: #20PR03191 - Hecate Energy Cider Solar Phase IB

Hi Bob,

Yes, we would like the Nations to receive the report at the same time as us so that we do not have to add to the timeframe of the reviews and consultation by an extra 30 days. This is not considered Native American consultation, it is just forwarding them the report for their review and comment. A cover letter noting that OPRHP had requested that Santec send the report to them would be appropriate just as a heads up.

Josalyn

Josalyn Ferguson, Ph.D.
 Scientist Archaeology

Pronouns: she/her/hers

Division for Historic Preservation
New York State Parks, Recreation & Historic Preservation
 Peebles Island State Park, P.O. Box 189, Waterford, NY 12188
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<https://parks.ny.gov/shpo>

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From: Robert Hanley <rhanley@panamconsultants.com>
Sent: Monday, May 17, 2021 9:42 AM
To: Ferguson, Josalyn (PARKS) <Josalyn.Ferguson@parks.ny.gov>
Subject: #20PR03191 - Hecate Energy Cider Solar Phase IB

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Hi Josalyn,
 I recently (5/14/21) uploaded the Phase IB report for Hecate Energy Cider Solar (#20PR03191) to CRIS.
 I reminded Stantec that you stated the following in your request for the Phase IB investigation:

"Please submit the Ph. IB report to our office using the CRIS survey token provided with this correspondence, and submit the report directly to the involved Indigenous Nations at the addresses provided."
 I'd also sent Stantec your letter with the contact information for the involved Nations.

They asked if I could check with you to be sure this is how they should proceed.

Also, please feel free to contact me if you have any questions regarding the report

Thank you,
Bob

Robert J. Hanley, RPA
Senior Archaeologist
Panamerican Consultants, Inc.
Buffalo, NY 14227
(716) 821-1650
ghanley@panamconsultants.com



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Panamerican Consultants, Inc. • 2390 Clinton St. • Buffalo, NY 14227 • (716) 821-1650

May 18, 2021

Dr. Joe Stahlman
Director – THPO
Seneca-Iroquois National Museum
Onöhsagwë: De' Cultural Center
82 W. Hetzel Street
Salamanca, NY 14778

SUBJECT: Phase IB Archaeological Investigation for the Hecate Energy Cider Solar Project, Towns of Oakfield and Elba, Genesee County, New York.

Dear Dr. Stahlman,

On behalf of Hecate Energy Cider Solar LLC and Stantec, Panamerican Consultants, Inc. (Panamerican) is pleased to notify you that the Phase IB cultural resources investigation report for the Hecate Energy Cider Solar Project (Cider Solar Project [CSP]) in the Towns of Oakfield and Elba in Genesee County, New York is available to you for review and comment. The Office of Parks, Recreation, and Historic Preservation (OPRHP) requested that you have a similar review timeframe to facilitate any discussion of the investigation if needed.

Due to a large file size, the report can be downloaded from Panamerican's FTP site: at <https://quickconnect.to/panamconsultants> using the following case-sensitive credentials:

User Name: Guest2021
Password: 2021GuestFiles

Select "File Station" to access and download the report PDF.

The report PDF was uploaded to the OPRHP Cultural Resource Information System (CRIS) on May 14, 2021. If you prefer, you and other project contacts listed in CRIS for this project can access/download the report from the "Surveys" tab in the project file directly from CRIS. A hardcopy or digital copy on CD-R can be mailed upon request.

If you have any questions or require any additional information, please do not hesitate to contact Stantec Environmental Project Manager Ms. Jen Kelly (716-807-2523; Jen.Kelly@stantec.com) or me at your convenience.

Sincerely,

Robert J. Hanley, M.A., RPA
Senior Archaeologist

cc: Ms. Jen Kelly, Stantec
Dr. Josalyn Ferguson (NY SHPO)

Submitted under separate correspondence to:
Chief Roger Hill c/o Christine Abrams (Tonawanda Seneca Nation)
Mr. Bryan Printup (Tuscarora Indian Nation)



BUFFALO • TUSCALOOSA • MEMPHIS

Panamerican Consultants, Inc. • 2390 Clinton St. • Buffalo, NY 14227 • (716) 821-1650

May 18, 2021

Chief Roger Hill c/o Christine Abrams
Tonawanda Seneca Nation
7027 Meadville Road
Basom, NY 14013
Phone: (716) 542-4244
Email: tonseneca@aol.com

SUBJECT: Phase IB Archaeological Investigation for the Hecate Energy Cider Solar Project, Towns of Oakfield and Elba, Genesee County, New York.

Dear Chief Hill and Ms. Abrams,

On behalf of Hecate Energy Cider Solar LLC and Stantec, Panamerican Consultants, Inc. (Panamerican) is pleased to notify you that the Phase IB cultural resources investigation report for the Hecate Energy Cider Solar Project (Cider Solar Project [CSP]) in the Towns of Oakfield and Elba in Genesee County, New York is available to you for review and comment. The Office of Parks, Recreation, and Historic Preservation (OPRHP) requested that you have a similar review timeframe to facilitate any discussion of the investigation if needed.

Due to a large file size, the report can be downloaded from Panamerican's FTP site: at <https://quickconnect.to/panamconsultants> using the following case-sensitive credentials:

User Name: Guest2021
Password: 2021GuestFiles

Select "File Station" to access and download the report PDF.

The report PDF was uploaded to the OPRHP Cultural Resource Information System (CRIS) on May 14, 2021. If you prefer, you and other project contacts listed in CRIS for this project can access/download the report from the "Surveys" tab in the project file directly from CRIS. A hardcopy or digital copy on CD-R can be mailed upon request.

If you have any questions or require any additional information, please do not hesitate to contact Stantec Environmental Project Manager Ms. Jen Kelly (716-807-2523; Jen.Kelly@stantec.com) or me at your convenience.

Sincerely,

Robert J. Hanley, M.A., RPA
Senior Archaeologist

cc: Ms. Jen Kelly, Stantec
Dr. Josalyn Ferguson (NY SHPO)

Submitted under separate correspondence to:
Dr. Joe Stahlman (Seneca Nation of Indians)
Mr. Bryan Printup (Tuscarora Indian Nation)



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May 18, 2021

Bryan Printup
Tuscarora Nation
5226 Walmore Road
Lewiston, NY 14092
Phone: (716) 264-6011
Email: bprintup@hetf.org

SUBJECT: Phase IB Archaeological Investigation for the Hecate Energy Cider Solar Project, Towns of Oakfield and Elba, Genesee County, New York.

Dear Mr. Printup,

On behalf of Hecate Energy Cider Solar LLC and Stantec, Panamerican Consultants, Inc. (Panamerican) is pleased to notify you that the Phase IB cultural resources investigation report for the Hecate Energy Cider Solar Project (Cider Solar Project [CSP]) in the Towns of Oakfield and Elba in Genesee County, New York is available to you for review and comment. The Office of Parks, Recreation, and Historic Preservation (OPRHP) requested that you have a similar review timeframe to facilitate any discussion of the investigation if needed.

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Dr. Josalyn Ferguson (NY SHPO)

Submitted under separate correspondence to:
Dr. Joe Stahlman (Seneca Nation of Indians)
Chief Roger Hill c/o Christine Abrams (Tonawanda Seneca Nation)

Robert Hanley

From: "Robert Hanley" <rhanley@panamconsultants.com>
Date: Wednesday, May 19, 2021 1:00 PM
To: "Christine Abrams" <tonseneca@aol.com>
Cc: "Joselyn (PARKS) Ferguson" <Joselyn.Ferguson@parks.ny.gov>; "Jen Kelly" <Jen.Kelly@stantec.com>
Attach: Hecate Energy Cider Solar - Tonawanda Band of Seneca Indians Ph IB Submittal Letter.pdf
Subject: Phase IB Archaeological Investigation Report for the Hecate Energy Cider Solar Project, Towns of Oakfield and Elba, Genesee County, New York

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Sincerely,



Robert J. Hanley, M.A., RPA
Senior Archaeologist

Robert Hanley

From: "Robert Hanley" <rhanley@panamconsultants.com>
Date: Wednesday, May 19, 2021 1:00 PM
To: <bprintup@hetf.org>
Cc: "Joselyn (PARKS) Ferguson" <Joselyn.Ferguson@parks.ny.gov>; "Jen Kelly" <Jen.Kelly@stantec.com>
Attach: Hecate Energy Cider Solar - Tuscarora Indian Nation Ph IB Submittal Letter.pdf
Subject: Phase IB Archaeological Investigation Report for the Hecate Energy Cider Solar Project, Towns of Oakfield and Elba, Genesee County, New York

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Sincerely,



Robert J. Hanley, M.A., RPA
Senior Archaeologist

Robert Hanley

From: "Robert Hanley" <rhanley@panamconsultants.com>
Date: Wednesday, May 19, 2021 12:59 PM
To: <Joe.Stahlman@sni.org>
Cc: "Joselyn (PARKS) Ferguson" <Joselyn.Ferguson@parks.ny.gov>; "Jen Kelly" <Jen.Kelly@stantec.com>
Attach: Hecate Energy Cider Solar - Seneca Nation of Indians Ph IB Submittal Letter.pdf
Subject: Phase IB Archaeological Investigation Report for the Hecate Energy Cider Solar Project, Towns of Oakfield and Elba, Genesee County, New York

Dear Dr. Stahlman,

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