

**3.7 HISTORIC AND ARCHAEOLOGICAL RESOURCES COMMENTS AND RESPONSES**

**Comment 3.7-1 (Letter #9 Douglas Mackey, Historic Preservation Program Analyst for NYS Office of Parks, Recreation and Historic Preservation, December 9, 2008):** In addition to the request in the attachment, OPRHP would like to acknowledge that the EIS identifies that a Phase 1A archaeological report has already been completed and that a Phase 1B survey will be undertaken. OPRHP has approved the Phase 1A report and we look forward to reviewing the Phase 1B results. We have previously discussed possible testing strategies with an archaeological consultant representing the applicant and would suggest that if plans or consultant change, we should be contacted to help determine an appropriate approach for examining this very large parcel.

*Response 3.7-1: Comment noted. While the Proposed Action has been modified as documented in FEIS Introduction, the Area of Potential Effect (APE) or limit of disturbance has not increased beyond the APE of the Proposed Action in the DEIS. As such, the aforementioned testing strategy discussed between the State and the project archeologist remains unchanged. The 1B field work has been completed and a report summarizing the findings is included in Appendix G.*

**Comment 3.7-2 (Letter #9 Douglas Mackey, Historic Preservation Program Analyst for NYS Office of Parks, Recreation and Historic Preservation, December 9, 2008):** With the exception of Anshe Glen Wild Synagogue, which is mentioned, architectural resources have not been addressed in the DEIS. The synagogue is listed on the National Register. Please provide photos, maps, and brief histories for all other buildings and structures more than 50 years old that are on or adjacent to the project site.

*Response 3.7-2: The Phase 1B report (Appendix G herein) addresses the additional information requested.*

**Comment 3.7-3 (Letter #17 Michael Merriman, Deputy Regional Permit Administrator for NYS Department of Environmental Conservation, January 23, 2009):** The Department staff has reviewed Section 3.7 and Appendix G, which discusses the potential for cultural resource concerns at the site. Appendix G consists of a Phase 1A Literature Search & Sensitivity Analysis. It also recommended that due to the considerable size of the site that their Phase 1B excavations be undertaken at 50 foot intervals throughout portions of the site with a high potential for prehistoric resources, while moderate to low potential portions of the site be surveyed at 100 foot or 150 foot intervals. The Appendix also recommends that this strategy be submitted to the Office of Parks, Recreation and Historic Preservation (OPRHP) for their acceptance prior the commencement of the Phase 1B study. Please submit proof as to whether that proposal was submitted to OPRHP, and whether they accepted it. Additionally, please submit the results of the Phase 1B study to this department as soon as it is available.

*Response 3.7-3: Although the Phase 1A Report recommended a "modified" testing strategy, OPRHP required that the Standard Phase 1B protocol be followed. The Phase 1A and 1B report is included in this FEIS as Appendix G.*

**Comment 3.7-4 (Letter #17 Michael Merriman, Deputy Regional Permit Administrator for NYS Department of Environmental Conservation, January 23, 2009):** We also note that on page 3.7-3 it states that the results of the Phase 1B investigation will be included as part of the Final Environmental Impact Statement (FEIS). The department staff believes that if this study

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indicates there are "hotspots" in or immediately adjacent to any areas to be disturbed by construction of roads, buildings, utilities etc., that these hotspots be completely avoided. If the development can not avoid these hot-spots completely, the Phase II site evaluation must be completed and submitted to this Department and OPRHP for our review and approval prior to completion of the FEIS to ensure that its findings and recommendations are acceptable to both agencies and so its recommendations can be incorporated into the environmental review.

***Response 3.7-4:*** *Cultural resource investigations are performed at three levels, referred to as Phases I, II and III. A resource investigation may be concluded after the completion of any of these phases by a qualified archaeologist, based on OPRHP's determination that the project will not adversely affect cultural resources.*

*Should significant findings trigger the requirement of more intensive investigation via a Phase II field study or possibly a Phase III mitigation study, those studies must be promptly scheduled. Mitigation or avoidance of that portion of the site where cultural remains are known or suspected may be accepted by OPRHP thereby allowing the modified project to continue without the additional studies.*

It is the recommendation of CITY/SCAPE: Cultural Resource Consultants that no further archaeological investigations be undertaken on the Rock Hill site. *If studies beyond the Phase 1B are required by the OPRHP, they will be undertaken.*

### **Comment 3.7-5 (Letter #20 Robert Geneslaw, Robert Geneslaw Co., December 31, 2008):**

The project sponsor indicated in the September 10, 2008 Response to Comments on the preliminary DEIS that the Phase 1B cultural resources investigation "will be included in the SEQR documentation once completed. We expect it will be completed before the end of the public hearing held on the DEIS". In the DEIS (p.1-22) it is stated that "A Phase 1B investigation will be conducted on the project parcel based on the recommendation of the Phase 1A. A summary of the completed Phase 1B study would be included in the FEIS if complete at that time". This timing is later stated in the response to comments and does not allow the Lead Agency to take a "hard look" at this issue as the SEQR process may be concluded by the time the investigation has been completed. In addition, the DEIS effectively allows the NYS Office of Parks, Recreation and Historic Preservation (OPRHP) to determine how the plan might be modified if avoidance of a part of the site is necessary to protect cultural material. If modification of the plan is necessary, Town agencies must have a role in any modifications, and if any other environmental impacts may change, the Lead Agency must conduct the appropriate level of analysis. The Phase 1B Study should be completed before the FEIS is finalized, and any necessary plan modifications are to be included and analyzed with respect to environmental impacts.

***Response 3.7-5:*** *The Phase 1B report summary is included herein. Modification to the site plan due to significant cultural material is not necessary, based on the results of the 1B Study.*