

3.7 Historical and Archaeological Resources

Cultural Resource Management Investigations

The New York State Historic Preservation Act of 1980 Section 14.09 establishes a review process for State agency activities affecting historic or cultural properties. The Act requires State agencies to consult with the Commissioner of the Office of Parks, Recreation and Historic Preservation (OPRHP) prior to approving a project. Review by OPRHP is required if a project requires any permits or is receiving funding/grants or any other approvals from State agencies. The proposed development is subject to one or more permits from State agencies and therefore, must follow the criteria determined by OPRHP for cultural resource management, as set forth in the "Standards for Cultural Resource Investigations and the Curation of Archaeological Collections in New York State". These standards were developed by the New York Archaeological Council and adopted by the OPRHP to ensure uniformity in the review of cultural material in New York State.

Cultural resource investigations are performed at three levels referred to as Phase I, II and III investigations. A resource investigation may receive OPRHP approval after the completion of any of these phases by a qualified archaeologist, based on the agency's determination that the project site has undergone sufficient investigation to eliminate the probability of significant artifacts being recovered at that location.

Phase I is subdivided into Phase IA and Phase IB investigations. The Phase IA consists of a Literature Review and Sensitivity Assessment, which entails the following:

- 1) a review of pertinent published historic material pertaining to this portion of the Town;
- 2) a search of the historical or archeological site files of the New York Museum and the New York Historic Preservation Office to identify documented cultural resources located on or adjacent to the property, and;
- 3) a reconnaissance of the parcel to identify areas of greater and lesser potential for containing subsurface cultural remains, and to note areas where serious prior disturbance to upper soils may have eliminated such potential, and to photo document any potentially affected standing structures over 50 years of age.

For any area identified as potentially sensitive in the Phase 1A study, a Phase IB field investigation is conducted, which involves a systematic, on-site field inspection to verify the presence or absence of archaeological or historic artifacts. The most common method for conducting a Phase IB is systematic subsurface testing, which requires the excavation of small test pits at fixed intervals throughout the proposed area of disturbance. The soils from these pits are examined for cultural remains. Significant findings can trigger the requirement of more intensive investigation via a Phase II field study and possibly a Phase III mitigation study. Mitigation or avoidance of that portion of the site where cultural remains are known or suspected may be accepted by OPRHP and allow the modified project to continue.

3.7.1 Existing Conditions

Phase IA Literature Review and Sensitivity Assessment

The Phase IA cultural resource investigation was conducted for the entire project site by CityScape: Cultural Resource Consultants. The archaeologist's report of this investigation is

Historical and Archaeological Resources

May 20, 2010

presented in Appendix O of this DEIS. The goal of this component of the cultural resource survey was to collect available information regarding the use of the site in the past, to document any visible cultural resources on or within view of the project site, to assess the general potential for subsurface cultural remains to be present, and to determine to what degree, if any, this potential has been reduced or eliminated by previous disturbance or environmental factors. The cultural resource survey was conducted in accordance with the guidelines of OPRHP.

Based on conceptual plans for the Lost Lake Resort, the area of potential effect (called the APE) was defined as the 1,000 acres anticipated to be disturbed at that time.

A search of historical and archaeological site files maintained by the New York State Historic Preservation Office (SHPO) and the New York State Museum (NYSM) in Albany indicated that there are no prehistoric sites within a one-mile radius of the project site. There are no known National Register eligible or listed properties within the Lost Lake Resort, nor are there any reported within a one-mile radius of its boundaries, or even within the Town of Forestburgh.

Existing Prehistoric Resources

No professionally excavated prehistoric sites have been identified on or immediately adjacent to the project area. The majority of recorded prehistoric sites in Sullivan County are along the Delaware, Mongaup and Neversink Rivers, as well as along Basher and Shawangunk Kills. Prehistorically, camp sites would have been situated on land adjacent to and overlooking these waterways. The project site contains a high, well-drained terrace above the wetland complex and the Bush Kill. This location increases the potential presence for prehistoric resources on the project site. However, areas with slopes greater than 12 percent, stony soils, or areas set some distance away from a freshwater source have a lower potential to contain prehistoric resources. Given this information, it was determined that there would be a moderate potential for prehistoric remains to exist on the more level and well-drained portions of the project area, however, the probability of these resources being present is increased by the wetland and fresh water resources on or in the immediate vicinity of the site.

Historic Resources

A review of historic maps of the area was conducted to determine whether the project area has the potential to contain historic cultural resources. Maps included in Appendix O document one structure located on the project site and three nearby sites. Along the southern side of St. Joseph's Road, within the boundaries of the project area, are remains of the J. McNeeley farmstead. Off the site, the New York, Ontario & Western Railroad line and Gilman's Station are shown along the eastern boundary of the project area. Gilman's Station in 1875 included a school and post office, as well as a tannery and two saw mills. W.W. Gilman's residence was also located in this area. Near the southeastern corner of the project area, along Cold Spring Road, is the residence of G. W. Barnum. Barnum's Station is located along the northeastern corner of the project area.

Based on the map research and a site visit by the project archaeologist, the potential for the Lost Lake Resort site to contain cultural resources appears to be limited to the remains of the McNeeley dwelling. With the exception of the McNeeley dwelling, it is considered unlikely that any historic cultural material associated with former usage of the site will be present. It has been recommended that further on-site exploration, called a Phase IB survey, be conducted to determine whether the presence of either historic or prehistoric cultural artifacts exist on the project site.

Based on the meager results of other archaeological studies conducted in Sullivan County, the unusually large size of the project site development that could necessitate many test holes under current State guidance, and the Applicant's expectation that development on portions of the site will not occur for a long time, a modified sampling methodology was verbally, informally discussed with the OPRHP. However, lacking formal approval of this methodology, the Applicant proposes to proceed utilizing the accepted State methodology. To date the OPRHP has not reviewed nor provided comment on the Phase 1A study.

3.7.2 Potential Impacts

There are no documented prehistoric sites on or within a mile of the project site. Additionally, the identified off-site historic sites will not be affected by the proposed project.

Based on the limited potential for the Lost Lake Resort site to contain any cultural remains, the Phase 1A recommends that a Phase 1B Archaeological Field Reconnaissance Survey be completed for areas that will be impacted by the proposed development. Typically, field investigations will entail performing shovel test holes on a 50' grid over the area of potential effect, excluding land with slopes over 12%, wetlands and water bodies according to the current State guidance. The project archaeologist has formulated a work plan for the Phase 1B survey based on the current State guidance and the latest site master plan that includes sizable areas to remain permanently undisturbed (thus outside of the APE). Due to the limited sensitivity of this site, the Phase 1B investigation is planned to be initiated in Spring 2010.

The results of the Phase 1B study will be reported and included as part of the Final Environmental Impact Statement (FEIS) prepared for the proposed development, per the DEIS Scope. The Phase 1B will focus on areas of the project site that are determined to be sensitive for cultural remains, including the area around the one historic structure on the property.

Should significant cultural remains be discovered in the area of potential impact on this property during the Phase 1B investigation, further cultural site evaluation and removal of artifacts to an approved museum or avoidance of that portion of the site in accordance with an approved cultural resources management plan will be required by OPRHP, pursuant to State and Federal laws. Such remedial activities, if required, will become part of the project proposal in order to gain final acceptance by OPRHP, and thus, no significant impacts to prehistoric or historic resources are anticipated to result from the proposed development.

3.7.3 Mitigation Measures

State and Federal regulations for the protection of historical and archaeological resources require that no impact to such resources be allowed to occur as a result of the development of this project. In the event that prehistoric or historic resources are found to be present within the area of potential development, and if these resources cannot be avoided, the Applicant must prepare and obtain concurrence from the NYS OPRHP of a cultural resource mitigation plan prior to the approval of that phase of development. The Applicant will commence said mitigation work prior to any other site disturbance in that phase of the project. No areas that are subject to a cultural resource mitigation plan will be disturbed until the NYS OPRHP has determined the mitigation plan to be fully implemented and complete.