



**South Ripley**  
SOLAR PROJECT

**ConnectGen Chautauqua County LLC**

South Ripley Solar Project  
Matter No. 21-00750

**900.2-10 Exhibit 9**

**Supplement**

**Cultural Resources**

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## EXHIBIT 9 CULTURAL RESOURCES

On behalf of the Applicant, Environmental Design and Research (EDR), completed cultural resources studies for the Facility in accordance with the requirements of 19 NYCRR 900-1.3(h)(2), 900-2.9, and 900-2.10(b). The Applicant has consulted with the New York State Historic Preservation Office (NYSHPO) to develop the scope and methodology for cultural resources studies for the Facility<sup>1</sup>. To date, formal consultation with NYSHPO has included initiating Facility review and consultation through NYSHPO's Cultural Resources Information System (CRIS) website,<sup>2</sup> submission of work plans, completion of cultural resource desktop and field surveys, and completion of follow-up cultural resource survey technical reports. The cultural resources reports and chronology of submission/review of these reports by NYSHPO are summarized within this exhibit.

Correspondence with NYSHPO and Indian Nations regarding cultural resources studies is included as Appendix 9-A. The Applicant initiated consultation with NYSHPO on June 18, 2020 (EDR, 2020a; Appendix 9-A). Cultural resources studies completed for the Facility include:

- A Phase IA Historic Resources Survey (EDR, 2020b; Appendix 9-B);
- A Phase IA Archaeological Survey (EDR, 2021a; Appendix 9-C);
- A Historic Resources Survey (EDR, 2021b; Appendix (9-D));
- A Phase IB Archaeological Survey (EDR, 2021c; Appendix 9-E); and
- A Supplemental Phase IB Archaeological Survey (EDR, 2021d; Appendix 9-F).

Cultural resources studies typically identify a Project Impact Area (PIA), also referred to as the Area of Potential Effect (APE),<sup>3</sup> which defines the potential impacts and appropriate study area within which to evaluate potential impacts. For the Facility, the APE includes an APE for Direct Effects, defined as those areas where soil disturbance or direct physical impacts are proposed to occur during construction (potentially impacting below ground archaeological resources), and an APE for Indirect Effects,<sup>4</sup> which includes those areas where the Facility may result in indirect effects on above ground historic properties and/or buildings, such as visual or auditory effects. These potential effects, and the studies undertaken to evaluate the Facility's potential effects on cultural resources, are described in greater detail below.

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<sup>1</sup> As defined throughout this Application, the Facility refers to all components of the proposed project, including PV panels and support structures, inverters, transformers, access roads, collection lines, collection substation, POI switchyard, energy storage facility, laydown areas, and any other improvements subject to the Office of Renewable Energy Siting (ORES) jurisdiction.

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

<sup>3</sup> The project impact area (PIA) as defined in 19 NYCRR § 900-1.3(h) is synonymous with the Area of Potential Effect for Direct Effects for below ground resources as described in this exhibit and all associated support studies.

<sup>4</sup> The PIA as defined in 19 NYCRR § 900-2.10 is synonymous with the Area of Potential Effect for Indirect Effects for above ground resources as described in this exhibit and all associated support studies.

**(a) Archaeological Resources**

In accordance with the requirements of NYCRR 900-1.3(h)(1-2), the Applicant has engaged in ongoing consultation with NYSHPO and has completed archaeological resources studies for the Facility. As required per NYCRR 900-1.3(h)(4), the archaeological studies conducted for the Facility are included as Appendices 9-C, 9-E, and 9-F.

**(1) Summary of Impacts and Avoidance Measures**

Solar facilities result in minimal soil disturbance relative to other types of development projects, and therefore have a lower relative potential to affect archaeological resources. The Applicant has sited the Facility in an area characterized by agricultural and other land use activities in an effort to reduce development in previously undisturbed areas. Solar panels will be installed on a low-profile racking system, which typically consists of small I-beam posts, helical piles, or ground screws driven or screwed into the ground, without the need for excavation, concrete, or other foundations. Limited grading may be necessary in some areas. In those areas where soil disturbance is necessary, topsoil will be stripped and stockpiled for restoration purposes. Following construction, any disturbed areas will be restored with topsoil, and a cover of native herbaceous species will be established underneath and around the solar panels. The Applicant is committed to minimizing soil disturbance associated with the proposed Facility as a way to minimize impacts to cultural and natural resources.

Construction of the Facility will be accomplished with machines that are generally consistent in terms of size, weight, and tread with the agricultural and forestry machines that are currently used on these properties. Therefore, the existing conditions within the Facility Site, coupled with the specific construction/installation measures that will be used to construct the Facility, will serve to minimize impacts to archaeological resources not identified and documented in the field surveys.

A Phase IA Archaeological Survey was developed and submitted to NYSHPO for review and comment. The Phase IA report defines the Facility's APE for Direct Effects to archaeological resources and identifies if any previously documented archaeological resources occur within the APE for Direct Effects (Appendix 9-C). To identify potential archaeological sites within the Facility Site, the Applicant completed a Phase IB Archaeological Survey (Appendix 9-E), a Supplemental Phase IB Research Design (Appendix 9-A), and a Supplemental Phase IB Archaeological Survey (Appendix 9-F)<sup>5</sup> in accordance with the methodology outlined in the Phase IA Archaeological Survey. The

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<sup>5</sup> The Phase IB Archaeological Survey report for the South Ripley Solar Project (EDR, 2021c) and the Supplemental Phase IB Archaeological Survey (EDR, 2021d) are included as a confidential Appendix to the Section 94-c Application and were submitted to the NYSHPO in April 2021 and in July 2021, respectively. Per Section 14.09 of the New York State Historic Preservation Act, archaeological site location information is considered sensitive and appropriate to be treated confidentially: "... Information on archaeological sites that may be damaged by unauthorized investigators if their location be generally known may be withheld from the public at the discretion of the commissioner in consultation with the commissioner of Education, and will be released, where appropriate, in a format approved by such commissioners" (also summarized within

archaeological surveys were conducted in a series of site visits and mobilizations throughout 2020 and in 2021, concurrent with evolving Facility design. The Phase IB Archaeological Survey identified a total of 21 archaeological resources, none of which were recommended as potentially eligible for listing in the State and/or National Register of Historic Places (S/NRHP). In one instance, the Facility layout was intentionally revised to avoid or minimize impacts to archaeological resources identified during the survey. As summarized below in Section (a)(3), the Applicant has revised the proposed Facility layout to avoid the locations of potentially significant archaeological sites (as well as other sensitive environmental locations, such as wetlands). The proposed Facility layout as currently designed avoids and/or minimizes impacts to all archaeological resources, so no Phase II site investigations are anticipated to be necessary.

The mapped locations of all potentially significant (i.e., S/NRHP-eligible or unevaluated) archaeological sites within approximately 100 feet (31 meters) of proposed Facility-related impacts will be identified as “Environmentally Sensitive Areas” or similar on Facility construction maps and marked in the field by construction fencing with signs that restrict access. These measures will ensure that impacts to known archaeological resources are avoided. As of this filing, no potentially significant archaeological sites have been identified within the Facility.

In the event that unanticipated archaeological resources are encountered during construction, the Facility’s Unanticipated Discovery Plan (EDR, 2021e; Appendix 9-G) will include provisions to stop all work in the vicinity of the archaeological finds until those resources can be evaluated and documented by an archaeologist. With the adoption of these measures, and based on continued consultation with the NYSHPO, the proposed South Ripley Solar Project is not anticipated to affect any significant archaeological resources.

## **(2) Phase IA Cultural Resources Study**

In compliance with the requirements of 19 NYCRR 900-1.3(h)(1), the Applicant initiated consultation regarding the Facility with NYSHPO on June 18, 2020, that included a description of the proposed Facility, a map of the Facility Area, and a proposed study methodology (Appendix 9-A). NYSHPO replied to the initial request for consultation on June 24, 2020, and recommended a Phase IA Archaeological Survey (Ferguson, 2020; Appendix 9-A). The Phase IA Archaeological Survey (Appendix 9-C) was submitted through the CRIS website on January 22, 2021, and approved by NYSHPO on February 8, 2021, with minor additions (Ferguson, 2021a; Appendix 9-A), and is summarized below. The purpose of the Phase IA Archaeological Resources Survey was to: 1) define the Facility’s APE relative to archaeological resources based on the anticipated area of disturbance for Facility components; 2) determine whether previously identified archaeological resources are located in the APE; 3) summarize the

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NYSDOT, 2015). Therefore, Phase IB Archaeological Survey Report is a confidential report. The results of the Phase IB survey are summarized herein.

methods; and, 4) propose a methodology to identify additional archaeological resources within the APE, evaluate their eligibility for the S/NRHP, and assess the potential effect of the Facility on those resources. The Phase IA report was prepared by professionals who satisfy the qualification criteria per the Secretary of the Interior's Standards for archaeology (36 CFR 61) and in accordance with applicable portions of NYSHPO's *Phase I Archaeological Report Format Requirements* (NYSHPO, 2005).

Relative to the potential for archaeological sites to be located in the Facility Area (as defined in the Phase 1A Archaeology report, this term has been updated to Facility Site in later reports), the results of the Phase IA Archaeological Resources Survey for the proposed Facility can be summarized as follows:

- NYSHPO's CRIS database does not include any previously recorded archaeological sites within the Facility Area. One previously recorded archaeological site (the Parker Chautauqua Co. Unnumbered Site, USN 01322.000096) is located within 1-mile (1.6-km) of the Facility Area.
- Based on EDR's archaeological sensitivity model, approximately 25% of the Facility Area is considered sensitive for archaeological sites and resources.
- Portions of the Facility Area located in the immediate vicinity—within approximately 200 feet [61 meters]—of map-documented structure (MDS) locations are considered to have high potential for the presence of archaeological resources. This constitutes approximately 5% of the Facility Area, some of which overlaps with areas of elevated archaeological sensitivity (approximately 1% of MDS sensitive areas). The remaining (non-MDS) portions of the Facility Area exhibit minimal likelihood for historically documented structures or their remains to be present.

In addition, the Phase IA Archaeological Survey (Appendix 9-C) proposed a methodology to conduct a Phase IB Archaeological Survey for the Facility, which was reviewed and approved by the NYSHPO. The results of the Phase IB Archaeological Survey are described below.

### **(3) Phase IB Cultural Resources Study**

The Applicant conducted a Phase IB Archaeological Survey and Supplemental Phase IB Survey to identify archaeological sites within the Facility Site. The Phase IB and Supplemental Phase IB Surveys for the Facility were conducted under the supervision of Registered Professional Archaeologists (RPAs) in a manner consistent with the New York Archaeological Council (NYAC) *Standards for Cultural Resource Investigations and Curation of Archaeological Collections in New York State* (the NYAC Standards) (NYAC, 1994). The Phase IB Archaeological Survey (Appendix 9-E) and Supplemental Phase IB Archaeological Survey (Appendix 9-F) reports

were prepared in accordance with NYSHPO's *Phase I Archeological Report Format Requirements* (NYSHPO, 2005).

For utility-scale solar projects in New York State, the NYSHPO recommends Phase IB archaeological testing for areas of proposed *significant ground disturbance*, which typically include the locations of proposed roads, substations, POIs, built facilities, retention ponds/basins, laydown areas, collection line trenches over a foot wide, and areas of grubbing and grading. The NYSHPO typically does not require Phase IB archaeological testing for areas where no grading or grubbing is required, including the panel array areas, perimeter fencing and utility poles if their associated posts are driven or screwed into the ground (if grading is required in these areas, then Phase IB Archaeological Survey would be required).

The scope and methodology for the Phase IB Archaeological Survey was proposed in the Phase IA Archaeological Survey report (Appendix 9-C), which was submitted to NYSHPO in January 2021 and approved by NYSHPO on February 8, 2021 (Ferguson, 2021a; Appendix 9-A). The Phase IB methodology proposed in the Phase IA report was based on consultation with NYSHPO and is responsive to the amount of ground disturbance necessary to construct the Facility.

The Facility's APE for Direct Effects is defined as those areas where soil disturbance is proposed to occur during construction. The APE for Direct Effects includes the extent of potential temporary soil disturbance anticipated to occur during Facility construction. However, much of the APE for Direct Effects consists of disturbance which is unlikely to impact archaeological resources (such as the installation of small pile-driven or screwed posts). Therefore, a smaller area, the "Limits of Significant Ground Disturbance", which totals 614 acres, has been defined in consultation with NYSHPO. As described in the Phase IA Archaeological Survey Report (Appendix 9-C), the Limits of Significant Ground Disturbance were defined as:

*"All areas where Facility-related impacts involving significant ground disturbance, defined as trenching wider than 1 foot (0.3 meter), or any excavation, grading, and/or paving. Areas of significant ground disturbance for the proposed South Ripley Solar Project are anticipated to include:*

- o Inverter pads;*
- o Access roads;*
- o Improvements associated with the proposed substation;*
- o Buried collection lines installed in a trench greater than 1 foot (0.3 meter) wide;*
- o Construction staging/laydown areas that require grading, and/or paving; and,*
- o Any other areas where Facility-related impacts include earth disturbance beyond the installation of small posts or I-beams or the excavation of a less than 1-foot (0.3-meter) wide trench."*

In correspondence dated February 8, 2021, NYSHPO provided a response which concurred with the Phase IB Work Plan, to include a combination of shovel test excavations and pedestrian survey as applicable (Ferguson, 2021a; Appendix 9-A).

The initial Phase IB Archaeological Survey fieldwork was conducted between July and December of 2020 and between March and April of 2021 in accordance with the research design included in the Phase IA Archaeological Survey report (Appendix 9-C) reviewed and approved by NYSHPO (Ferguson, 2021a; Appendix 9-A). The Archaeological Survey fieldwork was conducted in a series of site visits and mobilizations conducted concurrent with evolving Facility design. As a result, some areas subjected to Phase IB Archaeological Survey are no longer part of the APE for Direct Effects or the Limits of Significant Ground Disturbance. In these areas, Facility components were moved or eliminated following archaeological survey fieldwork in order to minimize or avoid impacts to archaeological resources (such as in the site 19020-MS-01 area), or due to other siting constraints (e.g., wetland impacts, slopes, lease-issues, etc.).

Subsequent to the submittal of the Phase IB Archaeological Survey Report (EDR, 2021c; Appendix 9-D), NYSHPO requested additional Phase IB Archaeological Survey for the Facility (Ferguson, 2021b; Appendix 9-A). Supplemental Phase IB Archaeological Survey fieldwork was conducted between June 7<sup>th</sup> and June 22<sup>nd</sup>, 2021, in accordance with the Supplemental Phase IB Research Design (EDR, 2021f; Appendix 9-A) submitted to NYSHPO on June 9<sup>th</sup>, 2021 and reviewed and approved by NYSHPO (Ferguson 2021c; Appendix 9-A) on June 10<sup>th</sup>, 2021.

As noted above, the Limits of Significant Ground Disturbance total approximately 614 acres. Approximately 209 acres of the Facility's Limits of Significant Ground Disturbance overlap with areas of Elevated Archaeological Sensitivity; the Phase IB Archaeological Survey was conducted on the entirety of these overlap areas. Combined, the Phase IB Archaeological Survey and Supplemental Phase IB Archaeological Survey involved the excavation of a total of 6,600 shovel tests and the pedestrian surface survey of 24 acres. Typically, survey coverage is calculated at 16 shovel tests per acre, resulting in a combined survey effort equivalent to approximately 436 acres of Phase IB Survey. Therefore, the Phase IB level of effort exceeded the overlap of the Limits of Significant Ground Disturbance and areas of Elevated Archaeological Sensitivity for the Facility because, as discussed above, some portions of the Phase IB Survey were conducted outside the current Limits of Significant Ground Disturbance, based on the submitted project design.

As summarized below in Table 9-1 and further described in the Phase IB Archaeological Survey Report (Appendix 9-E) and Supplemental Phase IB Archaeological Survey Report (Appendix 9-F), the archaeological survey resulted



in the identification of 21 archaeological resources, consisting of 16 sites and five isolates. These include eight non-diagnostic lithic scatters, three isolated lithic debitage, one multicomponent site, seven nineteenth century sites, and two nineteenth century isolated finds. A total of 373 historic-period artifacts and 39 nondiagnostic lithic debitage artifacts were collected during the survey (412 artifacts total collected).

**Table 9-1. Summary of Archaeological Resources Identified During the Phase IB Survey**

Site Name	Description	Potential Impacts	Avoidance Measures
JA-001	Non-diagnostic Lithic Scatter	PV Array	None (Does not meet S/NRHP Criteria)
RA-001	Non-diagnostic Lithic Scatter	PV Array	None (Does not meet S/NRHP Criteria)
PA-002	Non-diagnostic Lithic Scatter	PV Array	None (Does not meet S/NRHP Criteria)
OA-001	Non-diagnostic Lithic Scatter	PV Array	None (Does not meet S/NRHP Criteria)
WB-AR4-001	Non-diagnostic Lithic Scatter	Access Road	None (Does not meet S/NRHP Criteria)
WB-AR6-001	Non-diagnostic Lithic Scatter	Access Road, Underground Collection Line	None (Does not meet S/NRHP Criteria)
19020-TS01	Non-diagnostic Lithic Scatter	PV Array, Overhead Collection Line	None (Does not meet S/NRHP Criteria)
SB-002	19 <sup>th</sup> Century Artifact Scatter	PV Array	None (Does not meet S/NRHP Criteria)
FC-001	19 <sup>th</sup> Century Artifact Scatter	PV Array	None (Does not meet S/NRHP Criteria)
EB-AR1-001	19 <sup>th</sup> Century Artifact Scatter	PV Array, Access Road, Underground Collection Line	None (Does not meet S/NRHP Criteria)
19020-MS-01	19 <sup>th</sup> Century Artifact Scatter and Lithic Scatter	Overhead Collection Line	None (Does not meet S/NRHP Criteria)
CL02-001	Isolate Lithic Debitage	Within Facility Site	None (Does not meet S/NRHP Criteria)
SB-001	Isolate Lithic Debitage	PV Array, Laydown Yard	None (Does not meet S/NRHP Criteria)
LA-001	Isolate Lithic Debitage	Access Road, Underground Collection Line	None (Does not meet S/NRHP Criteria)
NC-001	Isolated 19 <sup>th</sup> Century Artifact	PV Array	None (Does not meet S/NRHP Criteria)
XWB-AR6-001	Non-diagnostic Lithic Scatter	Tree grubbing/removal for PV Array	None (Does not meet S/NRHP Criteria)
XLYA-001	19 <sup>th</sup> Century Artifact Scatter	PV Array	None (Does not meet S/NRHP Criteria)
XAR-001	19 <sup>th</sup> Century Artifact Scatter	Tree grubbing/removal for PV Array	None (Does not meet S/NRHP Criteria)
J. Thorpe-001	19 <sup>th</sup> Century Artifact Scatter	Tree grubbing/removal for PV Array	None (Does not meet S/NRHP Criteria)
XEB-AR5-001	19 <sup>th</sup> Century Artifact Scatter	Underground collection line and access road	None (Does not meet S/NRHP Criteria)
XDB1.W01	Isolated 19 <sup>th</sup> Century Artifact	Overhead Collection Line and PV Array	None (Does not meet S/NRHP Criteria)

None of the 21 archaeological resources identified during the Phase IB study were determined to meet S/NRHP eligibility criteria. The Phase IB Archaeological Survey Report (Appendix 9-E) and Supplemental Phase IB Archaeological Survey Report (Appendix 9-F) include additional detail on these determinations.

Following EDR's submission of the Phase IB Archaeological Survey Report, NYSHPO requested additional mapping of the archaeological resource locations at a more detailed scale to support NYSHPO's evaluation of the Project's archaeological sensitivity (Ferguson, 2021d; Appendix 9-A); EDR fulfilled this request on September 3, 2021 (EDR, 2021g; Appendix 9-H).

On September 21, 2021, NYSHPO provided a response letter concurring with the findings of EDR's Phase IB and Supplemental Phase IB Archaeological Survey Reports and stating that NYSHPO had no further archaeological concerns for the Facility (Ferguson, 2021e; Appendix 9-A). Subsequent to this determination, the New York Independent Systems Operator (NYISO) determined that additional interconnection facilities are needed for Facility interconnection onto the 230 kV electric grid which involved a minor modification to the Facility's POI and substation layout. The Applicant continued consultation with NYSHPO and provided a memorandum dated December 10, 2021 detailing the proposed layout changes and evaluating the potential impacts to cultural resources. On January 11, 2022, NYSHPO issued a letter stating that no S/NRHP-listed or eligible archaeological or historic resources would be adversely impacted by the proposed Facility layout change.

#### **(4) Phase II Study**

As described above, the Applicant is implementing project design measures to avoid impacts to the locations of potentially significant archaeological sites (as well as avoidance and minimization of other sensitive environmental locations, such as wetlands). The Applicant has redesigned the Facility to avoid impacts to archaeological resources, so no Phase II site investigations are anticipated to be necessary. The Applicant will continue to consult with NYSHPO to determine if additional site avoidance measures are warranted as per the requirements of 19 NYCRR 900-1.3(h)(3).

It should be noted that Phase II investigations are not warranted for archaeological sites that do not meet the criteria for listing on the S/NRHP. Although unevaluated sites have not been formally investigated and evaluated with regard to the S/NRHP, they are being treated as potentially eligible for the purposes of site avoidance. However, if necessary, as recommended by further correspondence with NYSHPO, Phase II studies would be designed to obtain detailed information on the integrity, limits, structure, function, and cultural/historic context of an archaeological site, as feasible, sufficient to evaluate its potential eligibility for listing on the S/NRHP.

## **(5) Unanticipated Discovery Plan**

An Unanticipated Discovery Plan is included as Appendix 9-G of this Application. The Unanticipated Discovery Plan identifies the actions to be taken in the unexpected event that resources of cultural, historical, or archaeological importance are encountered during Facility construction. The plan includes a provision for work stoppage upon the discovery of possible archaeological or human remains. Evaluation of such discoveries, if warranted, will be conducted by a registered professional archaeologist, qualified according to the NYAC *Standards* (NYAC, 1994).

## **(b) Historic Resources**

In accordance with the requirements of NYCRR 900-2.10(b), EDR has engaged in ongoing consultation with NYSHPO and has completed historic resources studies for the Facility on behalf of the Applicant. As required per NYCRR 900-2.10(b), the historic resources studies conducted for the Facility are included as Appendices 9-B and 9-D.

As part of the Visual Impact Assessment (VIA; Appendix 8-A), the Applicant conducted a systematic program of public outreach to assist in the identification of visually sensitive resources. Copies of the correspondence sent by the Applicant as part of this process, as well as responses received from stakeholders, are included in the VIA. In order to identify potentially visually sensitive historic resources, the Applicant conducted outreach to the following town and village historians and historical societies (summarized in the Historic Resources Survey [Appendix 9-D]):

- Michelle Henry, Chautauqua County Historian
- Dr. John Hamels, Town of Ripley Historian
- Devon Taylor, Town of Chautauqua Historian
- Martha Bills, Town of Westfield Supervisor
- Donna Higginbotham, Town of Sherman Historian
- Mary Norcross, Town of Mina Historian
- Peter Ryan, South Ripley Cemetery Association
- Yorker Museum

NYSHPO initiated correspondence with Native American Nations with a Project Introduction Letter dated June 24, 2020. NYSHPO also provided the Nations with copies of their responses to cultural resources reports when those reports were submitted, beginning with NYSHPO's response to the Phase IA Archaeological Survey on February 8th, 2021 (Appendix 9-A). In addition, the Applicant also performed outreach to Native American Nations to identify potentially visually sensitive historic resources as required by NYCRR 900-2.10(b). The Applicant initiated outreach

with the following Nations via correspondence on June 15, 2021, and follow-up correspondence on July 28, 2021 (Appendix 9-A):

- Seneca Nation of Indians
- Tonawanda Seneca Nation
- Tuscarora Nation

As part of this outreach, the Applicant provided copies of cultural resources survey reports completed to date to the above-mentioned Native American Nations. At the time of this filing, the Applicant received an email response from the Seneca Nation of Indians on June 23, 2021, expressing interest to be included in Project consultation. The Applicant has not received any response from the Tonawanda Seneca Nation or the Tuscarora Nation as of this filing.

Historically significant resources are defined herein to include buildings, districts, objects, structures, and/or sites that have been listed in the State and National Register of Historic Places (S/NRHP), as well as those properties that NYSHPO has formally determined are eligible for listing in the S/NRHP.

#### **(1) Historic Resources Surveys**

The Applicant has engaged in ongoing consultation with NYSHPO in order to evaluate the Facility's potential effect on historic resources listed or eligible for listing in the S/NRHP.

##### Area of Potential Effect Relative to Aboveground Historic Resources

Per the requirements set forth in 19 NYCRR § 900(bx), the study area to be used for analysis of major electric generating facilities is defined as the area within five miles of the Facility Site, hereafter referred to as the Historic Resources Study Area. The Historic Resources Study Area, APE relative to above-ground historic resources, scope, and methodology for the Historic Resources Survey were defined during the scoping process, which included preparation of the Preliminary Scoping Statement (PSS), as well as through consultation with NYSHPO, and local stakeholders.

The 5-Mile Historic Resources Study Area, defined by the NYSHPO's *Guidelines for Solar Facility Development Cultural Resources Survey Work* (hereafter, *Guidelines*, NYSHPO, 2020) as the appropriate study area for indirect effects on above-ground historic resources listed on the S/NRHP or designated a National Historic Landmark, includes portions of the Towns of Ripley, Westfield, Chautauqua, Sherman, and Mina in Chautauqua County, New York. The 5-Mile Historic Resources Study Area also extends into Pennsylvania including portions of North East Township and Greenfield Township. The 2-Mile Historic Resources Study Area, defined by NYSHPO as the

appropriate study area for indirect effects on above-ground historic resources 50 years of age or older, includes portions of the Towns of Ripley, Westfield, Sherman, and Mina in Chautauqua County, New York as well as a portion of North East Township in Erie County, Pennsylvania.

The Facility will have no direct physical impacts to above-ground historic resources (i.e., no historic structures will be damaged or removed). The Facility's potential effect on a given historic property would be a change in the property's visual setting (resulting from the introduction of PV arrays or other Facility components). Therefore, the APE for Indirect Effects on historic resources includes those areas where Facility components (including PV arrays) will be visible. The APE for Indirect Effects was developed based on a viewshed analysis utilizing a digital surface model of the Historic Resources Study Area.

Indirect effects to historic properties could theoretically consist of auditory and/or visual effects; however, solar facilities produce minimal sound beyond the boundaries of the Facility, so auditory effects resulting from the proposed Facility are not considered a significant type of impact to the setting of historic resources. Any possible concerns about the sound emissions from a solar project are largely confined to the step-up transformer in the new substation, electrical inverters and transformers within the various solar panel fields, equipment associated with the energy storage facility, and temporary activities during construction. Therefore, potential visual effects associated with the proposed Facility are the most significant consideration for defining an APE for Indirect Effects.

The proposed PV arrays could be a significant new feature in the visual landscape. The preparation of a GIS-based viewshed analysis is discussed in the Phase IA Historic Resources Survey (Appendix 9-B), Historic Resources Survey (Appendix 9-D), and in Exhibit 8 (Visual Impacts) of this Application. Although the viewshed analysis indicates potential visibility up to five miles away, the visual effect of the panels will be most apparent in the areas immediately adjacent to the Facility. The tallest structures currently planned in associated with the Facility would be substation equipment such as the overhead gantry (which allows the powerlines to connect to the existing transmission line), lightning protection masts, and possible telecommunication structures that each could have a height of 70 feet or more. Above-ground collector lines may also have heights of more than 70 feet. The PV panels would be the most widespread Facility component and are not expected to be more than 15 feet above grade. However, these associated structures are not anticipated to have an impact beyond the immediate vicinity.

#### Phase IA Historic Resources Survey

A formal consultation request was made to NYSHPO via the CRIS website on June 18, 2020 that included a description of the proposed Facility as well as a map of the Facility Area (Appendix 9-A). On June 22, 2020,

NYSHPO provided a response letter concurring with EDR's general approach to the Historic Resources Survey and requesting that EDR submit a Methodology/Survey Work Plan and define a Zone of Visual Influence (analogous to the APE defined herein) for the Facility (Walkowski, 2020a; Appendix 9-A).

The Applicant prepared a Phase IA Historic Resources Survey (Appendix 9-B), which was submitted through the CRIS website on August 17, 2020. The purpose of the Phase IA Historic Resources Survey was to identify and document those resources within the Facility's APE that appear to satisfy S/NRHP criteria and to provide a scope of work for additional survey of 2-Mile and 5-Mile Historic Resources Study Areas surrounding the Facility. All work as part of the Phase IA Historic Resources Survey was conducted by qualified architectural historians who meet the Secretary of Interior's Standards for Historic Preservation Projects as defined in 36 CFR Part 61 (CFR, 2020).

On August 19, 2020, NYSHPO provided a response via the CRIS website to the Phase IA Historic Resources Survey, which concurred with the Historic Resources Survey methodology and APE proposed by EDR (Walkowski, 2020b; Appendix 9-A).

#### Historic Resources Survey

The Applicant conducted a Historic Resources Survey for the Facility (Appendix 9-D) in accordance with the methodology outlined in the Phase IA Historic Resources Survey (Appendix 9-B) in late 2020 and early 2021. The Historic Resources Survey included review of previous similar studies within the Historic Resources Study Area, site visits to identify and evaluate potential historic resources within the study area, and supplemental research on specific historic properties (as necessary). As a part of the Historic Resources Survey, EDR also contacted local historians and historical societies seeking input regarding the identification of historic resources with historic or architectural significance located within the APE for Indirect Effects and Historic Resources Study Area. Outreach included phone and email conversations, the outcomes of which are summarized in the Historic Resources Survey report (Appendix 9-D).

All Historic Resources Survey fieldwork was conducted by qualified architectural historians who meet the Secretary of Interior's Standards for Historic Preservation Projects as defined in 36 CFR Part 61 (CFR, 2020). Historic Resources Survey fieldwork included systematically walking and/or driving all public roads within the 2-Mile Historic Resources Study Area to evaluate the S/NRHP eligibility of structures and properties within the APE. Site visits were conducted on October 15 and 16, 2020. When historic properties were identified that were not previously surveyed but appeared to satisfy S/NRHP eligibility criteria, EDR's architectural historians documented the existing conditions of the property, using the ArcGIS Online application software to collect geospatial location data. Photographs of the building(s) (and associated property when necessary) and field notes describing the

style, physical characteristics and materials (e.g., number of stories, plan, external siding, roof, foundation, and sash), condition, physical integrity, and other noteworthy characteristics were recorded for each resource. EDR's evaluation of historic resources within the study area focused on the physical condition and integrity (with respect to design, materials, feeling, and association) to assess the potential architectural significance of each resource.

All properties included in the Historic Resources Survey were photographed and assessed from public rights-of-way. The condition and integrity of all resources were evaluated based solely on the visible exterior of the structures. No inspections or evaluations requiring access to the interior of buildings, or any portion of private property, were conducted as part of this assessment. Based on consultation with NYSHPO and as described in the Phase IA Historic Resources Survey, buildings that were not sufficiently old (i.e., less than 50 years in age), that lacked architectural integrity, or have been evaluated by EDR's architectural historians as lacking historical or architectural significance were *not* included in or documented during the survey.

Properties inventoried and evaluated as part of the Historic Resources Survey included both previously and newly identified resources. A total of 11 resources were evaluated as part of the Historic Resources Survey:

- One individual resource and one historic district that are listed in the NRHP (both of which are located in Pennsylvania) are located within the 5-Mile Historic Resources Study Area and APE for Indirect Effects: Short's Hotel (NR 83002243) and the North East Historic District (NR 90000414). No change in status is recommended by EDR for these resources.
- One previously identified resource (South Ripley Cemetery) is located within the 2-Mile Historic Resources Study Area and APE for Indirect Effects that did not have a formal determination of S/NRHP eligibility (i.e., it is listed in CRIS with S/NRHP eligibility as "Undetermined"). The cemetery was recommended by EDR to meet eligibility criteria for listing in the S/NRHP.
- One resource which was not previously surveyed and appeared to meet S/NRHP eligibility (the Sawyer-Swezey-Kehrli Farm Complex) is located within the 2-Mile Historic Resources Study Area and APE for Indirect Effects. The complex was recommended by EDR to meet eligibility criteria for listing in the S/NRHP.
- Seven resources not previously surveyed which were identified through consultation with local historians and historical societies. Five of the seven resources were recommended by EDR as not eligible for listing in the S/NRHP. The remaining two resources were located on private property and not visible from the public right-of-way. These properties will not be impacted by the project.
- No resources previously determined by NYSHPO to be eligible for listing in the S/NRHP were located within the 2-Mile Historic Resources Study Area and APE for Indirect Effects.
- No new potentially S/NRHP-eligible historic districts were identified.

No resources recommended or previously determined to be eligible for listing in the S/NRHP are located within the Facility Site. No further surveys on historic resources were recommended for the Facility.

A Historic Resources Survey report (Appendix 9-D) summarizing the findings of this survey was submitted to NYSHPO via the CRIS website on February 22, 2021. NYSHPO responded on March 19, 2021 (Bullough, 2021a; Appendix 9-A). Of the nine resources within New York State identified as part of the Historic Resources Survey, NYSHPO determined the following regarding historic properties located within the APE for Indirect Effects:

- The Sawyer-Swezey-Kehrli Farm Complex was determined to be eligible for listing in the S/NRHP (Walkowski, 2021a; Appendix 9-A).
- The South Ripley Cemetery was determined to be eligible for listing in the S/NRHP (Walkowski, 2021b; Appendix 9-A).

## **(2) Analysis of Potential Impacts to Historic Resources**

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

### Potential Direct Effects

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

### Potential Indirect Effects (Visual)

The Facility's potential effect on a given historic resource would be a change (resulting from the introduction of PV panels) in the resource's setting. As it pertains to historic resources, *setting* is defined as "the physical environment of a historic property" and is one of seven aspects of a resource's *integrity*, which refers to the "ability of a property to convey its significance" (NPS, 1990). The other aspects of integrity include location, design, materials, workmanship, feeling, and association (NPS, 1990). The potential effect resulting from the introduction of PV panels into the visual setting for any historic or architecturally significant resource is dependent on a number of factors including distance, visual dominance, orientation of views, viewer context and activity, and the types and density of modern features in the existing view (such as buildings/residences, overhead electrical transmission lines, cellular towers, billboards, highways, and silos).



The Federal Regulations entitled “Protection of Historic Resources” (36 CFR 800) include in Section 800.5(2) a discussion of potential adverse effects on historic resources. The following types of effects apply to the South Ripley Solar Project:

*Adverse effects on historic properties include but are not limited to: [items i-iii do not apply]; (iv) Change of the character of the property’s use or of physical features within the property’s setting that contribute to its historic significance; (v) Introduction of visual, atmospheric or audible elements that diminish the integrity of the property’s significant historic features; [items vi-vii do not apply] (CFR, 2020).*

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

- a. *In determining whether an undertaking will have an adverse impact on eligible or register property, the commissioner shall consider whether the undertaking is likely to cause:*
  1. *destruction or alteration of all or part of the property;*
  2. *isolation or alteration of the property’s environment;*
  3. *introduction of visual, audible or atmospheric elements which are out of character with the property or alter its setting;*
  4. *neglect of the property resulting in its deterioration or destruction.*

In defining aesthetic impacts to visually sensitive resources (such as historic buildings or other properties), the New York State Department of Environmental Conservation’s (NYSDEC) Visual Policy states:

*Aesthetic impact occurs when there is a detrimental effect on the perceived beauty of a place or structure. Significant aesthetic effects are those that may cause a diminishment of the public enjoyment and appreciation of an inventoried resource, or one that impairs the character or quality of such a place...In this regard, staff must consider ‘magnitude’ and ‘importance’ in determining the significance of a visual impact under SEQR. Magnitude assesses factors such as severity, size or extent of an action. Importance relates to how many people are going to be impacted or affected by the project; the geographic scope of the project; and any additional social or environmental consequences if the project proceeds (or doesn’t proceed). Each impact of an action must be judged by these two characteristics (NYSDEC, 2019).*

Under this approach, the mere fact that the Facility may be visible from a particular historic resource does not, in itself, constitute a significant impact to that resource. Instead, the significance and magnitude of the impact as defined in the NYSDEC Visual Policy must be considered.

Much of the Facility’s APE for Indirect Effects is located in areas consisting of farmsteads and agricultural landscapes with a traditional rural character. These landscape elements include open fields, pastures, hedgerows, forest stands, and other rural landscape features. Many of these open areas extend beyond the APE for Indirect

Effects and the Historic Resources Study Area, cross municipal and parcel boundaries, are inaccessible to the public, and are not associated with any specific historic resources previously identified by NYSHPO. Consequently, the various rural landscapes and open agricultural areas located within the APE were not evaluated as specific historic resources as a part of the Historic Resources Survey (Appendix 9-D). However, the potential effects of the Facility on these rural landscapes were evaluated as part of a Visual Impact Assessment (VIA) included as part of the Section 94-c Application for the Facility, as well as Exhibit 8 (Visual Impacts) of the Application.

Relative to historic properties, the potential visual effect of the Facility is therefore limited to the overall effect on the traditional agricultural landscape that serves as the setting for historic properties in the region. The introduction of modern interventions such as arrays of PV panels enclosed in chain-link perimeter fencing in the formerly open agricultural space will alter the historic character of the visual setting. To help minimize these effects, the Applicant has developed a visual mitigation planting plan, using native species to mimic the character of successional fields in the study area, which will provide a visual buffer of natural vegetation forms and colors between the Facility and the viewer.

The Historic Resources Survey report (Appendix 9-D) was submitted to NYSHPO via the CRIS website on February 22, 2021 and provided directly to the consulting Native American Nations on June 15<sup>th</sup>, 2021. NYSHPO responded on March 19, 2021 (Bullough, 2021a; Appendix 9-A). Of the nine resources within New York State identified as part of the Historic Resources Survey, NYSHPO determined the following regarding historic properties located within the APE for Indirect Effects:

- The Sawyer-Swezey-Kehrli Farm Complex was determined to be eligible for listing in the S/NRHP (Walkowski, 2021a; Appendix 9-A).
- The South Ripley Cemetery was determined to be eligible for listing in the S/NRHP (Walkowski, 2021b; Appendix 9-A).

In addition, NYSHPO requested additional information about the Facility in order to evaluate its potential visual impact on these two resources (Bullough, 2021a; Appendix 9-A). EDR provided a response to NYSHPO on August 12, 2021 (EDR, 2021h; Appendix 9-A) which included:

- The *Visual Impact Assessment* (EDR, 2021i; Appendix 8-A), which discusses potential impacts to the two resources; and

- The *Visual Impacts Minimization and Mitigation Plan* (EDR, 2021j; Appendix 8-B), which describes measures proposed by the Applicant to avoid, minimize, and mitigate potential adverse visual impacts associated with the Facility.

NYSHPO requested clarification regarding proposed vegetative screening related to the S/NRHP-eligible Sawyer-Swezey-Kehrli Farm Complex (Bullough, 2021b, 2021c; Appendix 9-A). EDR responded to this request in a memorandum dated September 17, 2021 (EDR, 2021k; Appendix 9-A), which included an analysis of potential Facility visibility from the resource.

NYSHPO issued a letter on October 15, 2021, stating that the Facility will have No Adverse Impact on the two aforementioned S/NRHP-eligible resources provided that the Applicant follows the visual screening guidelines stated in the letter (Bullough, 2021c Appendix 9-A). Subsequent to this determination, the New York Independent Systems Operator (NYISO) determined that additional interconnection facilities are needed for Facility interconnection onto the 230 kV electric grid which involved a minor modification to the Facility's POI and substation layout. The Applicant continued consultation with NYSHPO with a memorandum dated December 10, 2021 detailing the proposed layout changes and evaluating the potential impacts to cultural resources. On January 11, 2022, NYSHPO issued a letter stating their opinion that no S/NRHP-listed or eligible archaeological or historic resources would be adversely impacted by the proposed Facility layout change.

Additional information regarding the project's potential visual effects is included in Exhibit 8 of this application.

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