



APPENDIX 9-B

Tribal Outreach

Gilmore, Erin

From: Jacoby, Rob
Sent: Monday, July 18, 2022 8:23 AM
To: Rivard, Linda
Subject: FW: Somerset Solar Project, Niagara County, NY
Attachments: Somerset_Phase IA Archaeological Investigation_20210721_Complete.pdf; Seneca Nation of Indians letter_20210726.pdf

From: Jacoby, Rob
Sent: Monday, July 26, 2021 1:08 PM
To: joe.stahlman@sni.org
Subject: Somerset Solar Project, Niagara County, NY

Dear Dr. Stahlman,

Attached for your review are an Introductory Letter and a Phase IA Archaeological Investigation Report for the proposed Somerset solar energy generating facility to be located in the Town of Somerset, Niagara County, NY.

Thank you for your time.

Regards,

Robert

Robert M. Jacoby, M.A., RPA | Cultural Resources Specialist
Direct: 973.630.8371 | Main: 973.630.8000 | Fax: 973.630.8304 | Cell: 973.271.6416
rob.jacoby@tetrattech.com

Tetra Tech CES | Sciences
6 Century Drive, 3rd Floor | Parsippany, NJ 07054 | www.tetrattech.com

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July 26, 2021

Dr. Joe Stahlman
Seneca Nation of Indians
Seneca-Iroquois National Museum
Onöhsagwë: De' Cultural Center
82 W. Hetzel St.
Salamanca, NY 14779

**SUBJECT: Somerset Solar Energy Project, Town of Somerset, Niagara County, NY
Phase IA Archaeological Investigation Report**

Dear Dr. Stahlman-

Tetra Tech, Inc. (Tetra Tech) is assisting AES Clean Energy Development LLC (AES) with permitting of its proposed Somerset solar energy generating facility in the Town of Somerset, Niagara County, New York. Tetra Tech has completed a Phase IA Archaeological Investigation of the proposed facility and is pleased to transmit this copy of the report to you.

If you have comments or questions regarding the Phase IA findings and recommendations, please direct them to:

Hon. Michelle L. Phillips
Secretary to the Commission
New York State Public Service Commission
Empire State Plaza
Agency Building 3
Albany, NY 12223-1350
Email: secretary@dps.ny.gov

and

Jocelyn Ferguson, Ph.D.
Archaeology Unit
Technical Preservation Services Bureau
Office of Parks, Recreation and Historic Preservation
PO Box 189
Waterford, NY 12188
Email: Josalyn.Ferguson@parks.ny.gov

If you have any questions or need additional information, please call at 973-630-8371.

Sincerely yours,

A handwritten signature in black ink that reads "Robert M. Jacoby". The signature is written in a cursive style with a large, stylized initial 'R'.

Robert Jacoby, M.A., RPA

From: [Joe Stahlman](#)
To: [Jacoby, Rob](#)
Cc: [Ferguson, Josalyn \(PARKS\)](#)
Subject: RE: External: Somerset Solar Project, Niagara County, NY
Date: Monday, August 16, 2021 11:57:26 AM
Attachments: [Somerset 21PR00981 - OPRHP PhIA Comment LTR.pdf](#)

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Hi Rob,

Thank you for your letter. I've reviewed the report. At this time, we are following SHPO's suggestions. I've attached their letter here for your convenience.

Thank you,

Joe

From: Jacoby, Rob [mailto:Rob.Jacoby@tetrattech.com]
Sent: Monday, July 26, 2021 1:08 PM
To: Joe Stahlman <Joe.Stahlman@sni.org>
Subject: External: Somerset Solar Project, Niagara County, NY

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Dear Dr. Stahlman,

Attached for your review are an Introductory Letter and a Phase IA Archaeological Investigation Report for the proposed Somerset solar energy generating facility to be located in the Town of Somerset, Niagara County, NY.

Thank you for your time.

Regards,

Robert

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<https://www.sni.org>



**Parks, Recreation,
and Historic Preservation**

ANDREW M. CUOMO
Governor

ERIK KULLESEID
Commissioner

August 12, 2021

Mr. Houtan Moaveni
Executive Deputy Director
Office of Renewable Energy Siting
99 Washington Avenue
Albany, NY 12231

Re: ORES
Somerset Solar Project (140-200 MW/1410 Acres)
7725 Lake Road, Somerset, Niagara County, NY
21PR00981

Dear Mr. Moaveni:

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 IA Archaeological Investigation report prepared by Tetra Tech (Robinson & Jacoby, revised July 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 this report and the recommendations for a Phase IB Archaeological Survey, OPRHP offers the following comments:

1. OPRHP concurs with Tetra Tech's proposed testing strategy for all areas characterized as possessing high archaeological sensitivity in which significant ground-disturbing impacts are proposed.
2. Short-interval testing (25-feet/7.5-meters) around Map Documented Structures is warranted.
3. The 100-foot testing strategy implemented in the surveys conducted in the 1970s and 1980s within the now decommissioned Somerset generating station complex does not meet the current standards for archaeological surveys. Additionally, the lack of information about these earlier surveys, the subsequent identification of four (4) archaeological sites from the 1982/1983 survey is concerning. It is thus OPRHP's opinion that Phase IB testing is warranted for areas noted as possessing high archaeological sensitivity within the decommissioned Somerset complex in which significant prior ground disturbance is not evident and new significant impacts are proposed.

...2

4. Preservation and Avoidance Measures during construction for the four (4) areas delineated as “archaeological Sites” on the 1982 “Final Site Contours” construction sheet/map should be implemented and include the following:
 - a. Establishment of a fifty (50) foot buffer around each site and the erection of temporary fencing shall be installed around the boundaries of the avoidance area prior to any clearing or construction activities within the Area of Potential Effects (APE) and shall be maintained until all construction has ceased.
 - b. The site(s) boundary (including buffer) will be clearly delineated on the final construction plans and identified as “Environmentally Sensitive Area—No Access.”
 - c. A preconstruction meeting with the construction contractor(s) is to be required to notify those in charge of the requirements to protect and avoid the archaeological site(s).
 - d. Inadvertent construction impacts are to be reported to the SHPO immediately. Activity in the vicinity of the site shall cease, so the damage can be assessed, and a recommendation provided to remediate the situation.
 - e. If human remains are encountered during construction, all work must stop in the vicinity of the find and be reported to the SHPO, as stipulated in the attached SHPO/OPRHP Human Remains Discovery Protocol (January 2021) and Haudenosaunee Protocol for Handling Discovery of Human Remains.
 - f. After construction is fully completed, protective fences may be removed.
5. The location of the purported Native American Burial Site is not clear in the revised Phase IA. The location of Photo 5 (Figure 7A & B) picturing the location of the Burial Site does not correspond to the four site locations (Figure 8), one of which was suggested to be the burial site. Please include a map indicating the location of the purported burial site in the Phase IB report and mark all maps containing site locational information as “SENSITIVE INFORMATION – NOT FOR PUBLIC DISTRIBUTION” on them. OPRHP recommends that the purported burial site location continue to be protected.
6. Please provide OPRHP with the relevant sections of the Environmental Site Assessment report (LaBella 2020), including Figure 3 that references the “Indian burial ground” using the appropriate enclosed Cultural Resource Information System (CRIS) token.

Please submit the Phase IB report and a zipped polygon shapefile of the Phase IB Survey Area using the enclosed CRIS survey token. Please also submit the report directly to the Seneca Nation of Indians (SNI) and the Tonawanda Seneca Nation (TSN), and the Tuscarora Nation via email (contact information previously provided), and carbon copy me on the email to the Nations.

...3

Houtan Moaveni
August 12, 2021
Page 3.

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.

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

Attch.

c.c. Chief Hill, Alexandra Page, Cole Reuben, Christine Abrams, TSN
c.c. Bryan Printup, Tuscarora Nation
c.c. Evan Robinson, Jodi Hunt, Robert Jacoby & Sydne Marshall, Tetra Tech
c.c. Joe Stahlman, SNI

**State Historic Preservation Office/
New York State Office of Parks, Recreation and Historic Preservation
Human Remains Discovery Protocol
(January 2021)**

If human remains are encountered during construction or archaeological investigations, the New York State Historic Preservation Office (SHPO) recommends that the following protocol is implemented.

- Human remains shall be treated with dignity and respect. Should human remains or suspected human remains be encountered, work in the general area of the discovery shall stop immediately and the location shall be secured and protected from damage and disturbance.
- If skeletal remains are identified and the archaeologist is not able to conclusively determine if they are human, the remains and any associated materials shall be left in place. A qualified forensic anthropologist, bioarchaeologist, or physical anthropologist shall assess the remains in situ to help determine if they are human.
- If the remains are determined to be human, law enforcement, the SHPO, the appropriate Indian Nations, and the involved state and federal agencies shall be notified immediately. If law enforcement determines that the burial site is not a criminal matter, no skeletal remains or associated materials shall be removed until appropriate consultation takes place.
- If human remains are determined to be Native American, they shall be left in place and protected from further disturbance until a plan for their avoidance or removal is developed. Please note that avoidance is the preferred option of the SHPO and the Indian Nations. The involved agency shall consult SHPO and the appropriate Indian Nations to develop a plan of action. Photographs of Native American human remains and associated materials should not be taken without consulting with the involved Indian Nations.
- If human remains are determined to be non-Native American, the remains shall be left in place and protected from further disturbance until a plan for their avoidance or removal is developed. Please note that avoidance is the preferred option of the SHPO. The involved agency shall consult SHPO and other appropriate parties to develop a plan of action.
- The SHPO recommends that burial information is not released to the public to protect burial sites from possible looting.

4.7 Protocol for Handling Discovery of Human Remains

	<u>Known Burials</u>	<u>Unidentified Burials</u>
When to contact?	Intentional excavation At the earliest time in decision-making process.	Inadvertent Discovery Upon discovery.
Which Nation to contact?	If find is within existing Nation boundary, contact that Nation's Cultural Resource representatives. If the find is within the traditional land use area (fifty mile radius from the current nation territory, contact the closest Nation's Cultural Resource Representative. If the find is within the aboriginal territory of each nation, as shown on the attached map, contact the Nation within that territory. For finds located within fifty miles on either side of the boundary lines shown on the map, contact the Cultural Resource Representatives of both Nations.	
Who to contact?	Haudenosaunee Cultural Resource Representatives HSCBRR	Haudenosaunee Cultural Resource Representatives HSCBRR
How to contact?	Contact list is provided.	
Information Required	Brief description of the find or potential find; site map and any information on the known cultural history of the area and summary of nearby archaeological findings. Nation will send a representative to review the site.	
Next steps	<p style="text-align: center;"><i>Non-disturbance of burials is preferred.</i></p> <p>If after proper consultation, the remains must be removed, we prefer to have them reburied close to their original location as possible, provided the future sanctity of the grave can be assured. <i>No remains should be removed without proper cultural protocols.</i> If no safe local burial ground can be offered, the Haudenosaunee will reclaim the remains for reburial at an undisclosed location. The local government /state agency/developer must pay all of the costs for such reburial. All objects associated with the original burial must be reburied as well. All of the soil in the immediate area of the burial should also be placed in the new grave.</p>	
Time Frame	30 to 45 days	As soon as possible

From: [Rivard, Linda](#)
To: [Smith, Rachael](#)
Cc: [Gilmore, Erin](#); [Jacoby, Rob](#)
Subject: RE: External: Somerset Solar Facility Phase IB Archaeological Survey
Date: Monday, January 23, 2023 2:37:14 PM
Attachments: [image001.png](#)



From: Joe Stahlman <Joe.Stahlman@sni.org>
Sent: Monday, January 23, 2023 8:06 AM
To: Smith, Rachael <RACHAEL.SMITH@tetrattech.com>
Cc: Jacoby, Rob <Rob.Jacoby@tetrattech.com>; josalyn.ferguson@parks.ny.gov
Subject: RE: External: Somerset Solar Facility Phase IB Archaeological Survey

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Hi Rachael,
SNI THPO has reviewed the project. At this time, we do not have comments on the report. If the construction fencing will be in place during construction, we not foresee any immediate issues. Please contact us immediately if cultural resources are uncovered during the construction.

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: Smith, Rachael <RACHAEL.SMITH@tetrattech.com>
Sent: Tuesday, November 15, 2022 9:39 AM
To: Joe Stahlman <Joe.Stahlman@sni.org>
Cc: Jacoby, Rob <Rob.Jacoby@tetrattech.com>; josalyn.ferguson@parks.ny.gov
Subject: External: Somerset Solar Facility Phase IB Archaeological Survey

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Dear Dr. Stahlman,

On behalf of AES Clean Energy Development, LLC, I am forwarding you a copy of the Report for the recently completed Phase IB Archaeological Survey at the proposed Somerset Solar Facility in the Town of Somerset, Niagara County, New York.

The survey identified one archaeological site from the late 19th to early 20th century. No archaeological finds from the precontact period were identified. I look forward to any comments you may have.

Best,
Rachael Smith

Rachael R. Smith, MA, RPA | Archaeologist

Main: 973.630.8000 | Mobile: 610.906.9814
rachael.smith@tetrattech.com

Tetra Tech, Inc. | Sciences - CES

6 Century Drive, Suite 300 | Parsippany, NJ 07054 | www.tetrattech.com

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Gilmore, Erin

From: Jacoby, Rob
Sent: Monday, July 18, 2022 8:27 AM
To: Rivard, Linda
Subject: FW: Somerset Solar Project, Niagara County
Attachments: Tonawanda Seneca Nation letter_20210726.pdf; Somerset_Phase IA Archaeological Investigation_20210721_Complete.pdf

From: Jacoby, Rob
Sent: Monday, July 26, 2021 12:55 PM
To: tonseneca@aol.com
Subject: Somerset Solar Project, Niagara County

Dear Chief Hill and Christine Abrams,

Attached for your review is a Phase IA Archaeological Investigation Report and Introduction Letter regarding the proposed Somerset solar energy generating facility to be located in the Town of Somerset, Niagara County, NY.

Thank you for your time.

Regards,

Robert

Robert M. Jacoby, M.A., RPA | Cultural Resources Specialist
Direct: 973.630.8371 | Main: 973.630.8000 | Fax: 973.630.8304 | Cell: 973.271.6416
rob.jacoby@tetrattech.com

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July 26, 2021

Chief Hill and Christine Abrams
Tonawanda Seneca Nation
7027 Meadville Road
Basom, NY 14013

**SUBJECT: Somerset Solar Energy Project, Town of Somerset, Niagara County, NY
Phase IA Archaeological Investigation Report**

Dear Chief and Christine Abrams-

Tetra Tech, Inc. (Tetra Tech) is assisting AES Clean Energy Development LLC (AES) with permitting of its proposed Somerset solar energy generating facility in the Town of Somerset, Niagara County, New York. Tetra Tech has completed a Phase IA Archaeological Investigation of the proposed facility and is pleased to transmit this copy of the report to you.

If you have comments or questions regarding the Phase IA findings and recommendations, please direct them to:

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Secretary to the Commission
New York State Public Service Commission
Empire State Plaza
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Email: secretary@dps.ny.gov

and

Jocelyn Ferguson, Ph.D.
Archaeology Unit
Technical Preservation Services Bureau
Office of Parks, Recreation and Historic Preservation
PO Box 189
Waterford, NY 12188
Email: Josalyn.Ferguson@parks.ny.gov

If you have any questions or need additional information, please call at 973-630-8371.

Sincerely yours,

A handwritten signature in black ink that reads 'Robert M. Jacoby'.

Robert Jacoby, M.A., RPA

Gilmore, Erin

From: Jacoby, Rob
Sent: Monday, July 18, 2022 8:25 AM
To: Rivard, Linda
Subject: FW: Somerset Solar Project, Niagara County, NY
Attachments: Somerset_Phase IA Archaeological Investigation_20210721_Complete.pdf; Tonawanda Seneca Nation Attorney letter_20210726.pdf

From: Jacoby, Rob
Sent: Monday, July 26, 2021 1:02 PM
To: alex.c.page@gmail.com
Subject: Somerset Solar Project, Niagara County, NY

Dear Ms. Page,

Attached for your review are an Introductory Letter and a Phase IA Archaeological Investigation Report for the proposed Somerset solar energy generating facility to be located in the Town of Somerset, Niagara County, NY.

Thank you for your time.

Regards,

Robert

Robert M. Jacoby, M.A., RPA | Cultural Resources Specialist
Direct: 973.630.8371 | Main: 973.630.8000 | Fax: 973.630.8304 | Cell: 973.271.6416
rob.jacoby@tetrattech.com

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July 26, 2021

Ms. Alexandra Page
Tonawanda Seneca Nation Attorney
Berkey Williams LLP
616 Whittier St. NW
Washington, D.C. 20012

**SUBJECT: Somerset Solar Energy Project, Town of Somerset, Niagara County, NY
Phase IA Archaeological Investigation Report**

Dear Ms. Page-

Tetra Tech, Inc. (Tetra Tech) is assisting AES Clean Energy Development LLC (AES) with permitting of its proposed Somerset solar energy generating facility in the Town of Somerset, Niagara County, New York. Tetra Tech has completed a Phase IA Archaeological Investigation of the proposed facility and is pleased to transmit this copy of the report to you.

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and

Jocelyn Ferguson, Ph.D.
Archaeology Unit
Technical Preservation Services Bureau
Office of Parks, Recreation and Historic Preservation
PO Box 189
Waterford, NY 12188
Email: Josalyn.Ferguson@parks.ny.gov

If you have any questions or need additional information, please call at 973-630-8371.

Sincerely yours,

A handwritten signature in black ink that reads "Robert M. Jacoby". The signature is written in a cursive style with a large, stylized initial 'R'.

Robert Jacoby, M.A., RPA

Gilmore, Erin

From: Jacoby, Rob
Sent: Monday, July 18, 2022 8:22 AM
To: Rivard, Linda
Subject: FW: Somerset Solar Project, Niagara County, NY
Attachments: Somerset_Phase IA Archaeological Investigation_20210721_Complete.pdf; Tuscarora Nation letter_20210726.pdf

From: Jacoby, Rob
Sent: Monday, July 26, 2021 1:15 PM
To: bprintup@hetf.org
Subject: Somerset Solar Project, Niagara County, NY

Dear Mr. Printup,

Attached for your review are an Introductory Letter and a Phase IA Archaeological Investigation Report for the proposed Somerset solar energy generating facility to be located in the Town of Somerset, Niagara County, NY.

Thank you for your time.

Regards,

Robert

Robert M. Jacoby, M.A., RPA | Cultural Resources Specialist
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July 26, 2021

Mr. Bryan Printup
Tuscarora Nation
5226 Walmore Road
Lewiston, NY 14092

**SUBJECT: Somerset Solar Energy Project, Town of Somerset, Niagara County, NY
Phase IA Archaeological Investigation Report**

Dear Mr. Printup-

Tetra Tech, Inc. (Tetra Tech) is assisting AES Clean Energy Development LLC (AES) with permitting of its proposed Somerset solar energy generating facility in the Town of Somerset, Niagara County, New York. Tetra Tech has completed a Phase IA Archaeological Investigation of the proposed facility and is pleased to transmit this copy of the report to you.

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Archaeology Unit
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Robert Jacoby, M.A., RPA

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From: Jacoby, Rob
Sent: Monday, July 26, 2021 1:48 PM
To: macaulay.jenna@gmail.com
Subject: Somerset Solar Project, Niagara County, NY

Dear Ms. Macaulay,

Attached for your review are an Introductory Letter and a Phase IA Archaeological Investigation Report for the proposed Somerset solar energy generating facility to be located in the Town of Somerset, Niagara County, NY.

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Regards,

Robert

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July 26, 2021

Ms. Jenna Macaulay
Tuscarora Nation Attorney
Berkey Williams LLP
616 Whittier St. NW
Washington, D.C. 20012

**SUBJECT: Somerset Solar Energy Project, Town of Somerset, Niagara County, NY
Phase IA Archaeological Investigation Report**

Dear Ms. Macaulay-

Tetra Tech, Inc. (Tetra Tech) is assisting AES Clean Energy Development LLC (AES) with permitting of its proposed Somerset solar energy generating facility in the Town of Somerset, Niagara County, New York. Tetra Tech has completed a Phase IA Archaeological Investigation of the proposed facility and is pleased to transmit this copy of the report to you.

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Jocelyn Ferguson, Ph.D.
Archaeology Unit
Technical Preservation Services Bureau
Office of Parks, Recreation and Historic Preservation
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Sincerely yours,

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Robert Jacoby, M.A., RPA