



**Lockport-Batavia Line #112
Rebuild Project**

Appendix H

Agency Correspondence

Part 6 of 8

**New York State Office of Parks, Recreation &
Historic Preservation**



Parks, Recreation, and Historic Preservation

ANDREW M. CUOMO
Governor

ERIK KULLESEID
Commissioner

September 08, 2020

Carol Zimmerlin
Environmental Analyst
Fisher Associates
180 Charlotte Street
Rochester, NY 14607

Re: PSC
National Grid Lockport-Batavia #112 Rebuild Project - Soil Boring Locations
Lewiston and Judge Roads, Alabama, Genesee County, NY
20PR05386

Dear Carol Zimmerlin:

Thank you for requesting the comments of the Office of Parks, Recreation and Historic Preservation (OPRHP). We have reviewed the project 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 OPRHP 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 (6 NYCRR Part 617).

Based upon this review, it is the opinion of OPRHP that no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by this project.

If further correspondence is required regarding this project, please be sure to refer to the OPRHP Project Review (PR) number noted above.

Sincerely,

A handwritten signature in black ink that reads "R. Daniel Mackay".

R. Daniel Mackay

Deputy Commissioner for Historic Preservation
Division for Historic Preservation

Division for Historic Preservation

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

National Grid – Lockport Batavia #112 – SHPO Submission

Project Description

National Grid is proposing to rebuild its existing 115 kV Lockport-Batavia #112 transmission line, beginning at structure 1 in the City of Lockport, Niagara County and ending at structure 211 in the Town of Alabama, Genesee County (Project). The Project will involve structure replacement within the same right-of-way (ROW) and within approximately 25 feet of existing structures except for a line relocation segment between structures 141 and 160 which will be located near State Route 77 (Lewiston Road) and Feeder Road within the Tonawanda Wildlife Management Area (see Figure 1, Figure 2 and shapefiles). The Project includes the removal of all remaining steel tri-leg towers; replacement of tangent structures with light duty steel single circuit steel davit arm structures; replacing angle and dead-end structures with steel poles on caisson foundations; and construction of two (2) permanent gravel access roads.

The first ~10.9 miles of the Project, leading from Lockport, NY, is co-located from structure 8.1 to structure 117 within an approximate 200' wide ROW that also includes 5 additional 115kV transmission lines, including the Lockport-Mortimer #111, Lockport-Mortimer #113, Lockport-Batavia #107, Lockport-Batavia #108 and Lockport-Mortimer #114 (see Figure 2).

Proposed Structure Locations and Foundation Types

The majority of proposed structure replacements will be installed within approximately 25 feet from their current locations and will be installed using a direct embed method (i.e., 3'-4' diameter single borehole/structure will be drilled to a depth of approximately 10'-15'. Angle and dead-end structures will be installed on 10' diameter concrete caisson foundations to a depth of ~30 feet. Structures 1, 81, 118, 119, 141-160, and 171.5 will be installed more than 10' from the existing structure in order to avoid other existing transmission lines, provide improved engineering solutions, and account for the re-route portion (structures 141-160) of the Project.

Proposed Structures in Delineated Wetlands

Replacement structures 196, 164, 163, 162, 161, 160, 159-1, 159, 158, 157, 156, 155, 154, 153, 152, 151, 150, 149, 146, 145, 134, 133, 132, 89, 88, 87, 76, 75, 74, 73, 72, 71, 70, 69, 68, 67, 66, 65, 64, 63, 62, 61, 60, 58, 56, 55, 54, 51, 50, 45, 103, 106, 12, 112, 8, 7, 6, 5, and 4 are located in field delineated wetlands (see Figure 2).

Proposed Permanent Access Roads

Access road #1 will be located between structure 8.1 and structure 53. This proposed access road will be installed within National Grid ROW and between existing 115kV transmission lines (see Figure 2 and Figure 3). Existing land use in the area of Access road #1 includes wetlands, residential developments, commercial developments and cultivated farm fields.

Access road #2 will be located within the Tonawanda Wildlife Management Area, from 160 to structure 169. This access road will be constructed on top of an existing berm that was built by the NYSDEC and is constructed of compacted dredge fill material from the surrounding wetlands.

Both permanent access roads will be 12'-14' wide and includes excavation of the top 12" of material and will not alter existing terrain or topography.

Previous SHPO Consultations

Consultation with NY State Historical Preservation Office was previously completed from 2008-2011 (08PR6282) and Phase IA (Locking 2010) and Phase IB (Tetra Tech 2011) cultural resource investigations were performed within this corridor as part of the National Grid Lockport-Mortimer Line #111 Article VII project Rebuild Project. One precontact archeological site (NGD Area 7 Site 1, 06342.000517) was identified between Structures 8 and 9, and avoidance was planned. The National Register eligibility of NGD Area 7 Site 1 has not been determined. No further archeological investigation was recommended or undertaken.



Parks, Recreation, and Historic Preservation

ANDREW M. CUOMO
Governor

ERIK KULLESEID
Commissioner

February 16, 2021

Carol Zimmerlin
Environmental Analyst
Fisher Associates
180 Charlotte Street
Rochester, NY 14607

Re: USACE
National Grid - Lockport Batavia #112 Transmission Line Rebuild & Structure
Replacement Project
Royalton & Lockport Niagara County and, Alabama, Genesee County, NY
21PR00596

Dear Carol Zimmerlin:

Thank you for requesting the comments of the New York State Historic Preservation Office (SHPO). We have reviewed the provided documents in accordance with Section 106 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to Historic/Cultural resources.

The SHPO offers the following requests for additional information and comments:

1. Sheet maps 41-46 of the proposed project's Area of Potential Effects (APE) are not represented in the zipped polygon shapefile provided. Please provide a revised zipped polygon (not polyline) shapefile of the entire project's APE, including the new structure/tower locations, newly proposed access roads, and any project-related staging/laydown areas. If necessary, please provide additional sheet maps for any areas not previously provided.
2. It is unclear if the access roads illustrated on the map sheets and in the shapefile are newly proposed access roads or are existing roads. Please clarify which are existing and which will involve new ground-disturbing impacts. It is unclear which access roads are being represented in the photos, and if the entire road is similarly impacted. If it is your contention that the access roads are within previously disturbed soils, please provide documentation to that effect. Please note, the existence of a previously established right-of-way (ROW) does not mean the entire ROW was previously impacted. Please address.
3. Please be aware that the NGD Area 7 Precontact Site (USN 06342.000517), previously identified during the Phase IB Archaeological Survey (11SR60769) conducted for National Grid's Lockport Mortimer Line 111 Rebuild Project (08PR06282), is within/adjacent to the currently proposed project's APE (in the vicinity of Structures 8, 8-1, and 9, and access road). As per the SHPO's December 7, 2011 letter, it was understood that this site would be avoided.

...2

Carol Zimmerlin
February 16, 2021
Page 2.

Please use the Cultural Resource Information System (CRIS) token provided in association with this correspondence to submit the requested information to our office.

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, Tonawanda Seneca Nation Attorney
c.c. Mary Bitka, National Grid
c.c. Sean Milne, Fisher Associates
c.c. Chief Hill & Christine Abrams, Tonawanda Seneca Nation (under separate cover)

Transportation
Land Development
Energy

March 16, 2021

Ms. Josalyn Ferguson, Historic Preservation Specialist/Archeology
New York Office of Parks, Recreation and Historic Preservation (SHPO)
P.O. Box 189
Waterford, NY 12188-0189

**Re: National Grid – Lockport Batavia #112 Project
20PR00596
Response to SHPO Comments**

Dear Ms. Ferguson:

Please accept this response to the questions in your letter dated February 16, 2021, regarding the National Grid – Lockport Batavia #112 Transmission Line Rebuild & Structure Replacement Project (Project). The numbered responses below, correspond to your questions.

1. SHPO Comment:

Sheet maps 41-46 of the proposed project's Area of Potential Effects (APE) are not represented in the zipped polygon shapefile provided. Please provide a revised zipped polygon (not polyline) shapefile of the entire project's APE, including the new structure/tower locations, newly proposed access roads, and any project-related staging/laydown areas. If necessary, please provide additional sheet maps for any areas not previously provided.

Response:

A revised zipped polygon (not polyline) shapefile and map set of the entire project's APE, including the new structure/tower locations, newly proposed access roads, and any project-related staging/laydown areas are attached.

The revised shapefiles and map set include the following staging areas: a quarry located across the street from the Lockport Substation as well as the Lockport Substation itself. Neither of these will require any grading or further land disturbance. Additional laydown or marshaling yards at the far east end of the Project (i.e., near structure 211) have not yet been identified but National Grid targets areas that have existing pavement or stone already in place. If any grading, resulting in land disturbance, is necessary at as-yet-to-be determined staging areas, a separate SHPO review request will be submitted.

The revised shapefiles also include an accurate polygon depiction of ground disturbance diameters associated with structure replacement i.e., 4-foot diameter holes for light duty structure replacement, typically drilled to a 10-foot to 15-foot depth and 12-foot diameter holes for angle and dead-end structures, typically drilled to a 30-foot depth.

Lastly, the revised shapefiles also include a polygon file of the two new proposed permanent access roads (PARs), described as PAR 1 and PAR 2, which will have an APE of 16-foot width with excavation of the top 12" inches of topsoil to construct



those roads. Project access in areas where PARs are not proposed will be via existing paved, gravel and dirt roads. Timber matting will be utilized in wetlands and agricultural fields.

2. SHPO Comment:

It is unclear if the access roads illustrated on the map sheets in the shapefile are newly proposed access roads or are existing roads. Please clarify which are existing and which will involve new ground-disturbing impacts. It is unclear which access roads are being represented in the photos and if the entire road is similarly impacted. If it is your contention that the access roads are within previously disturbed soils, please provide documentation to that effect. Please note, the existence of a previously established right-of-way (ROW) does not mean the entire ROW was previously impacted. Please address.

Response:

The two roads depicted in the revised polygon shapefile represent the two new proposed PARs, PAR 1 and PAR 2. Both PARs will require an APE of 16-foot width with excavation of the top 12" inches of topsoil to construct. The revised PAR 1 is located from structure 9 to structure 53 and PAR 2 is located from structure 160 to structure 169. The photographs presented in the original submission represent current typical existing access roads, that will require improvements (as described in the Response to Comment #1) that are present throughout the project and are visible on the map set and aerial imagery. They are not visual simulations of the proposed PARs but are meant to show SHPO documentation of previously disturbed/impacted soils throughout the Project as visible on the map set and aerial imagery.

3. SHPO Comment:

Please be aware that the NGD Area 7 Precontact Site (USN 06342.000517), previously identified during the Phase IB Archaeological Survey (11SR60769) conducted for National Grid's Lockport Mortimer Line 111 Rebuild Project (08PR06282), is within/adjacent to the current proposed project's APE (in the vicinity of Structures 8, 8-1, and 9, and access road). As per the SHPO's December 7, 2011 letter, it was understood that this site would be avoided.

Response:

Correct. This site will be avoided. PAR 1 has been revised to be located outside the boundary of this site i.e., structure 9 to structure 53 instead of structure 8.1 to structure 53.

Thank you. If you require any additional information please feel free to contact me via email at smilne@fisherassoc.com or at (585)-334-1310, ext. 216.

Respectfully,

Sean Milne
Senior Environmental Project Manager
Fisher Associates



cc: Mary Bitka, National Grid
Carol Zimmerlin, Fisher Associates

Encl: *Updated SHPO Mapping and polygon shapefiles*



OVERHEAD TRANSMISSION STRUCTURE REPLACEMENT ARCHAEOLOGY COMMENTS

Phase IA Archaeological Survey Recommendations/Sensitivity Model

**Project: National Grid - Lockport Batavia #112 Transmission Line Rebuild & Structure Replacement
Project**

PR#: 21PR00596

Date: March 30, 2021

The State Historic Preservation Office/Office of Parks, Recreation and Historic Preservation (SHPO/OPRHP) understands that National Grid is committed to avoiding the previously identified NGD Area 7 Precontact Site (USN 06342.000517) within proximity to Structures 8.1 and 9 and that the proposed access road is being moved to avoid the site. We further understand that aspects of the project's Area of Potential Effects (APE) have not been previously surveyed, including but not limited to ground-disturbing impacts associated with the Transmission Line Rebuild or Relocation, of Structures 141 to 161 (Sheets 30, 31, 33, 34, 36, 37, and 38), and the submission of a formal Site Avoidance Plan Map, including a fifty-foot (50-ft) buffer zone, for NGD Area 7 Precontact (USN 06342.000517).

OPRHP/SHPO, therefore, recommends a Phase IA archaeological survey, including Phase IB testing recommendations. 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 functions to guide subsequent field investigations.

The 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. Areas of substantial proposed ground disturbance include but are not necessarily limited to:

- New overhead electrical transmission structures located more than 10 feet from existing overhead electrical transmission structures
- New access roads
- Staging areas
- Trenches three feet or wider
- Areas of grubbing and grading

The SHPO/OPRHP 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*. Testing should conform to the 1994 New York Archaeological Council Standards.

PR#: 21PR00596

Date: March 30, 2021

Page 2.

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, existing access roads, and new overhead electrical transmission structures located within 10 feet of existing overhead electrical transmission structures. The SHPO/OPRHP has no archaeological concerns with low sensitivity areas and does not recommend Phase IB testing in these locations.

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

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

ARCHEOLOGICAL AVOIDANCE

National Grid Lockport Batavia #112 Rebuild Project NGD Area 7 Site 1 – A06342-000517

Town of Lockport
Niagara County, New York

HAA # 5423-31
OPRHP 21PR00596

Submitted to:

Fisher Associates
180 Charlotte Street
Rochester, New York 14607

Prepared by:

Hartgen Archeological Associates, Inc.

1744 Washington Avenue Ext.
Rensselaer, New York 12144
p +1 518 283 0534
f +1 518 283 6276
e hartgen@hartgen.com

www.hartgen.com

An ACRA Member Firm
www.acra-crm.org

February 2022

MANAGEMENT SUMMARY

SHPO Project Review Number: *21PR00596*

Involved State and Federal Agencies: *US Army Corps of Engineers; NYSDEC; NY Public Services Commission; NY State Historic Preservation Office*

LOCATION INFORMATION FOR NGD AREA 7 SITE 1 – A06342.000517

Municipality: *Town of Lockport*

County: *Niagara*

NAME(S) OF SITE(S) TO BE AVOIDED

Site Name(s): *NGD Area 7 Site 1 – A06342.000517*

Description: *Precontact, lithic workshop consisting of 11 chert debitage flakes over four positive shovel tests*

Short-term Protective Measures: *keeping the locations of new Structures 8 and 8.1 in previously disturbed locations; using timber matting for construction activities within the site*

Long-term Protective Measures: *use of timber matting for future construction activities within the site in perpetuity*

Unanticipated Discoveries Measures: *none*

Authors: *Matthew Kirk, MA, RPA; Matt Lesniak*

Date: *17 February 2022*

ARCHEOLOGICAL AVOIDANCE

1 Introduction

Hartgen Archeological Associates, Inc. (Hartgen) as a subconsultant to Fisher Associates, Inc. is assisting National Grid with the proposed Lockport Batavia #112 Rebuild Project (Project) located in multiple municipalities in the New York State counties of Niagara and Genesee.

Based on an archeological survey conducted in the National Grid right-of-way in 2011, pursuant to Section 106 of the National Historical Preservation Act it was determined that the following archeological resource(s) within the area of potential effects (APE) could meet the eligibility criteria for inclusion on the National Register of Historic Places: NGD Area 7 Site 1 – A06342.000517.

That archeological survey was conducted by Tetra Tech (Bonnie Locking, Principal Investigator) for the Lockport Mortimer #111 line, which shares a right-of-way with a large segment of the Lockport Batavia #112 line.

The attached map depicts the avoidance measures that will be undertaken to prevent adverse impacts to the aforementioned resource(s), during and after construction of the Project. The archeological site limits on the map are conjectured, following the assumption that the depicted shovel tests (Tests 12, 13, 17, & 18) are within a transect of 26 shovel tests, placed at regular intervals no greater than 15 meters apart (Tetra Tech 2011:6).

2 Protective Measures

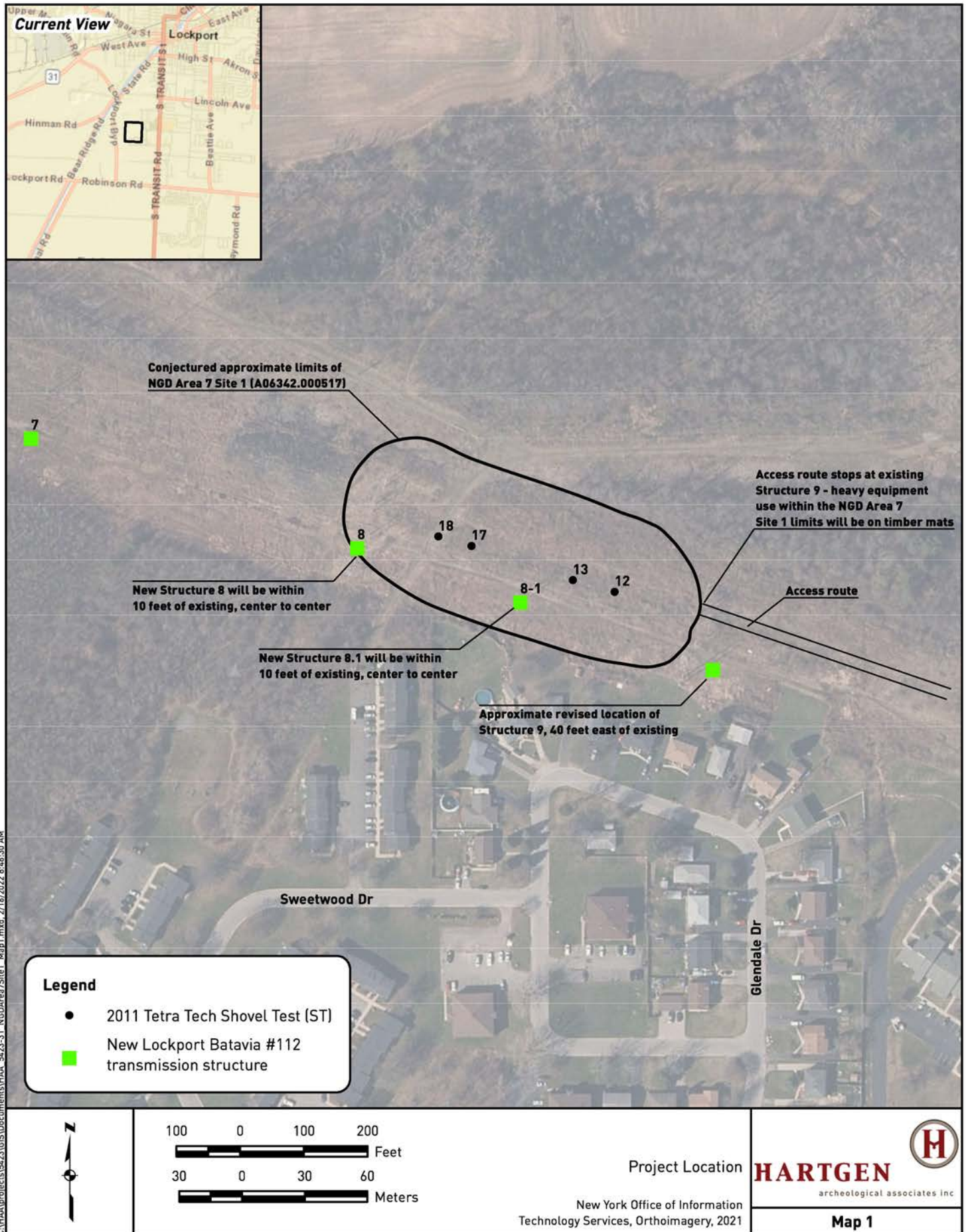
Avoidance measures are intended to protect and preserve archeological sites during construction and during subsequent maintenance activities. The Project Owner is to ensure that the following measures are implemented:

- Timber matting will be used whenever heavy equipment needs to traverse the archeological site. The access route extending from the east will not enter the site, but will terminate at the location of existing transmission Structure 9.
- The new locations of Structures 8 and 8.1 will be no farther than 10 feet from the existing Structures 8 and 8.1, centerpoint to centerpoint.

3 Bibliography

- 2011 Tetra Tech. *Phase I Archeological Investigation Report Lockport-Mortimer Line 111 Rebuild Project Niagara, Orleans, and Monroe Counties, New York*. For National Grid, Syracuse NY. August.

Map





Parks, Recreation, and Historic Preservation

KATHY HOCHUL
Governor

ERIK KULLESEID
Commissioner

March 11, 2022

Sean Milne
Senior Environmental Project Manager
Fisher Associates
180 Charlotte Street
Rochester, NY 14607

Re: PSC
National Grid - Lockport Batavia #112 Transmission Line Rebuild & Structure
Replacement Project
Royalton & Lockport Niagara County and, Alabama, Genesee County, NY
21PR00596

Dear Sean Milne:

Thank you for requesting the comments of the Division for Historic Preservation of the Office of Parks, Recreation, and Historic Preservation (OPRHP). This project is being reviewed 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. 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 (5NYCRR Part 617).

OPRHP is in receipt of the Site Avoidance Map for NGD Area 7 Site 1 (USN 06342.000517) submitted to our office on March 8, 2022. Based upon our review of this map, we can confirm that the proposed Access Route has been revised and now terminates outside of the site and its corresponding fifty-foot (50-ft) buffer zone. It was OPRHP's understanding, however, that the site and its buffer zone would be avoided entirely. Nonetheless, New Structures 8, and 8-1 are within the site's boundary area, and along with New Structure 9, are in areas not previously covered by an archaeological survey, and thus we cannot confirm that the site does not extend out to these impact areas. When there is a known cultural resource/archaeological site within the project's Area of Potential Effects (APE), the guidance suggesting the locations of new structures within 10-feet of an existing structure do not need to be surveyed is not applicable. Avoidance areas are to be avoided wholly. OPRHP thus continues to recommend that the site, including its 50-ft buffer zone, be avoided, that temporary fencing around the site is erected prior to and throughout construction, and "ENVIRONMENTALLY SENSITIVE – NO ACCESS" signage be affixed to the fence, and be similarly indicated on construction drawings/site plan maps. The fencing can be removed upon completion of construction. If Site avoidance is not feasible, then OPRHP recommends addendum Phase IB testing in all areas of proposed ground disturbance associated with the erection of new towers 8, 8.1, and 9.

...2

Sean Milne
March 11, 2022
Page 2.

Please indicate if the intent is to entirely avoid the NGD Area 7 Site 1 and its buffer zone, or conduct additional Ph. IB testing in the noted areas. If site avoidance is chosen, please submit updated site avoidance plans. If additional Ph. IB testing will be conducted, I will need to provide you with a new CRIS survey token for the addendum report.

If you have any questions, I can be reached at 518.316.1428 or Josalyn.Ferguson@parks.ny.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Ferguson', written in a cursive style.

Josalyn Ferguson, Ph.D.
Scientist Archaeology

via email only

c.c. CRIS contact List

From: [Ferguson, Josalyn \(PARKS\)](#)
To: "Sean Milne"
Subject: RE: 21PR00596 National Grid - Lockport Batavia #112 Transmission Line Rebuild & Structure Replacement Project
Date: Friday, April 15, 2022 9:16:00 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)

Hi Sean,

As per our phone call this morning, the SHPO would recommend four (4) shovel tests be excavated within the area of each tower within the known site/50-foot buffer zone, and 2 shovel tests at tower 9. If appropriate (if artifacts are found) additional "surround" tests may be necessary around positive pits at 1- and 3-meter intervals. Hartgen will recognize this and follow the NYAC standards as appropriate. If there are any questions they/you can always call me, or the reviewer that takes over my territory if the fieldwork will be after May 25th.

Best,
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
Office: (518) 268-2218 / Cell: (518) 817-2816 / Josalyn.Ferguson@parks.ny.gov

<https://parks.ny.gov/shpo>



From: Sean Milne <SMilne@fisherassoc.com>
Sent: Thursday, April 14, 2022 3:23 PM
To: Ferguson, Josalyn (PARKS) <Josalyn.Ferguson@parks.ny.gov>
Subject: RE: 21PR00596 National Grid - Lockport Batavia #112 Transmission Line Rebuild & Structure Replacement Project

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Hi Josalyn, Sorry to bother but was hoping you could provide your opinion on this?
Thanks!

Sean Milne
Environmental Group Manager



180 Charlotte Street
Rochester NY 14607

(585) 334-1310 ext. 216
(585) 269-0054 mobile
(585) 334-1361 fax

smilne@fisherassoc.com
www.fisherassoc.com

Vacation Notice: April 18-22

From: Sean Milne
Sent: Tuesday, April 12, 2022 8:22 AM
To: Ferguson, Josalyn (PARKS) <Josalyn.Ferguson@parks.ny.gov>
Subject: RE: 21PR00596 National Grid - Lockport Batavia #112 Transmission Line Rebuild & Structure Replacement Project

Good Morning Josalyn,

Hartgen is planning on doing two tests at each proposed structure location (i.e., towers 8, 8-1 and 9) next week in case National Grid cannot locate the structures in the exact same location as the existing structures. Do you think that two tests at each location is sufficient? Just want to make sure before they go in the field.

Thanks!

Sean Milne
Environmental Group Manager



180 Charlotte Street
Rochester NY 14607

(585) 334-1310 ext. 216
(585) 269-0054 mobile
(585) 334-1361 fax

smilne@fisherassoc.com
www.fisherassoc.com

Vacation Notice: April 18-22

From: Ferguson, Josalyn (PARKS) <Josalyn.Ferguson@parks.ny.gov>
Sent: Wednesday, April 6, 2022 8:55 AM
To: Sean Milne <SMilne@fisherassoc.com>
Subject: RE: 21PR00596 National Grid - Lockport Batavia #112 Transmission Line Rebuild & Structure Replacement Project

Hi Sean,

Thank you for your email and inquiry. If the structures were to go in the same location as the previous towers, NOT within 10-feet of the existing tower, and matting could be used in the areas leading up to the towers (within the limits of the NGD Area 7 Site & buffer zone) further ground disturbance to the area would occur, OPRHP would consider this to be an appropriate avoidance measure.

This would need to be officially submitted as a complete proposed avoidance plan/measure through CRIS, and I would need to consult with the Nations on this proposal as well.

Best,
Josalyn

From: Sean Milne <SMilne@fisherassoc.com>

Sent: Wednesday, April 6, 2022 8:30 AM

To: Ferguson, Josalyn (PARKS) <Josalyn.Ferguson@parks.ny.gov>

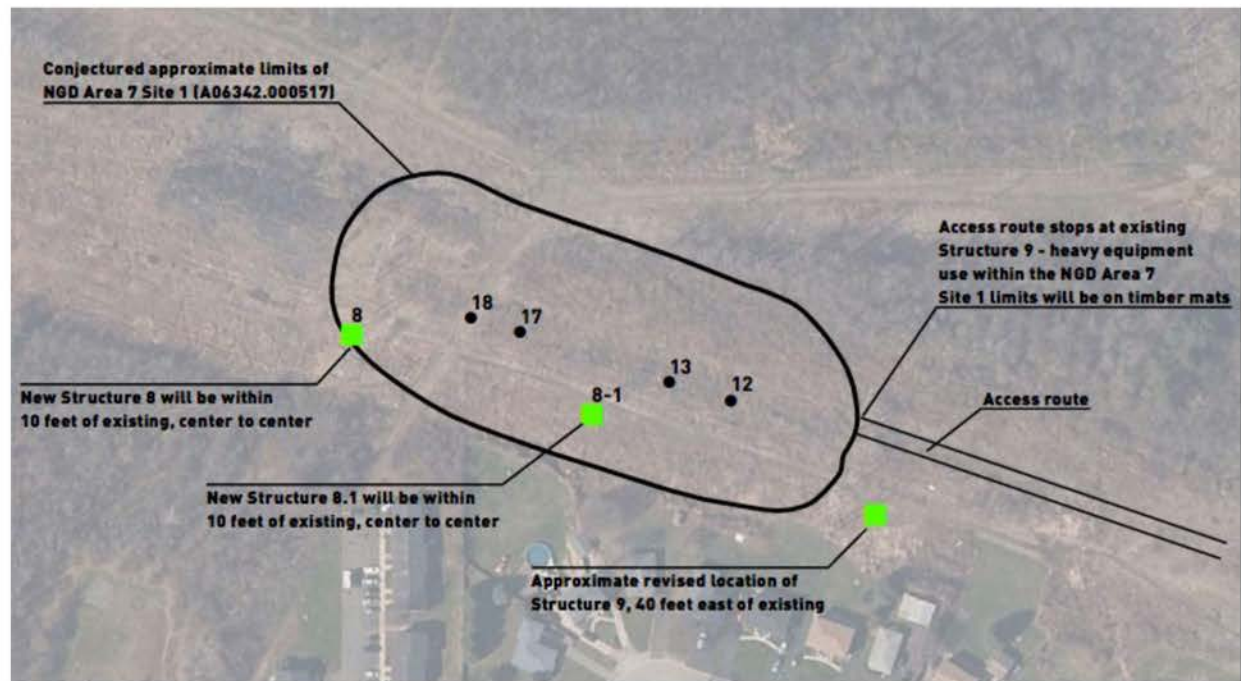
Subject: RE: 21PR00596 National Grid - Lockport Batavia #112 Transmission Line Rebuild & Structure Replacement Project

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Hi Josalyn, I wanted to get your opinion if possible. National Grid is exploring the option of placing the new structures (i.e., towers 8, 8-1 and 9) directly in the same location and hole as the existing structures. There would be no other ground-disturbing impacts within the site, or the 50-foot buffer, or adjacent to the site. Is it safe to assume that this would likely satisfy the avoidance of this site?

The engineers believe that it's a real possibility to do this.

Thanks for your opinion!



Sean Milne
Senior Environmental Project Manager



180 Charlotte Street
Rochester NY 14607

(585) 334-1310 ext. 216
(585) 269-0054 mobile
(585) 334-1361 fax

smilne@fisherassoc.com
www.fisherassoc.com

From: Ferguson, Josalyn (PARKS) <Josalyn.Ferguson@parks.ny.gov>

Sent: Friday, April 1, 2022 9:43 AM

To: Sean Milne <SMilne@fisherassoc.com>

Subject: RE: 21PR00596 National Grid - Lockport Batavia #112 Transmission Line Rebuild & Structure Replacement Project

Hi Sean,

Thank you for your email and inquiry. To clarify, any ground-disturbing impacts within the site, or the 50-foot buffer, or adjacent to the site (i.e., towers 8, 8-1 and 9) would need to be surveyed. This includes access roads, utilities, drainage, etc. that might be associated with the project in this location. We recommend that the area of the known site and the 50-foot buffer zone around the site be avoided entirely, and fenced off with temporary fencing, marked as "ENVIRONMENTALLY SENSITIVE – NO ACCESS." Can you please clarify if you asking about the matting because you are suspecting that you might need to drive over the site or something?

Josalyn

From: Sean Milne <SMilne@fisherassoc.com>

Sent: Thursday, March 31, 2022 2:55 PM

To: Ferguson, Josalyn (PARKS) <Josalyn.Ferguson@parks.ny.gov>

Subject: RE: 21PR00596 National Grid - Lockport Batavia #112 Transmission Line Rebuild & Structure Replacement Project

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Hi Josalyn, Thanks again for speaking with me on the phone. As we proceed with next steps which include contacting Tetra Tech, we were looking for to confirm that per the attached letter from OPRHP, additional Phase IB testing would be required at areas associated with ground disturbance proposed for new structures 8, 8-1 and 9. The only ground disturbance would be the installation of the structures themselves. The remaining area within the site, plus a 50-foot buffer would be avoided and could be matted, if required.

Does that sound accurate to you?

Thanks!

Sean Milne

Senior Environmental Project Manager



180 Charlotte Street
Rochester NY 14607

(585) 334-1310 ext. 216
(585) 269-0054 mobile
(585) 334-1361 fax

smilne@fisherassoc.com
www.fisherassoc.com

From: Ferguson, Josalyn (PARKS) <Josalyn.Ferguson@parks.ny.gov>

Sent: Tuesday, March 29, 2022 11:43 AM

To: Sean Milne <SMilne@fisherassoc.com>

Subject: RE: 21PR00596 National Grid - Lockport Batavia #112 Transmission Line Rebuild & Structure Replacement Project

Hi Sean,

Thank you for your email and inquiry. As per my letter of March 11, 2022 (see attached), in response to the submission of the "avoidance plan" for NGD Area 7 Site 1 (USN 06342.000517), the plan does not satisfactorily avoid impacts to the site. It was OPRHP's understanding and expectation, that the site and its buffer zone would be avoided entirely. New Structures 8, and 8-1 are

within the site's boundary area, and along with New Structure 9, are in areas not previously covered by an archaeological survey, and thus we cannot confirm that the site does not extend out to these impact areas. When there is a known cultural resource/archaeological site within the project's Area of Potential Effects (APE), the guidance suggesting the locations of new structures within 10-feet of an existing structure do not need to be surveyed is not applicable.

OPRHP recommended avoidance of the entire area or additional Ph. IB testing. Until this issue is rectified, OPRHP and the Nations still have outstanding issues to review and comment on.

Please let me know if you have any further questions.

Best,
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
Office: (518) 268-2218 / Cell: (518) 817-2816 / Josalyn.Ferguson@parks.ny.gov

<https://parks.ny.gov/shpo>



From: Sean Milne <SMilne@fisherassoc.com>
Sent: Tuesday, March 29, 2022 11:33 AM
To: Ferguson, Josalyn (PARKS) <Josalyn.Ferguson@parks.ny.gov>
Subject: RE: 21PR00596 National Grid - Lockport Batavia #112 Transmission Line Rebuild & Structure Replacement Project

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

Hi Josalyn, Seeing that the deadline for the Nations comments of end of business on Friday March 18th, 2022, and that you anticipated OPRHP will provide a consolidated the week of March 21st, 2022, has passed, I was wondering when you expect the consolidated to be issued?

Thanks,

Sean Milne
Senior Environmental Project Manager



180 Charlotte Street
Rochester NY 14607

(585) 334-1310 ext. 216
(585) 269-0054 mobile
(585) 334-1361 fax

smilne@fisherassoc.com
www.fisherassoc.com

From: Ferguson, Josalyn (PARKS) <Josalyn.Ferguson@parks.ny.gov>
Sent: Tuesday, March 8, 2022 2:31 PM
To: Flaum, Jeremy (DPS) <Jeremy.Flaum@dps.ny.gov>; Lemieux, Robert (DPS) <Robert.Lemieux@dps.ny.gov>; Matley, Jasmine (ORES) <Jasmine.Matley@ores.ny.gov>; Sean Milne <SMilne@fisherassoc.com>
Subject: RE: 21PR00596 National Grid - Lockport Batavia #112 Transmission Line Rebuild & Structure Replacement Project

***EXTERNAL EMAIL:** Use caution when opening attachments, clicking links or responding to requests for information.*

Hi Jeremy,

Wonderful. Thank you for your email and confirmation. I will let the Nations know.

Best,
Josalyn

From: Flaum, Jeremy (DPS) <Jeremy.Flaum@dps.ny.gov>
Sent: Tuesday, March 8, 2022 2:30 PM
To: Ferguson, Josalyn (PARKS) <Josalyn.Ferguson@parks.ny.gov>; Lemieux, Robert (DPS) <Robert.Lemieux@dps.ny.gov>; Matley, Jasmine (ORES) <Jasmine.Matley@ores.ny.gov>; Sean Milne <SMilne@fisherassoc.com>
Subject: RE: 21PR00596 National Grid - Lockport Batavia #112 Transmission Line Rebuild & Structure Replacement Project

Hi Josalyn,

DPS does not object to the request for additional time. National Grid has not yet re-filed the Part 102 Report, so the schedule you laid out below will not interfere or delay our processes.

Thanks for reaching out and checking!

Jeremy D. Flaum

Office Electric, Gas and Water
Department of Public Service
3 Empire State Plaza, Albany, NY 12223
(518) 486-2219 | jeremy.flaum@dps.ny.gov
www.dps.ny.gov

From: Ferguson, Josalyn (PARKS) <Josalyn.Ferguson@parks.ny.gov>
Sent: Tuesday, March 08, 2022 1:35 PM
To: Lemieux, Robert (DPS) <Robert.Lemieux@dps.ny.gov>; Flaum, Jeremy (DPS) <Jeremy.Flaum@dps.ny.gov>; Matley, Jasmine (ORES) <Jasmine.Matley@ores.ny.gov>; Sean Milne <SMilne@fisherassoc.com>
Subject: 21PR00596 National Grid - Lockport Batavia #112 Transmission Line Rebuild & Structure Replacement Project

Good afternoon,

I am reaching out to you today as the Indigenous Nations have requested additional time to review and discuss the above noted project and the Phase IA/B Archaeological Survey report. On their behalf I am requesting that the Nations be granted minimally until the end of business on Friday March 18th, 2022, and thus OPRHP will provide a consolidated the week of March 21st, 2022.

Please let me know if this is ok with DPS. Thank you in advance for your time and understanding.

Best,
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

Office: (518) 268-2218 / Cell: (518) 817-2816 / Josalyn.Ferguson@parks.ny.gov

<https://parks.ny.gov/shpo>



New York State
Parks, Recreation and
Historic Preservation

AVOIDANCE PLAN FOR NGD AREA 7 SITE 1 (A06342.000517)

Lockport Batavia #112 Rebuild Project

Town of Lockport
Niagara County, New York

HAA 5423-31
SHPO 21PR00596

Submitted to:

Fisher Associates
180 Charlotte Street
Rochester, New York 14607

Prepared by:

Hartgen Archeological Associates, Inc.

1744 Washington Avenue Ext.
Rensselaer, New York 12144
p +1 518 283 0534
f +1 518 283 6276
e hartgen@hartgen.com

www.hartgen.com

An ACRA Member Firm
www.acra-crm.org

May 2022

MANAGEMENT SUMMARY

SHPO Number: 21PR00596
Involved Agencies: US Army Corps of Engineers; NYSDEC; NY Public Services Commission; NY State Historic Preservation Office
Phase of survey: Phase IB Archeological Field Reconnaissance in vicinity of NGD Area 7 Site 1

LOCATION INFORMATION

Municipality: Town of Lockport
County: Niagara County

PROJECT AREA

Survey Area: approx. 25 foot radius around three new transmission structures (total of 5,890 sq ft, or 0.14 acres (0.06 ha))

AREA OF POTENTIAL EFFECTS

Transmission Structures: 3 new transmission structures (1,963 sq ft each) – Structures 8, 8.1, and 9

PHASE IB FIELDWORK

Shovel Tests: 10 tests at 15-foot intervals

RECOMMENDATIONS

Based on an additional ten shovel tests for the National Grid Lockport Batavia #112 Rebuild Project in the vicinity of NGD Area 7 Site 1 (A0634.000517), the precontact site does not extend to the new locations of Structures 8, 8.1, and 9.

National Grid will use matting for any construction work in the Area of Archeological Interest as an avoidance measure. No further archeological work is recommended for the Project.

Report Authors: Matt Lesniak; Matthew Kirk, MA, RPA
Date of Report: May 19, 2022

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Map 1. Project Location

Map 2. Project Map

Photograph List

Photo 1. Location of new Structure 8.1, Town of Lockport, Niagara County. The four flags represent Tests 1003 to 1006. View facing southwest.

Photo 2. National Grid right-of-way with several transmission lines, seen from Test 1003, Town of Lockport, Niagara County. View facing southeast.

AVOIDANCE PLAN FOR NGD AREA 7 SITE 1 (A06342.000517)

1 Introduction

Hartgen Archeological Associates, Inc. (Hartgen) conducted some additional Phase IB-level testing for an Avoidance Plan for the NGD Area 7, Site 1 within the proposed National Grid Lockport Batavia #112 Rebuild Project (Project). The overall Project spans the Towns of Lockport and Royalton in Niagara County, and the Town of Alabama (Genesee County). This avoidance plan is limited to a small area within the Town of Lockport (Map 1).

The Project requires approvals by the United States Army Corps of Engineers (Corps), the New York State Public Service Commission (PSC), the New York State Department of Environmental Conservation (NYSDEC), and the New York State Historic Preservation Office (SHPO).

The archeological work was conducted to comply with Section 106 of the National Historical Preservation Act and will be reviewed by the New York State Office of Parks, Recreation and Historic Preservation (OPRHP). The investigation was conducted according to the New York Archaeological Council's *Standards for Cultural Resource Investigations and the Curation of Archaeological Collections* (1994), which are endorsed by OPRHP. This report has been prepared according to OPRHP's *State Historic Preservation Office (SHPO) Phase I Archaeological Report Format Requirements* (2005).

2 Project Information

2.1 Project Location

The overall Project is located between National Grid's Lockport Substation (City of Lockport, Niagara County) and the Lockport Batavia #112 transmission line's Structure No. 211 (Town of Alabama, Genesee County). Between these two western and eastern termini, the Project passes through the Niagara County towns of Lockport and Royalton. The NGD Area 7 Site 1 is in the Town of Lockport, west of Transit Road and east of the Erie (Barge) canal (Map 1).

The maps in this report were created by Jody Johnson of Hartgen, incorporating maps and other data provided to Hartgen by Fisher Associates. The 2011 Tetra Tech shovel tests were taken from maps in the archeological report ((Tetra Tech 2011), and from the OPRHP site form (A06342.000517).

2.2 Description of the Project

National Grid plans to rebuild its 115kV Lockport Batavia #112 single circuit transmission line between the Lockport Substation and Structure No. 112. The line is approximately 20 miles (32 km) long.

Within the Project's limits, all transmission structures that are steel tri-leg towers will be removed. Tangent structures with wood pole equivalent single circuit steel davit arm structures will also be replaced, as will angle and dead-end structures with steel poles on caisson foundations. Existing conductor and shield wire will also be replaced (Hartgen Archeological Associates 2022).

The new Lockport Batavia #112 Structures 8, 8.1, and 9 will be BPSU-Delta type structures, and they will be directly embedded in the ground.

2.3 Description of the Area of Potential Effects (APE)

The area of potential effects (APE) includes all portions of the property that will be directly altered by the proposed undertaking. For the additional shovel testing, the APE was considered to be a 25-foot-radius work area around the center point of each of the three new transmission structures in or adjacent to NGD Area 7 Site 1 (A06342.000517), Structures 8, 8.1, and 9 (see Map 2). The new locations for Structures 8 and 8.1 are

only approximately 10 feet northwest of the existing structures. Structure 9, however, will be approximately 40 feet southeast of the existing #112 line's Structure 9.

3 Documentary Research

NGD Area 7 Site 1 is a lithic scatter site discovered during a 2011 Phase IB archeological field reconnaissance for the Lockport Mortimer #111 transmission line. Lockport Mortimer #111 is adjacent to the Lockport Batavia #112 transmission line in the Towns of Lockport and Royalton.

The site consists of eleven debitage flakes, thought to be made of Onondaga-formation chert. The eleven flakes were recovered from four shovel tests (Map 2). All of the artifacts were from Level 1, or within 31 centimeters (12 in) of the ground surface.

The survey report from 2011 asserts that 26 shovel tests were performed in the area between Lockport Mortimer's Structures 8 to 10 (there are also data for 26 tests, in two transects, in Area 7 in Appendix C of the report) (Tetra Tech 2011:6). However, the maps in the report only show the four positive shovel tests. Those locations are reproduced in this addendum report's Map 2.

4 Present Land Use and Current Conditions

A site visit was conducted by Ben Heckman on April 22, 2022. He noted irregular berms in the right-of-way, and some scattered household trash, probably windblown. Tall grasses and weeds were growing in the new structure locations, with a path running parallel to the right-of-way slightly northeast of the three structure locations (Photos 1 and 2).

5 Additional Shovel Testing for Transmission Structures in NGD Area 7 Site 1

5.1 Methodology

The additional, archeological fieldwork consisted of hand-excavated, screened shovel tests.

5.1.1 Shovel Testing

Shovel tests were placed 4 meters (13 feet) apart, defining a square around the new structure locations for Structures 8 and 8.1. Structure 9 was tested with only two tests, also placed 4 meters apart.

Each shovel test was 40 centimeters in diameter. All excavated soil was passed through 0.25-inch hardware mesh and examined for both precontact (Native American) and historic artifacts. The stratigraphy of each test was recorded including the depth, Munsell color, soil description, and artifact content (Munsell Color 2000). The location of each shovel test was plotted on the project map (Map 2).

5.1.2 Artifacts and Laboratory

As general procedure, all precontact (Native American) cultural material identified during the fieldwork would have been collected (however, no precontact artifacts or material was found). Significant historic artifacts such as glass, ceramics, food remains, hardware, and miscellaneous items would also have been collected. Coal, ash, cinder, brick, scrap metal, and modern materials were only noted, not collected.

Shovel test records and other provenience information were entered into a Microsoft *Access* database (Appendix 1).

5.2 Results

The additional shovel tests were performed on April 22, 2022, by Benjamin Heckman of Hartgen. The average depth of the 10 shovel tests was 40 centimeters (16 in); all of the tests reached subsoil levels (at an average depth of 21 centimeters, or 8 in). The first soil level was silt loam, overlying subsoil consisting of clay or clayey silt. Gravel was frequently noted in both levels (Appendix 1).

No artifacts were collected, nor were any soil features found. Modern trash noted in the shovel tests (but not collected) included pieces of wire and a round nail (Test 1002), plastic at Test 1006, and heavily corroded metal sheeting in Tests 1008 and 1009.

Based on these shovel tests, NGD Area 7 Site 1 (A06342.000517) does not appear to extend to the locations of new Lockport Batavia #112's Structures 8, 8.1, and 9.

6 Discussion

Map 2 in this avoidance plan shows a conjectured, possible boundary for the NGD Area 7 Site 1 based on the four positive shovel tests (Tests 12, 13, 17, and 18) reported by TetraTech (2011). On the map, it is labeled "Area of Archeological Concern".

Based on the results of the 10 shovel tests reported here, it is clear that there are no elements of the site located within the new locations of Structures 8, 8.1, and 9.

TetraTech indicated that the archeological site was located only in the path of the proposed access road (in 2011), and did not discuss any implications for Lockport Mortimer's Structures 8, 8.1, and 9 (located in the same pattern as Lockport Batavia's 8, 8.1, and 9, just a few feet to the northeast of the Lockport Batavia structures).

The 2011 project may not have involved structure replacement; or, it may have involved structure replacement but there was a second transect of Tetra Tech tests between the positive tests and the structures. If all of the tests in that hypothetical second transect were negative for precontact artifacts, they could have been used to justify limiting the NGD Area 7 Site 1 to the northeastern part of the right-of-way. We know from Tetra Tech's report that they reported a second transect (containing 8 tests) in Area 7 – what is unclear is exactly where that transect or those tests were placed, because the maps only show the four positive shovel tests.

6.1 Construction Matting

As an avoidance measure, National Grid will use matting (timber or other materials) for any construction work in the Area of Archeological Concern. Besides the installation of Structures 8 and 8.1, construction work in the area will consist of temporary access routes and setting up workpads.

7 Conclusion and Recommendations

Based on an additional ten shovel tests for the National Grid Lockport Batavia #112 Rebuild Project in the vicinity of NGD Area 7 Site 1 (A0634.000517), the precontact site does not extend to the new locations of Structures 8, 8.1, and 9.

National Grid will use matting for any construction work in the Area of Archeological Interest as an avoidance measure. No further archeological work is recommended for the Project.

8 Bibliography

Hartgen Archeological Associates, Inc.

- 2022 *Phase I Archeological Survey, Lockport Batavia#112 Rebuild Project, Towns of Lockport, Royalton, Alabama, and City of Lockport, Niagara and Genesee Counties, New York, HAA # 5423-31, SHPO 21PR00596.*
Submitted to Fisher Associates, Rochester NY. On file at NYSOPRHP.

Munsell Color

- 2000 *Munsell Soil Color Charts.* GretagMacbeth, New Windsor, New York.

New York Archaeological Council (NYAC)

- 1994 *Standards for Cultural Resource Investigations and the Curation of Archaeological Collections in New York State.* NYAC, n.p.

Office of Parks, Recreation and Historic Preservation (OPRHP)

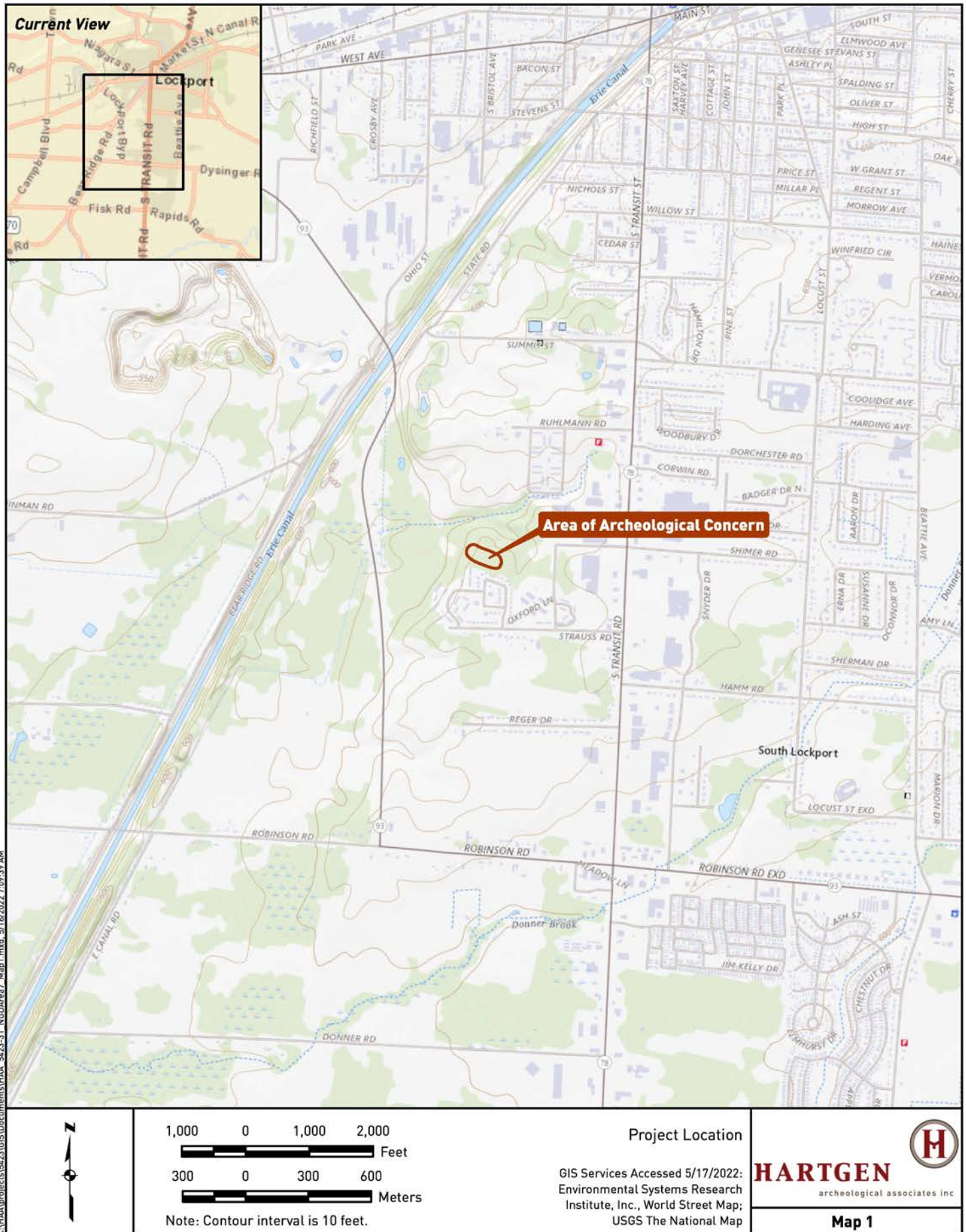
- 2005 *New York State Historic Preservation Office (SHPO) Phase I Archaeological Report Requirements.* OPRHP, Waterford, New York.

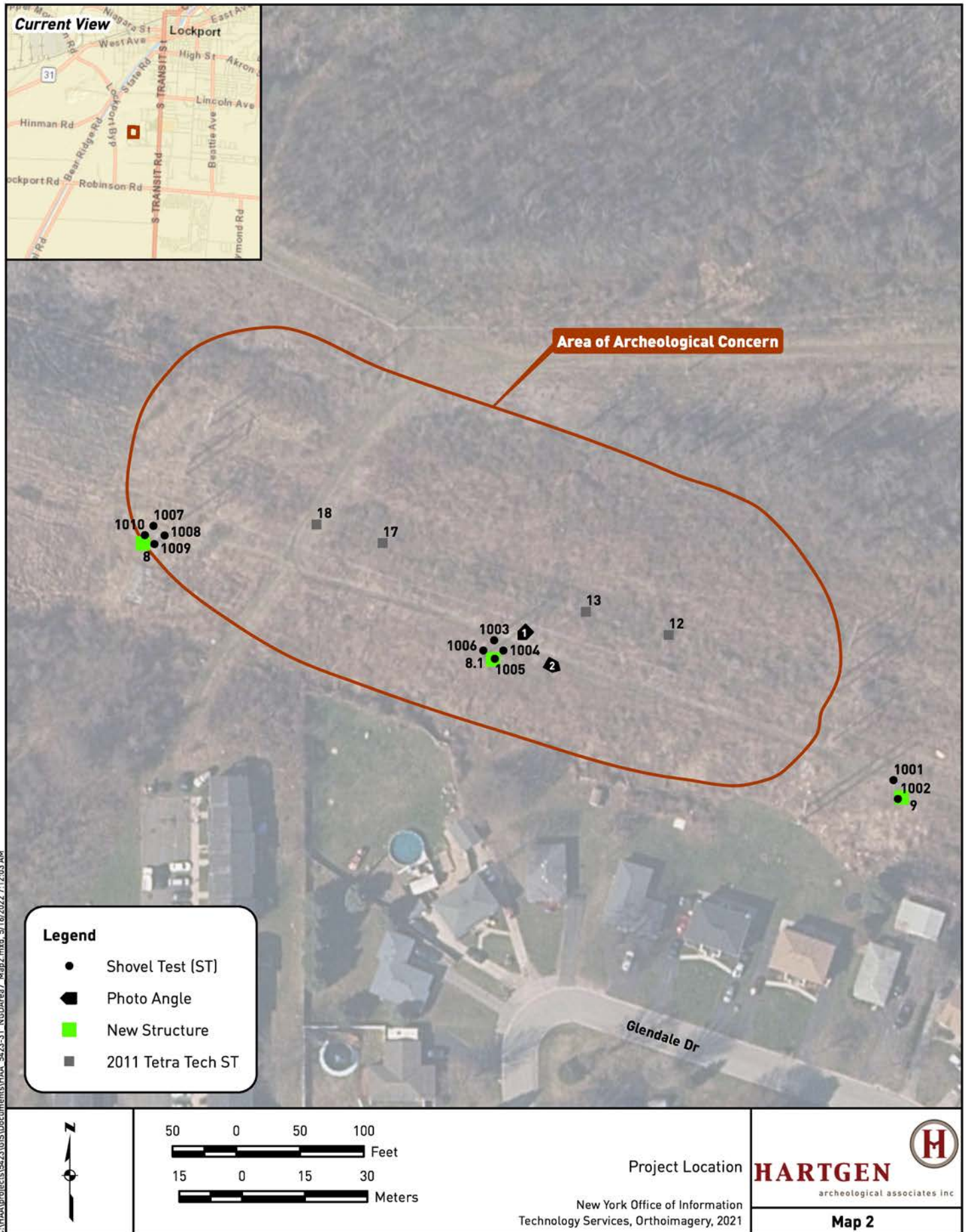
Tetra Tech

- 2011 *Phase I Archaeological Investigation Report, Lockport--Mortimer Line 111 Rebuild Project*
Niagara, Orleans, and Monroe Counties, New York. 08PR6282.

Maps

Lockport Batavia #112 Rebuild Project, Town of Lockport, Niagara County, New York
 Avoidance Plan for NGD Area 7 Site 1 (A06342.000517)





Photographs



Photo 1. Location of new Structure 8.1, Town of Lockport, Niagara County. The four flags represent Tests 1003 to 1006. View facing southwest.

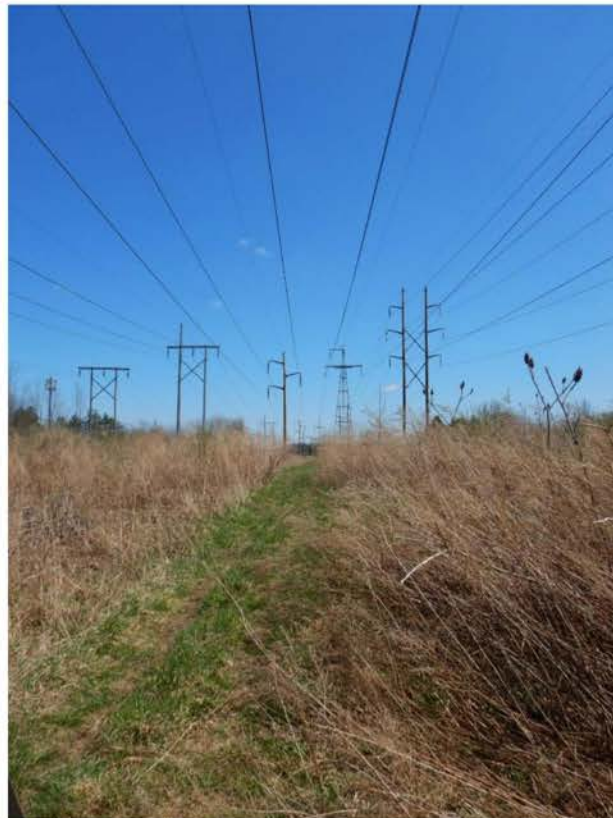


Photo 2. National Grid right-of-way with several transmission lines, seen from Test 1003, Town of Lockport, Niagara County. View facing southeast.

Appendix 1: Shovel Test Records

542331: Phase I Archeological Investigation Addendum, Lockport-Batavia #112 Rebuild

Shovel Test Records

| <u>Test</u> | <u>Ending Depth (cm)</u> | <u>Level</u> | <u>Munsell Color</u> | <u>Soil Type</u> | <u>Soil Inclusions</u> | <u>Termination Reason</u> | <u>Not Collected</u> |
|-------------|------------------------------|--------------|-------------------------------|------------------|------------------------|-------------------------------|--|
| 1001 | 30 | 1 | 10yr 3/4 dark yellowish brown | loam clay | | | |
| | 40 | 2 | 7.5yr 5/4 brown | clay | | subsoil | |
| 1002 | 25 | 1 | 10yr 3/4 dark yellowish brown | loam clay | | | Wire (2), nail (1) |
| | 35 | 2 | 7.5yr 5/4 brown | clay | | subsoil | |
| 1003 | 25 | 1 | 10yr 3/3 dark brown | silt loam | | | |
| | 45 | 2 | 7.5yr 4/4 brown | silt | | subsoil | |
| 1004 | 10 | 1 | 10yr 3/3 dark brown | silt loam | | | |
| | 30 | 2 | 7.5yr 4/4 brown | silt | gravel, cobbles | | |
| | 45 | 3 | 5yr 4/4 reddish brown | clay | | subsoil | |
| 1005 | 15 | 1 | 10yr 3/3 dark brown | silt loam | | | |
| | 35 | 2 | 7.5yr 4/4 brown | silt | gravel, cobbles | | |
| | 45 | 3 | 5yr 4/4 reddish brown | clay | gravel, cobbles | subsoil | |
| 1006 | 20 | 1 | 10yr 3/3 dark brown | silt loam | | | Plastic |
| | 50 | 2 | 7.5yr 4/4 brown | silt | gravel, cobbles | subsoil | |
| 1007 | 15 | 1 | 10yr 4/2 dark grayish brown | loam clay | | | |
| | 30 | 2 | 7.5yr 4/3 brown | clay | | subsoil | |
| 1008 | 15 | 1 | 10yr 3/3 dark brown | silt loam | | | Large piece of metal at A-B transition |
| | 30 | 2 | 7.5yr 4/4 brown | silt | gravel, cobbles | subsoil | |
| 1009 | 30 | 1 | 10yr 3/3 dark brown | silt loam | | | Metal pieces |
| | 40 | 2 | 7.5yr 4/4 brown | silt | | subsoil | |
| 1010 | 25 | 1 | 10yr 4/2 dark grayish brown | silt loam | | | |
| | 40 | 2 | 10yr 5/3 brown | silt | | subsoil | |



**Parks, Recreation,
and Historic Preservation**

KATHY HOCHUL
Governor

ERIK KULLESEID
Commissioner

June 22, 2022

Sean Milne
Senior Environmental Project Manager
Fisher Associates
180 Charlotte Street
Rochester, NY 14607

Re: PSC
National Grid - Lockport Batavia #112 Transmission Line Rebuild & Structure
Replacement Project
Royalton & Lockport, Niagara County and Alabama, Genesee County, NY
21PR00596

Dear Sean Milne:

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 submitted materials 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).

OPRHP has reviewed the *Avoidance Plan for NGD Area 7 Site 1 (A06342.000517), Lockport Batavia #112 Rebuild Project, Town of Lockport, Niagara County, New York* prepared by Hartgen Archeological Associates, Inc. (May 2022). Additional shovel testing determined that NGD Area 7 Precontact Site 1 (06342.000517) does not extend to the new locations of Structures 8, 8.1, and 9. National Grid will use matting during construction to protect the archaeological site from construction impacts. We recommend that no further archaeological work is necessary.

Therefore, it is the opinion of the OPRHP that no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be Adversely Impacted by this project.

If you have any questions, I can be reached at Jessica.Schreyer@parks.ny.gov.

Sincerely,

Jessica Schreyer
Scientist Archaeology