

MEMORANDUM OF AGREEMENT (“MOA”)

AMONG

**THE DEPARTMENT OF THE ARMY, UNITED STATES ARMY CORPS OF
ENGINEERS, BUFFALO DISTRICT;
THE NEW YORK STATE HISTORIC PRESERVATION OFFICE; AND
BALL HILL WIND ENERGY, LLC**

REGARDING

**THE BALL HILL WIND ENERGY PROJECT,
TOWNS OF VILLENOVA AND HANOVER, CHAUTAUQUA COUNTY, NEW YORK**

WHEREAS, Ball Hill Wind Energy, LLC (“Ball Hill”) proposes to construct a wind-powered electric generating facility (“Project”) in the Towns of Villenova and Hanover, Chautauqua County, New York occupying 318.9 acres and consisting of up to 29 turbines (each turbine up to 3.45 MW in nameplate capacity) with generating capacity of 100.5 MWs; approximately 31 miles of underground (buried) electrical collection lines and/or communication cables; up to 5 acres for an operations and maintenance (“O&M”) facility; a 5-acre substation; and an 8.6-acre switch yard; and

WHEREAS, pursuant to Section 404 of the Clean Water Act (33 U.S.C. § 1344), Ball Hill submitted an application (Permit Application No. 2008-01790) to the United States Army Corps of Engineers, Buffalo District (“USACE”), on May 23, 2017 for permits to authorize impacts to waters of the United States in connection with the construction of the Project; and

WHEREAS, the USACE consulted with the New York State Historic Preservation Office (“SHPO”) and the Advisory Council on Historic Preservation (“ACHP”) in accordance with 36 CFR Part 800, and 33 CFR Part 325, Appendix C, the regulations implementing Section 106 of the National Historic Preservation Act (54 U.S.C. § 300101 et seq.); and

WHEREAS, in accordance with 36 CFR Part 800.6(a)(1), USACE notified the ACHP of its adverse effect determination with specified documentation and the ACHP has chosen not to participate in the consultation pursuant to 36 CFR Part 800.6(a)(1)(iii) (Exhibit A); and

WHEREAS, the USACE has consulted with Ball Hill regarding the effects of the undertaking on historic properties and has invited it to sign this MOA as an invited signatory party; and

WHEREAS, the USACE has consulted with the Town of Villenova and the Town of Hanover regarding the effects of the undertaking on historic properties and has invited them to sign this MOA as concurring parties; and

WHEREAS, pursuant to 33 CFR Part 325 Appendix C(7)(d) and 36 CFR Part 800.6 the USACE has notified the Seneca Nation of Indians, the Tonawanda Seneca Nation, and the Seneca-Cayuga Nation of its adverse effect determination and the Nations did not respond (Exhibit B); and

WHEREAS, the USACE and SHPO concur that the Area of Potential Effect (“APE”) as defined in 36 CFR Part 800.16(d) and the Permit Area as defined in 33 CFR Part 325, Appendix C for visual effects on historic properties (structures and landscapes) is defined as the area from which the Project will be visible within a five-mile radius from each turbine location; and

WHEREAS, Ball Hill conducted an archaeological reconnaissance of areas to be directly affected by the Project and, as a result, no archaeological sites were identified, and SHPO has determined that the Project will not have an adverse effect on archaeological resources (Exhibit C); and

WHEREAS, based on review of the archaeological and architectural survey reports, SHPO has determined that the introduction of the wind turbines in this agrarian landscape will permanently alter and change the rural setting and will create visual impacts; and SHPO has concluded that the undertaking would have an adverse effect on cultural resources primarily as a result of the visual effects on National Register listed and eligible structures (Exhibit D); and

WHEREAS, the USACE concurs with SHPO’s findings and has determined that the undertaking would have an adverse effect on cultural resources primarily as a result of visual effects on National Register listed eligible structures; and

WHEREAS, USACE, SHPO, and Ball Hill agree that Ball Hill’s provision of funding to assist in implementation of the proposed mitigation projects identified in the Mitigation Plan (See Exhibit E) will mitigate, to the maximum extent practicable, the visual effects of the Project on the historic properties; and

NOW THEREFORE, the parties enter into this MOA pursuant to 36 CFR 800.6(b)(2), with the understanding that the undertaking covered by this MOA shall be implemented in accordance with the following stipulations in order to avoid, minimize, and mitigate the effect of the undertaking on historic properties as is required by 36 CFR 800.6(a).

STIPULATIONS

1. **Grant Funding to Implement Mitigation Plan**. Ball Hill agrees to provide a one-time lump sum grant to the Town of Villenova to be deposited in a separate mitigation account in the total amount of \$68,000; and a one-time lump sum grant to the Town of Hanover to be deposited in a separate mitigation account in the amount of \$17,000, for a total amount of \$85,000, as mitigation for the effects of the Project on historic resources. Payments will be made to the towns after start of physical construction on the Project and not less than six (6) months prior to commercial operation of the Project.

2. Implementation of Mitigation Plan. The Town of Villenova and the Town of Hanover shall use the grant monies to assist in the funding of the projects and/or activities identified in the Mitigation Plan **(Please Refer to Exhibit E for Mitigation Plan Details)**.
3. Grant Oversight and Reporting: Ball Hill shall provide USACE and SHPO with evidence of payment of the grant to the Town of Villenova and the Town of Hanover. Ball Hill's obligation to provide this grant shall be enforced by the USACE and shall be included as a special condition of a USACE permit, if a permit is issued. The SHPO further agrees to ensure that the Town of Villenova and the Town of Hanover spend the grant monies in compliance with the stipulations of this MOA and subject to the submission of final design proposals. No later than October 15th of each year, each Town will provide yearly progress reports in the format of a balance sheet to the USACE and SHPO offices describing the activities that occurred during the previous year, providing a list of expenses spent during the year, and outlining remaining funds.
4. Archeological Resources: Ball Hill shall follow the protocols attached entitled: "Plan for Unanticipated Discoveries" and "State Historic Preservation Office/New York State Office of Parks, Recreation and Historic Preservation Human Remains Discovery Protocol" (Exhibit F) during construction of the Project.
5. Dispute Resolution: Should any signatory to this MOA object at any time to any actions proposed or the manner in which the terms of this MOA are implemented, the USACE shall consult with such party to resolve the objection. If the USACE determines that such objection cannot be resolved, the USACE will forward all documentation relevant to the dispute, including the USACE's proposed resolution, to the ACHP in accordance with 36 CFR Part 800.7(b). Prior to reaching a final decision on the dispute, the USACE shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, signatories and concurring parties, and provide them with a copy of this written response. The USACE will then proceed according to its final decision. The USACE's responsibility to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remain unchanged.
6. Term of the Memorandum of Agreement: This MOA will expire if its terms are not carried out within five (5) years from the date of its execution. Prior to such time, USACE may consult with the other signatory parties to reconsider the terms of the MOA and amend it in accordance with Stipulation 7 below. The duration of the MOA may be extended only upon approval from all signatory parties.
7. Amendment: This MOA may only be amended when such an amendment is agreed to in writing by all signatory parties. The amendment will be effective on the date a copy signed by all of the signatory parties is filed with the USACE. If Stipulations 1, 2, 3, and 4 are not implemented within five (5) years of the execution of this MOA, the MOA shall be updated by Ball Hill and submitted to the SHPO and USACE for review.
8. Notification: The parties shall be responsible for informing independent contractors, employees, agents, and assigns of their responsibilities to comply with this MOA, including

all stipulations, while acting as their agent with respect to the activities covered by this MOA.

9. Counterparts: This MOA may be executed in counterparts, each of which shall be deemed to be original but all of which shall constitute one and the same instrument.


Execution of this MOA by the USACE and SHPO and implementation of its terms is evidence that the USACE has taken into account the effects of this Undertaking on historic properties and afforded the ACHP an opportunity to comment, in satisfaction of its responsibilities under Section 106 of the National Historic Preservation Act.

SIGNATURES for:
U.S. ARMY CORPS OF ENGINEERS
BUFFALO DISTRICT

BY: Diane C. Kozlowski
Diane C. Kozlowski
Chief Regulatory Branch

17 June 2019
Date

SIGNATURES for:
Ball Hill Wind LLC:

BY: 
LLC Officer Brian Schnall
Ball Hill Wind Energy Project

6-10-2017
Date

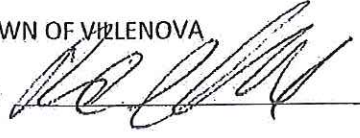
SIGNATURES for:
NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC
PRESERVATION ACTING AS STATE HISTORIC PRESERVATION OFFICE

BY: R. Daniel Mackay
R. Daniel Mackay
Deputy Commissioner for Historic Preservation/ SHPO

5/22/2019
Date

Signatures for CONSULTING PARTIES

TOWN OF WILLENNOVA

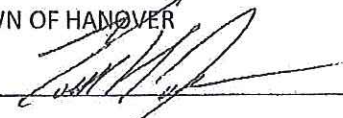
BY: 

Richard Ardillo,
Town Supervisor

5/24/19

Date

TOWN OF HANOVER

BY: 

Todd Johnson,
Town Supervisor

5/23/19

Date

Exhibit A: Documentation that ACHP declined to participate

Exhibit B: Letters from USACE to the Seneca Nation of Indians, Tonawanda Seneca Nation, Seneca-Cayuga Nation

Exhibit C: Letters from Nancy Herter, Archaeological Reviewer, NYSHPO

Exhibit D: Letters concerning Historic Structure Impacts from Historic Preservation Officer
Letters from John Bonafide, Agency Historic Preservation Officer, NYSHPO

Exhibit E: Revised Final Mitigation Plan (May 10, 2019)

Exhibit F: Unanticipated Discoveries and Human Remains Protocols

Exhibit A

Documentation that ACHP declined to participate



Preserving America's Heritage

September 25, 2018

Ms. Molly Connerton
U.S. Army Corps of Engineers
Biologist, Regulatory Branch
1776 Niagara Street
Buffalo, NY 14207

Ref: *Proposed Ball Hill Wind Energy Project
Towns of Hanover and Villenova, Chautauqua County, New York
(Department of the Army DA) File # 2008-01790
ACHPConnect Log Number: 013195*

Dear Ms. Connerton:

The Advisory Council on Historic Preservation (ACHP) has received your notification and supporting documentation regarding the adverse effects of the referenced undertaking on a property or properties listed or eligible for listing in the National Register of Historic Places. Based upon the information provided, we have concluded that Appendix A, *Criteria for Council Involvement in Reviewing Individual Section 106 Cases*, of our regulations, "Protection of Historic Properties" (36 CFR Part 800), does not apply to this undertaking. Accordingly, we do not believe that our participation in the consultation to resolve adverse effects is needed. However, if we receive a request for participation from the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer (THPO), affected Indian tribe, a consulting party, or other party, we may reconsider this decision. Additionally, should circumstances change, and it is determined that our participation is needed to conclude the consultation process, please notify us.

Pursuant to 36 CFR §800.6(b)(1)(iv), you will need to file the final Memorandum of Agreement (MOA), developed in consultation with the New York State Historic Preservation Officer (SHPO), and any other consulting parties, and related documentation with the ACHP at the conclusion of the consultation process. The filing of the MOA, and supporting documentation with the ACHP is required in order to complete the requirements of Section 106 of the National Historic Preservation Act.

Thank you for providing us with the notification of adverse effect. If you have any questions or require further assistance, please contact John Eddins, Ph.D. at (202) 517-0211 or by email at jeddins@achp.gov.

Sincerely,

LaShavio Johnson
Historic Preservation Technician
Office of Federal Agency Programs

Exhibit B

Letters from USACE to the Seneca Nation of Indians, Tonawanda
Seneca Nation, Seneca-Cayuga Nation



DEPARTMENT OF THE ARMY
BUFFALO DISTRICT, CORPS OF ENGINEERS
1776 NIAGARA STREET
BUFFALO, NEW YORK 14207-3199

REPLY TO

August 23, 2018

Regulatory Branch

SUBJECT: Proposed Ball Hill Wind Energy Project, Application No. 2008-01790

Maurice A. John Sr. President
Seneca Nation of Indians
WM. Seneca Building 12837 Route 438
Irving, NY 14081

Dear Mr. John:

This is in reference to the proposed Ball Hill Wind Energy Project, proposed by Ball Hill Wind Energy, LLC. The project in question is located within the Towns of Villenova and Hanover, Chautauqua County, New York. The proposed project will result in impacts to waters of the United States, including wetlands, and these impacts will require Department of the Army authorization under Section 404 of the Clean Water Act.

Phase 1B archaeological surveys were completed in the project locations as requested by NYSOPRHP. A letter dated May 29, 2018 from SHPO indicated that no additional archeological work was required.

The New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP) has determined that the proposed project will have an Adverse Effect on properties listed or eligible for listing on the National Register of Historic Places. The specific Adverse Impact identified by the NYSOPRHP is the change/alteration of the existing rural setting of the project. The rural setting is a significant element of the survey area and serves as the backdrop of the architectural and cultural heritage of the community. The applicant has actively involved the NYSOPRHP and other consulting parties in the effort to mitigate these visual impacts to historic properties.

The Corps will include a Special Condition on any Department of the Army authorization requiring that work immediately be stopped and the Corps contacted in the event that any human remains or any recognizable, potentially significant concentrations of artifacts, features or other evidence of human occupation are discovered during the course of the project. The Corps will then consult with your office and the NYSOPRHP to determine the appropriate path forward.

In accordance with our regulations, I am hereby requesting any comments or concerns you may have regarding the proposed project. I have included a brief narrative of the project, including proposed turbine locations. I have also included correspondence between the NYSOPRHP and the

Regulatory Branch

SUBJECT: Proposed Ball Hill Wind Energy Project, Application No. 2008-01790

project sponsor (Ball Hill Wind Energy, LLC), which discusses NYSOPRHP recommendations for minimization and or avoidance options and potential mitigation options for the project impacts.

In addition, if you would like any copies of the archeological reports please contact me.

Please respond to me by September 23, 2018 if you wish to review this project. If I do not hear from you within this time frame, I will assume that you have no objection to the project and will proceed accordingly.

Questions pertaining to this matter should be directed to me at (716) 879-4304, by writing to the following address: U.S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207, or by e-mail at: molly.a.connerton@usace.army.mil

Sincerely,

A handwritten signature in cursive script that reads "Molly Connerton".

Molly A. Connerton
Biologist

Enclosures



DEPARTMENT OF THE ARMY
BUFFALO DISTRICT, CORPS OF ENGINEERS
1776 NIAGARA STREET
BUFFALO, NEW YORK 14207-3199

REPLY TO

August 23, 2018

Regulatory Branch

SUBJECT: Proposed Ball Hill Wind Energy Project, Application No. 2008-01790

William L. Fisher, Chief
Seneca-Cayuga Nation
83701 S 655 Rd.
Gove, OK 74344

Dear Mr. Fisher:

This is in reference to the proposed Ball Hill Wind Energy Project, proposed by Ball Hill Wind Energy, LLC. The project in question is located within the Towns of Villenova and Hanover, Chautauqua County, New York. The proposed project will result in impacts to waters of the United States, including wetlands, and these impacts will require Department of the Army authorization under Section 404 of the Clean Water Act.

Phase 1B archaeological surveys were completed in the project locations as requested by NYSOPRHP. SHPO indicated that no additional archeological work was required in a letter dated May 29, 2018.

The New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP) has determined that the proposed project will have an Adverse Effect on properties listed or eligible for listing on the National Register of Historic Places. The specific Adverse Impact identified by the NYSOPRHP is the change/alteration of the existing rural setting of the project. The rural setting is a significant element of the survey area and serves as the backdrop of the architectural and cultural heritage of the community. Please be aware that the applicant has actively involved the NYSOPRHP and other consulting parties in the effort to mitigate these visual impacts to historic properties.

The Corps will include a Special Condition on any Department of the Army authorization requiring that work immediately be stopped and the Corps contacted in the event that any human remains or any recognizable, potentially significant concentrations of artifacts, features or other evidence of human occupation are discovered during the course of the project. The Corps will then consult with your office and the NYSOPRHP to determine the appropriate path forward.

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Regulatory Branch

SUBJECT: Proposed Ball Hill Wind Energy Project, Application No. 2008-01790

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Sincerely,

A handwritten signature in black ink that reads "Molly Connerton". The signature is written in a cursive, flowing style.

Molly A. Connerton
Biologist

Enclosures



DEPARTMENT OF THE ARMY
BUFFALO DISTRICT, CORPS OF ENGINEERS
1776 NIAGARA STREET
BUFFALO, NEW YORK 14207-3199

REPLY TO

August 23, 2018

Regulatory Branch

SUBJECT: Proposed Ball Hill Wind Energy Project, Application No. 2008-01790

Roger Hill, Chief
Tonawanda Seneca Nation
7027 Meadville Rd.
Basom, NY 14013

Dear Chief Hill:

This is in reference to the proposed Ball Hill Wind Energy Project, proposed by Ball Hill Wind Energy, LLC. The project in question is located within the Towns of Villenova and Hanover, Chautauqua County, New York. The proposed project will result in impacts to waters of the United States, including wetlands, and these impacts will require Department of the Army authorization under Section 404 of the Clean Water Act.

Phase 1B archaeological surveys were completed in the project locations as requested by NYSOPRHP. A letter dated May 29, 2018 from SHPO indicated that no additional archeological work was required.

The New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP) has determined that the proposed project will have an Adverse Effect on properties listed or eligible for listing on the National Register of Historic Places. The specific Adverse Impact identified by the NYSOPRHP is the change/alteration of the existing rural setting of the project. The rural setting is a significant element of the survey area and serves as the backdrop of the architectural and cultural heritage of the community. Please be aware that the applicant has actively involved the NYSOPRHP and other consulting parties in the effort to mitigate these visual impacts to historic properties.

The Corps will include a Special Condition on any Department of the Army authorization requiring that work immediately be stopped and the Corps contacted in the event that any human remains or any recognizable, potentially significant concentrations of artifacts, features or other evidence of human occupation are discovered during the course of the project. The Corps will then consult with your office and the NYSOPRHP to determine the appropriate path forward.

In accordance with our regulations, I am hereby requesting any comments or concerns you may have regarding the proposed project. I have included a brief narrative of the project, including proposed turbine locations. I have also included correspondence between the NYSOPRHP and the

Regulatory Branch

SUBJECT: Proposed Ball Hill Wind Energy Project, Application No. 2008-01790

project sponsor (Ball Hill Wind Energy, LLC), which discusses NYSOPRHP recommendations for minimization and or avoidance options and potential mitigation options for the project impacts.

Please respond to me by September 23, 2018 if you wish to review this project. If I do not hear from you within this time frame, I will assume that you have no objection to the project and will proceed accordingly.

Questions pertaining to this matter should be directed to me at (716) 879-4304, by writing to the following address: U.S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207, or by e-mail at: molly.a.connerton@usace.army.mil

Sincerely,

A handwritten signature in black ink, appearing to read "Molly Connerton". The signature is written in a cursive, flowing style.

Molly A. Connerton
Biologist

Enclosures

Exhibit C

Letters from Nancy Herter, Archaeological Reviewer, NYSHPO



Parks, Recreation, and Historic Preservation

ANDREW M. CUOMO
Governor

ROSE HARVEY
Commissioner

January 07, 2016

Mr. Mark Lyons
Development Manager
Renewable Energy Systems Americas Inc.
455 Boston Post Road
Suite 206
Old Saybrook, CT 06475

Re: USACE
Noble Ball Hill Wind Farm/94.5 MW/63 Turbines
Multiple Locations
08PR01814

Dear Mr. Lyons:

Thank you for requesting the comments of the New York State Historic Preservation Office (SHPO). We have reviewed the *Addendum #2 Archaeological Survey for the Ball Hill Wind Project*, prepared by Panamerican Consultants and dated December 2015, 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. They do not include other 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 National Environmental Policy Act and/or the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8).

Based on this review, the SHPO concurs that no additional Phase IB archaeological survey is warranted given that the Area of Potential Effects (APE) has been reduced by 46.2 acres and the low archaeological sensitivity of the 2015 Ball Hill Wind Project configuration.

If you have any questions, I can be reached at (518) 268-2179.

Sincerely,

Nancy Herter
Archeology Unit Program Coordinator
e-mail: nancy.herter@parks.ny.gov

via e-mail only

Division for Historic Preservation

P.O. Box 189, Waterford, New York 12188-0189 • (518) 237-8643 • www.nysparks.com



Parks, Recreation, and Historic Preservation

ANDREW M. CUOMO
Governor

ROSE HARVEY
Commissioner

May 29, 2018

Mr. Mark Lyons
Development Manager
Renewable Energy Systems Americas Inc.
455 Boston Post Road
Suite 206
Old Saybrook, CT 06475

Re: USACE
Noble Ball Hill Wind Farm/94.5 MW/63 Turbines
Chautauqua County
08PR01814

Thank you for requesting the comments of the New York State Historic Preservation Office (SHPO). We have reviewed the information regarding changes to the project that include placement of the transmission line underground and reducing the project area required for the transmission line placement from 55.3 acres to 44.9 acres 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. They do not include other 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 National Environmental Policy Act and/or the State Environmental Quality Review Act (New York Conservation Law Article 8).

The SHPO concurs that since there is a reduction in acreage, no additional impacts to archaeological resources will occur and no additional archaeological investigations are required.

If you have any questions, I can be reached at (518) 268-2179.

Sincerely,

Nancy Herter
Archaeology Unit Program Coordinator

Division for Historic Preservation

P.O. Box 189, Waterford, New York 12188-0189 • (518) 237-8643 • www.nysparks.com

Exhibit D

Letters concerning Historic Structure Impacts from Historic Preservation
Officer

Letters from John Bonafide, Agency Historic Preservation Officer,
NYSHPO



**Parks, Recreation
and Historic Preservation**

ANDREW M. CUOMO
Governor

ROSE HARVEY
Commissioner

June 6, 2016

Mr. Mark Lyons
Development Manager
Renewable Energy Systems Americas Inc.
455 Boston Post Road, Suite 206
Old Saybrook, CT 06475

Re: ACE
Ball Hill Wind Farm/36 Turbines/500 Feet/79-100 Mw
Villenova & Hanover, Chautauqua County
08PR01814

Dear Mr. Lyons:

Thank you for requesting the comments of the State Historic Preservation Office (SHPO). Our office previous reviewed this undertaking in 2008 under Section 14.09 of NYS Parks Law. Now with the anticipated involvement of the U.S. Army Corps of Engineers and changes to the earlier project we have reevaluated this undertaking 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. 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 National Environmental Policy Act and/or the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8)

Most recently our office received an updated version (Addendum, April 2016) of the cultural resources survey that was first submitted in 2008. This documentation identified a total 164 historic resources within the APE. In our updated assessment, the NYSHPO concurs with the consultant's findings regarding the identification of resources that meet the criteria for National Register eligibility. A full list of eligible resources is attached to this letter as Appendix A.

The eligible resources identified in the survey report are diverse in both nature and their physical settings. Properties that will be in the view shed of the project include those in established village/hamlet settings as well as resources that occupy open rural agricultural settings. With few exceptions the scale of the building stock is limited to the height of single and two-story residential, commercial and agricultural buildings with few non-agricultural elements breaking the treetops in this sparsely populated area.

Please also be aware that our office also completed its review of the archaeological survey addendum for the project. We previously concurred with the findings of this report by letter dated January 7, 2016.

Division for Historic Preservation

P.O Box 189, Waterford, New York 12188-0189 • (518) 237-8643 • www.nysparks.com

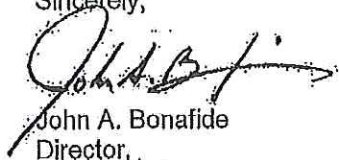
Although the full extent of potential impacts from the proposed undertaking cannot be fully assessed, the NYSHPO believes that sufficient information does exist to determine that the undertaking will have an Adverse Effect on cultural resources. The introduction of the sleek, ultramodern, approximately 500 foot tall kinetic wind turbines (up to 36 proposed) throughout this scenic landscape forever alters and changes the rural setting, which itself is a significant element in much of the survey area and serves as the backdrop for the architectural, cultural and scenic tourism heritage of these communities. It should also be noted that this project is the latest of several wind generation projects to be constructed in this region and the cumulative effects of adding additional turbines to this area must be considered.

That stated, we understand that the project developer has undertaken efforts of minimize the overall effects of this project by reducing the total number of previously proposed turbines from 60 (2008) to 36 (500') units. This reduction in the number of units does help to minimize some of the visual effects associated with this undertaking.

At this point in time we have concluded our preliminary evaluation of eligible resources and the potential impacts to those resources associated with this project. The next step in the Section 106 process is to wait until the involved federal agency initiates a formal consultation process under this statute. Once this process begins we can then finalize our review and provide the involved agency with our recommendations on affects and possible mitigation measures.

If I can be of any further assistance please do not hesitate to contact me at (518) 268-2166 or john.bonafide@parks.ny.gov.

Sincerely,



John A. Bonafide
Director,
Technical Preservation Services Bureau

cc: Christine Longiaru, Panamerican
Molly Connerton, ACOE

enc: Appendix A-Resource List

Appendix A-Resource List

Map PE	ULR/PSR No.	Resource Name	Street Address	County	Town/Village/Hamlet	S/NRHP Status 2015	NYSHPO Comment	Nearest Turbine	Distance to nearest turbine (miles)	Number of turbines visible
1	00906.000086		12182 Markhams Road	Cattaraugus	Dayton	NRE	Concur	21	4.5	25
3	00906.000089	Cottage Cemetery	Cottage Road, north side, West of Edwards Corners Road	Cattaraugus	Dayton	NRE	Concur	25	3.9	24
4	00906.000090	Residential, c.1860	12654 Cottage Road	Cattaraugus	Dayton	NRE	Concur	25	3.5	19
5	00906.000091	Residential, c.1930	27 Cherry Street	Cattaraugus	Dayton	NRE	Concur	21	3.3	3
6	00954.000048	Factory Building	East Railroad Avenue, at south end	Cattaraugus	South Dayton (V)	NRE	Concur	21	3.6	25
7	00954.000049	Residential, c.1870	73 East Railroad Avenue	Cattaraugus	South Dayton (V)	NRE	Concur	21	3.6	19
8	00954.000050	Residential, c.1860	62 Main Street	Cattaraugus	South Dayton (V)	NRE	Concur	21	3.2	22
9	00954.000051	Residential, c.1890	203 Maple Street	Cattaraugus	South Dayton (V)	NRE	Concur	21	3.3	10
10	00954.000052	Residential, c.1910	212 / 214 Maple Street	Cattaraugus	South Dayton (V)	NRE	Concur	21	3.2	4
11	00954.000053	Harry Austin Milling Co., 1883	Mill Street, between tracks, east side, north of Pine Street	Cattaraugus	South Dayton (V)	NRE	Concur	21	3.6	18
12	00954.000054	Residential, c.1860	227 Oak Street	Cattaraugus	South Dayton (V)	NRE	Concur	21	3.3	21
13	00954.000055	Sears Farmhouse & Complex, c.1920	8143 Oaks Road	Cattaraugus	South Dayton (V)	NRE	Concur	21	3.6	36
14	00954.000007	Corkwell's Garage	107 Pine Street	Cattaraugus	South Dayton (V)	NRE	Concur	21	3.6	20
15	00954.000057	Residential, c.1910	309 Pine Street	Cattaraugus	South Dayton (V)	NRE	Concur	21	3.4	19
16	00954.000058	Residential, c.1900	312 Pine Street	Cattaraugus	South Dayton (V)	NRE	Concur	21	3.4	16
17	00954.000060	Residential, c.1890 (Wilson House)	319 Pine Street	Cattaraugus	South Dayton (V)	NRE	Concur	21	3.4	19
18	00954.000061	Commercial, c.1920	413 Pine Street	Cattaraugus	South Dayton	NRE	Concur	21	3.3	16
19	00926.000040	Perrysburg Cemetery	NY 39, west of West Perrysburg Road	Cattaraugus	Perrysburg	NRE	Concur	36	2.7	13
20	00926.000041	Residential, c.1860	12316 NY 39	Cattaraugus	Perrysburg	NRE	Concur	36	4.5	6
21	00926.000042	Ruggs-town West Perrysburg Cemetery	West Perrysburg Road; west side, north of NY39	Cattaraugus	Perrysburg (West Perrysburg HI)	NRE	Concur	36	3.5	35

22	00926.000043	Farm Complex, 1939	10929 West Perryburg Road	Cattaraugus	Perryburg (West Perryburg [H])	NRE	Concur	36	3.5	35
23	00926.000044	Weaver Cemetery	Center Road, west side, north of Weaver Road	Chautauqua	Arkwright	NRE	Concur	2	3.4	36
24	01301.000022	Residential, 1847	8129 Griswold Road	Chautauqua	Arkwright	NRE	Concur	1	4.3	7
25	01301.000023	Rose Farm, c.1870	1936 Ruttenbur Road	Chautauqua	Arkwright	NRE	Concur	3	3.0	33
26	01301.000024	Residential, c.1915	2567 NY 83	Chautauqua	Arkwright (Arkwright [H])	NRE	Concur	2	3.2	19
27	01301.000033	Farmstead, c.1850 (Woolley Farm Complex)	8903 Farrington Hollow Road	Chautauqua	Arkwright (Blacks Corners [H])	NRE	Concur	1	1.6	33
28	01301.000034	Arkwright Summit Cemetery	Farrington Hollow Road, east side, south of NY 83	Chautauqua	Arkwright (Blacks Corners [H])	NRE	Concur	1	1.5	32
29	01301.000027	Farm Complex, c.1870 Barns / Pre-Civil War House (Maple-Camp Farm / Black Farm)	2083 NY 83	Chautauqua	Arkwright (Blacks Corners [H])	NRE	Concur	1	1.4	32
30	01314.000060	Residential, c.1850	10917 Allegheny Road	Chautauqua	Hanover	NRE	Concur	36	2.7	12
31	01314.000061	Residential, c.1895	12168 Allegheny Road	Chautauqua	Hanover	NRE	Concur	38	5.5	27
32	01314.000062	Evergreen Cemetery	Angell Street, south side, east of Danison Road	Chautauqua	Hanover	NRE	Concur	35	4.6	33
33	01314.000063	Forestville Depot	Center Street, NE corner Erie Street	Chautauqua	Hanover	NRE	Concur	35	2.6	11
34	01314.000064	Christy Road Cemetery	Christy Road, north side, east of Allegheny Road	Chautauqua	Hanover	NRE	Concur	38	5.3	0-36
35	01314.000065	Residential, c.1860	Hanover Road, West side, south of Hopper Road	Chautauqua	Hanover	NRE	Concur	37	1.2	23
36	01314.000066	Livemore Homestead-Farm Complex, c.1840	10079 Hanover Road	Chautauqua	Hanover	NRE	Concur	36	0.7	28
37	01314.000092	Swift Cemetery	Huriburt Road	Chautauqua	Hanover	NRE	Concur	30	0.9	8
38	01314.000067	Residential, c.1850	Huriburt Road, south side, east of Prospect Road	Chautauqua	Hanover	NRE	Concur	30	0.9	12
39	01314.000069	Residential, c.1870	469 NY 39	Chautauqua	Hanover	NRE	Concur	36	0.8	27

40	01314.000070	Residential, c.1890	503 NY 39	Chautauqua	Hanover	NRE	Concur	36	0.7	23
41	01314.000071	Residential, c.1860	675 NY 39	Chautauqua	Hanover	NRE	Concur	38	0.3	25
42	01314.000072	Residential, c.1840	1411 NY 39	Chautauqua	Hanover	NRE	Concur	35	1.5	23
43	01314.000056		11776 Bennett State Road	Chautauqua	Hanover	NRE	Concur	35	4.7	34
44	01314.000090	Forestville Pioneer Cemetery	Bennett State Road, south of 11051	Chautauqua	Hanover	NRE	Concur	35	2.8	19
45	01314.000074	Residential, c.1870	11103 Bennett State Road	Chautauqua	Hanover	NRE	Concur	35	2.9	19
*46	01314.000075	Mt. Carmel Cemetery, 1926	Old Main Street	Chautauqua	Hanover	NRE	Concur	35	5.6	0-35
*47	01314.000076	Glenwood Cemetery, c.1810	Old Main Street	Chautauqua	Hanover	NRE	Concur	35	5.5	35
*48	01314.000077	Residential, c.1910	11935 Old Main Street	Chautauqua	Hanover	NRE	Concur	35	5.3	35
49	01314.000089	Forestville Cemetery (Prospect Cemetery)	Prospect Street, east side, south of Forestville Village	Chautauqua	Hanover	NRE	Concur	35	2.1	16
50	01314.000079	Doty Cemetery	Stebbins Road, South side, west of Old Forestville Road	Chautauqua	Hanover	NRE	Concur	35	4.5	34
51	01314.000080	Residential, c.1810 --- Check SHP's date	11037 Allegheny Road	Chautauqua	Hanover (Balttown [H])	NRE	Concur	36	3.2	22
52	01314.000081	Balttown Cemetery	Mackinaw Road, north side at Allegheny Road	Chautauqua	Hanover (Balttown [H])	NRE	Concur	36	3.3	10
53	n/a on SPRINX	Residential, c.1915	12010 Angell Road	Chautauqua	Hanover (Hanover Center [H])	NRE	Concur	38	4.9	35
54	n/a on SPHINX	Residential, c.1905	12021 Angell Road	Chautauqua	Hanover (Hanover Center [H])	NRE	Concur	38	5.0	35
55	01314.000084	Farmstead, c.1890	967 Hanover Road	Chautauqua	Hanover (Hanover Center [H])	NRE	Concur	35	4.7	34
56	01314.000085	Residential, c.1920	11991 Hanover Road	Chautauqua	Hanover (Hanover Center [H])	NRE	Concur	35	4.8	34
57	01314.000086	Nashville Cemetery	Allegheny Road	Chautauqua	Hanover (Nashville [H])	NRE	Concur	36	1.5	14
58	01314.000087	Church, c.1850	NY 39, south side, west of Allegheny Road	Chautauqua	Hanover (Nashville [H])	NRE	Concur	36	1.5	20
59	01314.000088	Smith's Mill Cemetery	Hanover Road, West side at York Road	Chautauqua	Hanover (Smith Mill [H])	NRE	Concur	38	3.8	16
61	01352.000098	Residential, c.1860	13 Cedar Street	Chautauqua	Hanover (Forestville [V])	NRE	Concur	35	2.7	17

63	01352.000100	Residential, c.1870	28 Center Street	Chautauqua	Hanover (Forestville [V])	NRE	Concur	35	2.6	9
64	01352.000047	Commercial, c.1870	11-15 Main Street	Chautauqua	Hanover (Forestville [V])	NRE	Concur	35	2.6	7
65	01352.000103	Residential, c.1830 (Cyrus D. Angell House)	26 Main Street	Chautauqua	Hanover (Forestville [V])	NRE	Concur	35	2.7	10
66	01352.000105	Commercial, c.1870	27 Main Street	Chautauqua	Hanover (Forestville [V])	NRE	Concur	35	2.6	11
67	01352.000058	Residential, c.1860 (former church)	32 Main Street	Chautauqua	Hanover (Forestville [V])	NRE	Concur	35	2.8	14
68	01352.000065	Residential, c.1812	43 Main Street	Chautauqua	Hanover (Forestville [V])	NRE	Concur	35	2.7	13
69	01352.000101	Commercial, c.1860	2 Pearl Street	Chautauqua	Hanover (Forestville [V])	NRE	Concur	35	2.6	5
70	01352.000102	Residential, c.1830	9 Water Street	Chautauqua	Hanover (Forestville [V])	NRE	Concur	35	2.8	9
71	01346.000200	Clark Mansion on Lighthouse Point, c.1900	Beachview Avenue, facing the lake	Chautauqua	Hanover (Silver Creek [V])	NRE	Concur	35	7.2	6
72	01346.000201	Residential, c.1930	10 Beachview Avenue	Chautauqua	Hanover (Silver Creek [V])	NRE	Concur	35	7.1	5
73	01346.000008	Residential, c.1830	130 Central Avenue	Chautauqua	Hanover (Silver Creek [V])	NRE	Concur	35	6.9	8
74	01346.000202	Residential, c.1870	147 Central Avenue	Chautauqua	Hanover (Silver Creek [V])	NRE	Concur	35	6.8	25
75	01346.000129	Structure 414 (Residence Tew-Babcock-Livermore House)	151 Central Avenue	Chautauqua	Hanover (Silver Creek [V])	NRE	Concur	35	6.8	35
76	01346.000006	Our Lady of Mt. Carmel	165 Central Avenue	Chautauqua	Hanover (Silver Creek [V])	NRE	Concur	35	6.7	28
77	01346.000037	Residential, c.1915	338 Central Avenue	Chautauqua	Hanover (Silver Creek [V])	NRE	Concur	35	6.6	35
78	01346.000043	Residential, c.1915	350 Central Avenue	Chautauqua	Hanover (Silver Creek [V])	NRE	Concur	35	6.6	35
79	01346.000202	Residential, c.1870	5 Christy Street	Chautauqua	Hanover (Silver Creek [V])	NRE	Concur	35	6.5	35
80	01346.000204	Residential, c.1910	9 Christy Street	Chautauqua	Hanover (Silver Creek [V])	NRE	Concur	35	6.4	35
81	01346.000205	Residential, c.1915	4 Dana Drive	Chautauqua	Hanover (Silver Creek [V])	NRE	Concur	35	6.5	14
82	01346.000206	Farmstead	12370 Hanover Road	Chautauqua	Hanover (Silver Creek [V])	NRE	Concur	35	6.4	35
83	01346.000207	Residential, c.1915	16 Hanover Road	Chautauqua	Hanover (Silver Creek [V])	NRE	Concur	35	6.7	35
90	01346.000208	Residential, c.1890	6/8 Lake Avenue	Chautauqua	Hanover (Silver Creek [V])	NRE	Concur	35	6.8	10
91	01346.000158	St. Alban's Church	38 Lake Avenue	Chautauqua	Hanover (Silver Creek [V])	NRE	Concur	35	6.8	23
92	01346.000209	Residential, c.1870	18 Oak St	Chautauqua	Hanover (Silver Creek [V])	NRE	Concur	35	6.6	31
93	01346.000210	Residential, c.1860	30 Oak St	Chautauqua	Hanover (Silver Creek [V])	NRE	Concur	35	6.7	35
94	01346.000211	Residential, c.1915	117 Old Main St	Chautauqua	Hanover (Silver Creek [V])	NRE	Concur	35	6.3	2
95	01346.000212	Residential, c.1915	151 Old Main Street	Chautauqua	Hanover (Silver Creek [V])	NRE	Concur	35	6.1	17
96	01346.000227	Residential, 1850	135 Old Main Street	Chautauqua	Hanover (Silver Creek [V])	NRE	Concur	35	6.1	35

97	01346.000213	Residential, c.1910	1 Oliver Place	Chautauqua	Hanover (Silver Creek [V])	NRE	Concur	35	6.6	16
98	01346.000214	Residential, c.1915	5 Oliver Place	Chautauqua	Hanover (Silver Creek [V])	NRE	Concur	35	6.6	15
99	01346.000215	Residential, 1914 (Swift House)	6 Parkway Street	Chautauqua	Hanover (Silver Creek [V])	NRE	Concur	35	6.7	29
100	01346.000216	Residential, c.1930	9 Parkway Street	Chautauqua	Hanover (Silver Creek [V])	NRE	Concur	35	6.7	33
101	01346.000217	Residential, c.1900	17 Parkway Street	Chautauqua	Hanover (Silver Creek [V])	NRE	Concur	35	6.7	32
102	01346.000005	Erbin House, c.1905 - 27	27 Parkway Street	Chautauqua	Hanover (Silver Creek [V])	NRE	Concur	35	6.6	27
103	01346.000218	Trinity Lutheran Church, c.1880	Porter Avenue, northeast side at Adams Porter Avenue	Chautauqua	Hanover (Silver Creek [V])	NRE	Concur	35	6.9	35
104	01346.000219	Church, c.1860	Porter Avenue, south of 21	Chautauqua	Hanover (Silver Creek [V])	NRE	Concur	35	6.9	35
105	01346.000220	Residential, c.1920	21 Porter Avenue	Chautauqua	Hanover (Silver Creek [V])	NRE	Concur	35	6.9	35
106	01346.000221	Residential, c.1915	45 Robinson Street	Chautauqua	Hanover (Silver Creek [V])	NRE	Concur	35	6.2	34
107	01346.000222	Residential, c.1860	16 Rumsey Street	Chautauqua	Hanover (Silver Creek [V])	NRE	Concur	35	6.9	16
108	01346.000223	Residential, c.1920	28 Ward Place	Chautauqua	Hanover (Silver Creek [V])	NRE	Concur	35	6.4	35
109	01323.000050	Residential, c.1860	1873 East Middle Road	Chautauqua	Sheridan	NRE	Concur	35	6.3	35
110	01323.000051	Residential, c.1830	1980 King Road	Chautauqua	Sheridan	NRE	Concur	35	4.2	32
111	01323.000052	Residential, c.1915	2023 Stebbins Road	Chautauqua	Sheridan	NRE	Concur	35	5.1	30
112	01323.000053	Residential, c.1860	2248 Stebbins Road	Chautauqua	Sheridan	NRE	Concur	35	5.3	34
113	01326.000065	Wheeler Cemetery, c.1848	Hanover Road, East side	Chautauqua	Villenova	NRE	Concur	25	1.2	25
115	01326.000066	Farm Complex, c.1870	NY 83, South side, west of Hamlet	Chautauqua	Villenova	NRE	Concur	3	0.5	2
116	01326.000067	Farm Complex, c.1920	8025 NY 83	Chautauqua	Villenova	NRE	Concur	3	3.3	29
118	01326.000068	Farm Complex, c.1860	8562 NY 83	Chautauqua	Villenova	NRE	Concur	21	3.2	29
119	01326.000070	Farm Complex, c.1830	307 Philips Road	Chautauqua	Villenova	NRE	Concur	21	1.7	28
120	01326.000071	Pope Hill Cemetery	Pope Hill Road, south side, east of Round Top Road	Chautauqua	Villenova	NRE	Concur	2	1.1	33
121	01326.000069	Forestville Wesleyan Church Complex, c.1858, includes Cemetery & School	9495 Prospect Road	Chautauqua	Villenova	NRE	Concur	16	0.4	29
122	01326.000072	Farm Complex	641 South Dayton Road	Chautauqua	Villenova	NRE	Concur	21	1.8	19

123	01326.000073	Residential, c.1845	691 South Dayton Road	Chautauqua	Villenova	NRE	Concur	3	1.8	21
124	01326.000016	Farm Complex, c.1890 (Dye Homestead)	558 South Dayton-Hamlet Road	Chautauqua	Villenova	NRE	Concur	21	1.8	22
125	01326.000074	Hamlet Cemetery	NY 83, south side, west of Hamlet	Chautauqua	Villenova		Concur	3	0.5	3
126	01326.000041	Residential, c.1840	1141 NY 83	Chautauqua	Villenova	NRE	Concur	3	0.7	13
127	01326.000075	Villenova Grange Hall	1150 NY 83, west side	Chautauqua	Villenova	NRE	Concur	3	0.7	11
128	01326.000078	Hamlet School District No. 2	8520 School Street	Chautauqua	Villenova	NRE	Concur	3	0.7	8
129	01326.000038	Hamlet United Methodist Church, 1812	1119 South Dayton Road	Chautauqua	Villenova	NRE	Concur	3	0.8	14
130	01326.000039	Residential, c.1870	1129 South Dayton Road	Chautauqua	Villenova	NRE	Concur	3	0.8	14
131	01326.000040	Commercial, c.1905 (I.O.O.F.)	1112 South Dayton Road, NY 83	Chautauqua	Villenova	NRE	Concur	3	0.7	11
132	01326.000076	Villenova Cemetery	Cemetery Road, east side.	Chautauqua	Villenova	NRE	Concur	21	1.4	20
133	01352.000112	Residential, c.1865-90	1 Lodi Street NY 39	Chautauqua	Hanover (Forestville [V])	NRE	Concur	35	2.5	3
134	01352.000106	Commercial, c.1870	25 Main Street	Chautauqua	Hanover (Forestville [V])	NRE	Concur	35	2.6	11
135	01352.000104	Forestville ME Church, 1861	3 Park Street	Chautauqua	Hanover (Forestville [V])	NRE	Concur	35	2.6	2
136	01352.000072	Residential, c.1890	4 Pearl Street	Chautauqua	Hanover (Forestville [V])	NRE	Concur	35	2.6	5
137	00906.000093	Grange Hall No. 829	12729 Cottage Road (CR 2)	Cattaraugus	Dayton (Cottage [h])	NRE	Concur	25	3.3	6
138	00906.000094	Cottage United Methodist Church	12737 Cottage Road (CR 2)	Cattaraugus	Dayton (Cottage [h])	NRE	Concur	25	3.2	5
139	01352.000010	First Rose House	2 Lodi Street / NY 39	Chautauqua	Hanover (Forestville [V])	NRE	Concur	35	2.5	4
140	01352.000046	Commercial	10 Main Street / NY 39	Chautauqua	Hanover (Forestville [V])	NRE	Concur	35	2.6	6
141	01352.000048	Commercial	14 Main Street / NY 39	Chautauqua	Hanover (Forestville [V])	NRE	Concur	35	2.6	5
142	01352.000002	St. Peter's Episcopal Church	Park Street	Chautauqua	Hanover (Forestville [V])	NRE	Concur	35	2.6	4
143	01352.000116	Residence, Italianate	7 Thirp Street	Chautauqua	Hanover (Forestville [V])	NRE	Concur	35	2.5	2
SD	00954.000062	Evans Park South Dayton Historic District (SD)		Cattaraugus	Dayton (South Dayton [V])	NRE	Concur			
SD1	00954.000001	E.B. Crissey & Co.	30 Maple Street	Cattaraugus	Dayton (South Dayton [V])	NRE	Concur	21	3.6	15
SD2	00954.000035	Wilson Hale & Co.	1 Park Street	Cattaraugus	Dayton (South Dayton [V])	NRE	Concur	21	3.5	18

SDS	Wilson Hale & Co./ Post Office	5 Park Street	Cattaraugus	Dayton (South Dayton [V])	NRE	Concur	21	3.5	18
00954.000036	Wilson Hale & Co./ Post Office	5 Park Street	Cattaraugus	Dayton (South Dayton [V])	NRE	Concur	21	3.5	18
00954.000037	Cattaraugus County Bank	7 Park Street	Cattaraugus	Dayton (South Dayton [V])	NRE	Concur	21	3.5	18
00954.000038	Gypsy Tee Room	9 Park Street	Cattaraugus	Dayton (South Dayton [V])	NRE	Concur	21	3.5	18
00954.000039	Commercial, c.1890	11 Park Street	Cattaraugus	Dayton (South Dayton [V])	NRE	Concur	21	3.5	18
00954.000040	Commercial, c.1910	13 Park Street	Cattaraugus	Dayton (South Dayton [V])	NRE	Concur	21	3.5	17
00954.000041	Commercial, c.1900	15 Park Street	Cattaraugus	Dayton (South Dayton [V])	NRE	Concur	21	3.5	17
00954.000044	The Valley House/ South Dayton Hotel 1877	203 Pine Street	Cattaraugus	Dayton (South Dayton [V])	NRE	Concur	21	3.6	19
00954.000045	Commercial, c.1930	205 Pine Street	Cattaraugus	Dayton (South Dayton [V])	NRE	Concur	21	3.6	19
00954.000046	Commercial, c.1900	207 Pine Street	Cattaraugus	Dayton (South Dayton [V])	NRE	Concur	21	3.5	19
00954.000047	South Dayton Depot	Railroad Street	Cattaraugus	Dayton (South Dayton [V])	NRE	Concur	21	3.6	18
00954.000043	Ewing Park	Park Ave	Cattaraugus	Dayton (South Dayton [V])	NRE	Concur	21	3.6	17-18
01346.000242	Silver Creek Historic District		Chautauqua	Silver Creek [V]	NRE	Concur			
01346.000238	Commercial Building, c.1890	7 Park Place	Chautauqua	Silver Creek [V]	NRE	Concur	35	6.6	2
01346.000239	Commercial Building, c.1890	9 Park Place	Chautauqua	Silver Creek [V]	NRE	Concur	35	6.6	2
01346.000240	Commercial Building, c.1920	17 Park Place	Chautauqua	Silver Creek [V]	NRE	Concur	35	6.6	2
01346.000237	The Gettratt Theatre, 1921	19 Park Place	Chautauqua	Silver Creek [V]	NRE	Concur	35	6.6	2
01346.000241	Commercial Building, c.1910	25 Park Place	Chautauqua	Silver Creek [V]	NRE	Concur	35	6.6	1
01352.000127	Center Street Historic District/Forestville		Chautauqua	Hanover (Forestville [V])	NRE	Concur	35	2.5	0-10
01352.000114	Sherman House, c.1850	1 Center St	Chautauqua	Hanover (Forestville [V])	NRE	Concur	35	2.5	5
01352.000117	Residence, c.1840	2 Center St	Chautauqua	Hanover (Forestville [V])	NRE	Concur	35	2.5	7
01352.000118	Residence, c.1840	4 Center St	Chautauqua	Hanover (Forestville [V])	NRE	Concur	35	2.5	7
01352.000119	Residence, c.1900	5 Center St	Chautauqua	Hanover (Forestville [V])	NRE	Concur	35	2.5	3
01352.000094	Residence, c.1850	6 Center St	Chautauqua	Hanover (Forestville [V])	NRE	Concur	35	2.6	7
01352.000120	Residence, c.1850	7 Center St	Chautauqua	Hanover (Forestville [V])	NRE	Concur	35	2.5	5
01352.000121	Residence, c.1840	8 Center St	Chautauqua	Hanover (Forestville [V])	NRE	Concur	35	2.6	7
01352.000122	Residence, c.1900	9 Center St	Chautauqua	Hanover (Forestville [V])	NRE	Concur	35	2.5	6
1352.000123	Levi J. Pierce Home, c.1840	10 Center St	Chautauqua	Hanover (Forestville [V])	NRE	Concur	35	2.6	8
01352.000124	St. Rose of Lima Church	11 Center St	Chautauqua	Hanover (Forestville [V])	NRE	Concur	35	2.6	10
01352.000125	Residence, c.1840	12 Center St	Chautauqua	Hanover (Forestville [V])	NRE	Concur	35	2.5	9
01352.000126	Residence, c.1905	16 Center St	Chautauqua	Hanover (Forestville [V])	NRE	Concur	35	2.6	10

01352.000099	Residence, c.1890	18 Center St	Chautauqua	Hanover (Forestville [V])	NRE	Concur	35	2.6	10
01352.000113	Residence, c.1868-1890	21 Pearl St	Chautauqua	Hanover (Forestville [V])	NRE	Concur	35	2.5	4



**Parks, Recreation
and Historic Preservation**

ANDREW M. CUOMO
Governor

ROSE HARVEY
Commissioner

July 23, 2018

Michael Cinquino, Ph.D., RPA
Senior Vice President
Panamarican Consultants, Inc.
2390 Clinton Street
Buffalo, NY 12188-0189
(via email)

Re: ACE/PSC/DEC
Ball Hill Wind Energy Project/100 MW/29 Turbines/600 Feet
Towns of Villenova and Hanover, Chautauqua County
08PR01814

Dear Mr. Cinquino:

Thank you for requesting the comments of the State Historic Preservation Office (SHPO). We continue to review this undertaking 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.

I have reviewed the new material that was submitted relating to the reduction in turbine numbers and change in unit scale. The reduction from 36 units (2016) to 29 is a significant change in the number of turbines in the landscape. However, the increase in individual unit height from just under 500 feet to 600 feet is a dramatic and significant change. As previously noted in my June 2016 letter, the introduction of sleek, ultramodern industrial wind turbines will and has had a significant impact on the rural landscape of the area. While this project has evolved from 60 turbines to 29 in the past decade, these new significantly larger units add to the roughly 80 turbines being constructed southwest of this undertaking at the Cassadaga and Arkwright projects.

At this point in time the NYSHPO does not believe that additional architectural survey work to assess new visual impacts associated with the taller units is necessary. However, we are concerned with the strong potential for cumulative impacts to the historic resources already affected by the previous wind projects in the south and southwestern portions of the APE.

Regarding existing "modern intrusions" within the APE for this undertaking, water towers, silos, utility poles and other "vertical intrusions" evolve over time and are in scale with their surroundings. In many instances these structures have been in place for many decades and existed when the historic resources were identified. Modern wind turbines are massive (up to 60 stories), sleek ultra-modern kinetic industrial structures, which in scale and design are incongruous with rural surroundings.

Division for Historic Preservation

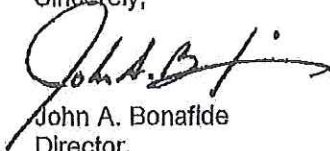
P.O. Box 189, Waterford, New York 12188-0189 • (518) 237-8643 • www.nysparks.com

As mitigation proposals are developed for this undertaking, please be cognizant of the heightened cumulative impacts to the affected resources and communities within the project's APE. The construction of this project will add to the 50 existing (or under construction) units associated with the Arkwright and Cassadaga wind projects.

Consultation for mitigation should be undertaken in coordination with the US Army Corps of Engineers as part of their Section 106 requirements. Once a mitigation plan is developed we would recommend that the Corps, along with the consulting parties, move to the development of a Memorandum of Agreement.

If I can be of any further assistance, please do not hesitate to contact me at (518) 268-2166 or john.bonafide@parks.ny.gov.

Sincerely,



John A. Bonafide
Director,
Technical Preservation Services Bureau
Agency Historic Preservation Officer

cc: Molly Connerton, USACE *(via email)*
Andrew Davis, PSC *(via email)*
Charles Vandrei, DEC *(via email)*
NY-CRIS Notification List *(via email)*

Exhibit F

Unanticipated Discoveries and Human Remains Protocol

UNANTICIPATED ARCHAEOLOGICAL DISCOVERY PLAN

PROPOSED BALL HILL WIND ENERGY PROJECT

TOWNS OF VILLENOVA AND HANOVER, CHAUTAUQUA COUNTY, NEW YORK

I. Prior to construction, in the Area of Potential Effect (APE), of the Ball Hill Wind Energy (Ball Hill) project, Ball Hill will identify a Site Manager/Construction Manager, responsible for daily supervision of construction, and who is expected to be present on site during all phases of construction. The Site Manager will be informed that there is a potential for discovering unrecorded cultural resources within the APE. Examples of cultural resources that may be unearthed in below-surface layers of artifact-bearing sediments include but are not limited to:

- Prehistoric shell middens, lithic and ceramic artifacts
- Human and animal bone
- Historic artifacts, for example, green, aqua, or blue glass; lead, copper, and iron items; wheels; and barrels, among others.
- remnants of brick or rock walls of historical structures;
- wooden beams beneath brick walls;
- fragments of boats used as shoreline fill;
- old paved surfaces (e.g., cobble, flagstone, or wooden planking); or
- historical wharf or bulkhead cribbing.

Ball Hill will inform the Site Manager of the possibility that prehistoric and historical resources identified above are potentially important, and that they may be protected by law. A Project Archaeologist should be on call to evaluate any potentially National or State Register eligible resources inadvertently discovered during the construction process.

If prehistoric or historical artifacts or features are discovered the following actions will be taken:

1. The Site Manager will immediately suspend all construction/excavation activities in the area of the discovery, and will notify Ball Hill's Project Manager.
2. The Project Manager will notify the Project Archaeologist; and the Project Archaeologist, Project Manager, and Site Manager will discuss a course of action via conference call. During this discussion, the Project Archaeologist will gather information as to the significance of the discovered resource. If the Project Archaeologist determines that the resource merits a professional examination, he or she will go to the project location as promptly as possible and evaluate the discovery.
3. The Project Archaeologist will assess the discovered resource by personal examination. In the course of this examination the Project Archaeologist may request the Site Manager to use available on-site machinery (e.g., backhoe) to expose a larger section of the resource. This additional exposure will be of limited scope. If, at this point, the Project Archaeologist determines the resource to be insignificant, construction may resume immediately. If, on the other hand, the resource is judged to be potentially significant, construction will remain suspended, the Project Archaeologist will notify the New York

State Historic Preservation Office (SHPO), and a determination will be made of the need for additional examination.

4. Depending on what New York SHPO decides, resumption of construction may be allowed, with continued monitoring during construction activities. In such case, the Project Archaeologist will remain on site for the duration of any operations that may expose or damage cultural resources. The Project Archaeologist will have the opportunity to collect further information during construction by means of photographs and various measurements, staying in contact with the New York SHPO throughout the evaluation process. If, at the end of such monitoring, and in consultation with the New York SHPO, the resource is determined to be ineligible for NHRP listing, the Project Archaeologist will submit to Ball Hill and New York SHPO a letter documenting the results of the monitoring, descriptions of the investigated resources, and the photographic record.

If, after initial consultations, the New York SHPO determines that the resource requires an archaeological investigation (whether a Phase I survey or Phase II evaluation), the scope, methods, and reporting requirements of this investigation will be determined based on circumstances.

II. Unanticipated Human Remains.

The probability of encountering human remains in the project area is low. However, if such remains are encountered, the State Historic Preservation Office/New York State Office of Parks, Recreation and Historic Preservation Human Remains Discovery Protocol will be followed as presented below.

State Historic Preservation Office/ NY State Office of Parks, Recreation and Historic Preservation Human Remains Discovery Protocol

In the event that human remains are encountered during construction or archaeological investigations, the State Historic Preservation Office (SHPO) requires that the following protocol is implemented:

- At all times human remains must be treated with the utmost dignity and respect. Should human remains be encountered work in the general area of the discovery will stop immediately and the location will be immediately secured and protected from damage and disturbance.
- Human remains or associated artifacts will be left in place and not disturbed. No skeletal remains or materials associated with the remains will be collected or removed until appropriate consultation has taken place and a plan of action has been developed.
- The county coroner and local law enforcement as well as the SHPO and the involved agency will be notified immediately. The coroner and local law enforcement will make the

official ruling on the nature of the remains, being either forensic or archeological. If the remains are archeological in nature, a bioarchaeologist will confirm the identification as human.

- If human remains are determined to be Native American, the remains will be left in place and protected from further disturbance until a plan for their avoidance or removal can be generated. The involved agency will consult SHPO and appropriate Native American groups to develop a plan of action that is consistent with the Native American Graves Protection and Repatriation Act (NAGPRA) guidance.
- If human remains are determined to be Euro-American, the remains will be left in place and protected from further disturbance until a plan for their avoidance or removal can be generated. Consultation with the SHPO and other appropriate parties will be required to determine a plan of action.

Exhibit E

Revised Final Mitigation Plan (May 10, 2019)

Exhibit E

PLAN TO MITIGATE THE EFFECTS ON CULTURAL RESOURCES RESULTING FROM THE CONSTRUCTION OF THE BALL HILL WIND ENERGY PROJECT TOWNS OF VILLENOVA AND HANOVER, CHAUTAUQUA COUNTY, NEW YORK

May 10, 2019

Ball Hill Wind Energy, LLC (Ball Hill) is proposing to provide the Town of Villenova and the Town of Hanover with grants which will fund historic preservation projects. The funding is intended to off-set adverse visual effects on historic properties and landscapes resulting from construction of the proposed wind farm. Ball Hill agrees to provide a one-time lump sum grant to the Town of Villenova to be deposited in a separate mitigation account in the total amount of \$68,000; and a one-time lump sum grant to the Town of Hanover to be deposited in a separate mitigation account in the amount of \$17,000, for a total amount of \$85,000. This will serve to mitigate the effects of the Project on historic resources. Payments will be made to the towns after start of physical construction on the Project and not less than six (6) months prior to commercial operation of the Project.

I. PROPOSED MITIGATION

A summary of proposed mitigation projects for each town includes the following:

Town of Villenova

- 1. Modular Building for Historical Society.** The building (12ft by 24ft) will serve as an office by Villenova Historian and Historical Society, as well as, store historic and archival records. The modular building will have a heat exchange system (heat/air conditioner) to allow storage of archival materials.
- 2. Furniture for Building.** The building will be stocked with furniture for the town historian and the public to use as an office, including fire proof file cabinets, a table, chairs, and a printer/scanner.
- 3. Historic Record Storage.** The historic records, documents, and books will be stored in the building. Fire proof file cabinets will be installed to protect the historic records. Storage cabinets will be used to store materials, and a map file case will be used to store maps and oversized documents.
- 4. Digital Scanning and Archiving of Historical Society Records.** Historical documents will be scanned including historical records, historic newspapers and photographs, etc. for the Historical Society. These materials will be available for public access and for placement on the town website.
- 5. Cemetery Maintenance.** This includes general maintenance, and cleaning and repairing grave stones, signs at each of the five identified cemeteries, tree removal, and placement of historic markers.

Town of Hanover

1. **Digital Archiving for Hanover History Center.** Digitally scanning of historical society records will include photographs, negatives, and other historic documents.
2. **Historic Markers.** Historic markers will be placed at two historic properties.

II. COST BREAKDOWN SUMMARY OF MITIGATION PROJECTS

Town of Villenova

1. Modular Building for Historical Society	\$30,300	
2. Furniture for building	\$3,500	
3. Historic Record Storage	\$4,900	
4. Web Site for the Historical Society	\$2,970	
5. Cemetery Maintenance:		
5a. Town of Villenova (4 cemeteries)	\$16,330	
5b. Villenova Cemetery	\$10,000	
Total		<u>\$68,000</u>

Town of Hanover

1. Digitally Scan Historical Society Records	\$14,600	
2. Placement of Historic Markers (2)	\$2,400	
Total		<u>\$17,000</u>

Total Preservation Grant \$85,000

III. MITIGATION PROJECT DESCRIPTIONS

Town of Villenova

1.0 Modular Building for Historical Society

A Modular Building will be purchased to store historic and archival records, as well as serve as an office for the Town Historian. The building will be 11.75-ft by 24-ft with an 8-ft high ceiling with one exterior door and a heater/air conditioner heat exchange unit. There are no interior partitions or doors. One window (or more) will also be included.

Materials will be stored in file cabinets and storage cabinets. A desk or table will be included for the historian and a table for public use. Additional equipment will be added (see Sections 2 and 3 for details). See Appendix A-1 for cost breakdown of modular building.

Placement of a cement slab will be constructed under the modular building creating a solid foundation for structure placement. The cement pad will be approximately 13-ft by 25-ft. In addition, a 38-ft long by 4-ft wide sidewalk and a small handicap accessible ramp will also be

included. The construction will be conducted by Mr. D. Dawley, a local contractor (See Appendix A-2).

Cost Breakdown: Modular Building for Historical Society

- Modular Building (141 inches by 12 feet) with heater/air conditioner and window (cost includes approximately 10% estimated increase before placement)
\$26,700
 - Cement slab (for building placement) approximately 13-ft by 25-ft with a 38-ft long by 4-ft wide sidewalk
\$3,100
 - Handicap accessible (small ramp)
\$500
- Total \$30,300**

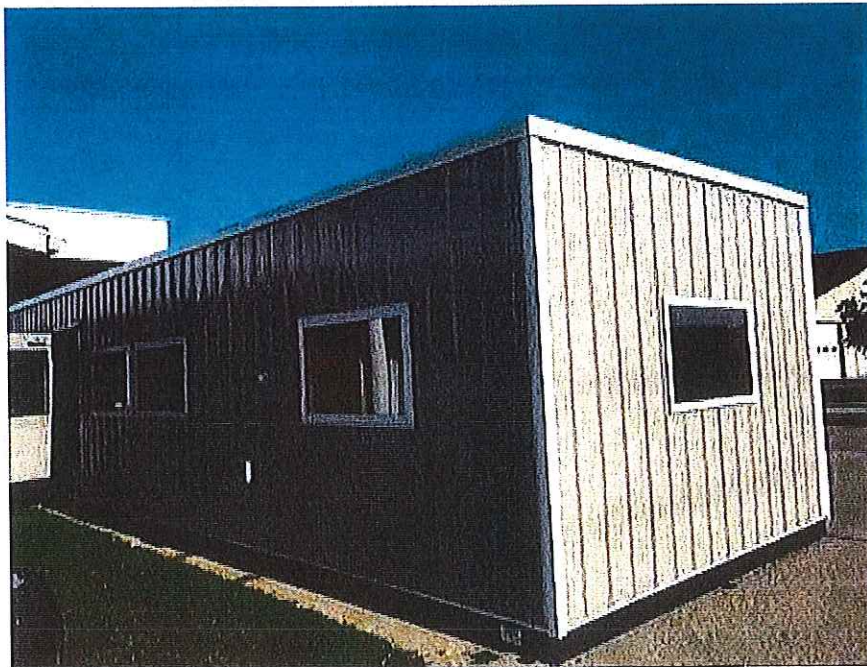
The structure will be purchased from

Anchor Modular Buildings
1490-5A Quarterpath Road
Suite #320
Williamsburg, VA 23185
<https://www.anchormodular.com/modular-offices/>

The following are exterior and interior photographs of the modular building.



Modular Unit 11.75-feet by 24-feet



Modular Unit 11.75-feet by 24-feet



Interior view of building dimension 11.75-ft by 24-ft. Note: air conditioner/heating unit/ door

2. Furniture and Equipment for Building

Furniture will be purchased for the building to allow the town historian and the public to use the unit as an office as well as storage. This will allow the future archival materials to be stored and the public will be able to easily access historical materials. One computer and a printer/scanner will be included for use by the historian. The printer/scanner will also be used to scan documents for archival purposes. Scanned documents will reduce future storage needs and will be available for public use. They also plan to place selected historic materials on the web site for public access.

Cost Breakdown: Furniture and Equipment

- Desk or Table with draws
\$400
- Chairs - 3
\$400
- Computer including some software
\$1,200
- Copier/scanner (Business Wireless Color Laser) with supplies (paper, toner cartridge)
\$1,500

Total \$3,500

3. Historic Record Storage

The historic records, documents and books will be stored in the building. Fire proof file cabinets will be installed to protect the historic records. Storage cabinets will be used to store materials and a map file case will be used to store maps and oversized documents. The modular building (as discussed above) will have a heat exchange unit (heat/air conditioner) to store archival materials year round.

Two fire proof file cabinets will be purchased to store important historic documents.

Three storage cabinets will be purchased to store historic material, books, etc.

Map file case will be purchased to store maps and oversized documents that are not easily stored in the file or storage cabinets.

Cost Breakdown: Historic Record Storage

- Two (2) fire proof file cabinets
\$3,200
- Three (3) storage cabinets - 4x6 foot cabinet (Double Door Storage Cabinet 36"W x 20"D x 60"H with glass doors with shelving; 3@\$400)
\$1,200
- Map file case (maps and oversized documents)
\$500

Total \$4,900

4. Scanning Historic Documents for Villenova Historical Society.

Historical documents, photographs, newspapers, and historical topics of interest will be digitally scanned for archival purposes and, as appropriate, for placement on the town web site.

Cost Breakdown: Historic Record Storage

- Scanning & digitizing archival documents for Historical Society
Total \$2,970

5. Cemetery Maintenance

Cemetery maintenance will include repairs, straightening, leveling and cleaning monuments at the following four cemeteries. (It will also be conducted at the Villenova Cemetery which is presented separately following this discussion.) Brush/vegetation clearing along the perimeter of Pope Hill and Hamlet cemeteries is also proposed. (Please note that a reduced price was supplied by the contractor due to the volume of work.) Cemeteries signs are included so each cemetery can be identified.

See Appendix A-3 for photographs of grave stones, settings and areas of overgrown brush.

Cemetery maintenance will be conducted by Mark L. Woolley Riles & Woolley Monuments, 39 Main Street, Forestville, NY 14062.

Cost Breakdown: Cemetery Maintenance

- **Pope Hill Cemetery**

15 stones repaired = \$545

40 stones cleaned = \$2,000

-Vegetation and Tree Clearing = \$500

Total \$3,045.00

- **Hamlet Cemetery**

46 stones repaired = \$2,750

75 stones cleaned = \$3,750

-Vegetation and Tree Clearing = \$500.00

Total \$7,000

- **Wheeler Cemetery**

32 stones repaired = \$950

25 stones cleaned = \$750

-Vegetation and Tree Clearing = \$500

Total \$2,200

- **Ball Hill Cemetery**

15 stones repaired = \$735

25 stones cleaned = \$1,250

Vegetation and Tree Clearing = \$500

Total = \$2,485

- **Cemetery Signs:** 4 x (2x3 oval) with installation (@\$400) = \$1,600

TOTAL \$16,330

6. Villenova Cemetery Maintenance

General Maintenance will include cemetery maintenance, as well as any activities associated with cemetery upkeep, as needed. Veteran and Historic Monument Repair will include grave stones for Patriot Soldiers (Revolutionary War) through World War II veterans. This will include cleaning 44 grave stones, one (1) chipped grave stone repair, one (1) tree removal, placement of one (1) historic marker, one (1) repoint stone repair. (See Appendix A-4 for photographs of grave stones).

Cost Breakdown: Villenova Cemetery Maintenance

General Maintenance = \$6,730

Cleaning 44 grave stones = \$2,500

1 chipped grave stone repair = \$50

1 tree removal = \$400.00

1 historic marker = \$120

1 repoint stone repair = \$200

Total \$10,000

Total Preservation Grant for Town of Villenova \$68,000

Town of Hanover

1. Digital Archiving Historical Society Records for Hanover History Center

The project will digitally record historic photographs, film negatives, glass negatives, postcards, print copy photos, accession records, newspaper articles, and other appropriate documents. (A detailed description is attached in Appendix 5).

This will allow the records to be preserved, and can be place on the town web site allowing the materials to be more accessible for public use. This will also reduce the need to store materials and preserve materials before deterioration occurs.

The scanning project will be conducted by Niles Dening Photography located in Silver Creek, New York. See Appendix A-6 for detailed cost breakdown.

2. Historic Markers

Two historic markers will be purchased for placement at two historic sites. Town Historian Mr. Vince Martonis will be responsible for identifying the two historic properties for marker placement. Mr. Martonis has placed numerous markers at historic sites throughout the town over the last several years.

The historic marker will be purchased from
Catskill Castings
51971 NY-10
Bloomville, NY 13739

Cost Breakdown: Digital Scanning and Historical Markers

- Digital Archiving for Hanover History Center
\$14,600
- Placing Historic Markers
\$2,400

Total Preservation Grant for Town of Hanover \$17,000

Total Mitigation Preservation Grant for towns of Villenova & Hanover \$85,000

COST BREAKDOWN

Cost Summary Allocation			
Town of Villenova Total	\$68,000		
Town of Hanover	\$17,000		
Total Indirect Mitigation Grant		\$85,000	
<u>DETAIL COST BREAKDOWN</u>			
Town of Villenova			
1. Modular Building for Historical Society			
Modular Building (141 inches by 12 feet) (including heater/air conditioner) including 5% estimated annual increase		\$26,700	
Cement slab (for building placement) ca. 12.75-ft by 25-ft (includes 1-ft extension beyond building frame) (\$10-12/cubic foot) (ca 350-400 sq.ft; labor, gravel base, etc.)		\$3,100	
Handicap accessible (small ramp)		\$500	
			\$30,300
2. Furniture and Equipment for building			
Desk or Table with draws		\$400	
Chairs - 3		\$400	
Computer including some software		\$1,200	
Copier/scanner with supplies (paper, toner cartridge)		\$1,500	
[Business Wireless Color Laser]			
			\$3,500
3. Historic Record Storage			
Two (2) fire proof file cabinets		\$3,200	
Three storage cabinets - 4x6 foot cabinet (3@\$400)		\$1,200	
(Double Door Storage Cabinet - 36"W x 20"D x 60"H with glass doors with shelving)			
Map file case (maps and oversized documents)		\$500	
			\$4,900
4. Scanning documents for the Historical Society			
Scanning & digitizing archival documents for Historical Society		\$2,970	
			\$2,970
5. Cemetery Maintenance (grave stone cleaning, repairs, stabilizing) for the following four cemeteries			

Pope Hill Cemetery			
15 stones repaired	\$545		
40 stones cleaned	\$2,000		
Vegetation and Tree Clearing	\$500		
		\$3,045	
Hamlet Cemetery			
46 stones repaired	\$2,750		
75 stones cleaned	\$3,750		
Vegetation and Tree Clearing	\$500		
		\$7,000	
Wheeler Cemetery			
32 stones repaired	\$950		
25 stones cleaned	\$750		
Vegetation and Tree Clearing	\$500		
		\$2,200	
Ball Hill Cemetery			
15 stones repaired	\$735		
25 stones cleaned	\$1,250		
Vegetation and Tree Clearing	\$500		
		\$2,485	
Cemetery Signs: 4 x (2x3 oval) with installation \$400)		\$1,600	
			\$16,330
5. Villenova Cemetery Maintenance			
Veteran & Historic Monument Repair			
including Patriot Solders (Revolutionary War) thru WW II			
General Maintenance and Upkeep		\$6,730	
Cleaning 44 grave stones		\$2,500	
1 chipped grave stone repair		\$50	
1 tree removal		\$400	
1 historic marker		\$120	
1 repoint repair		\$200	
			\$10,000
Town of Villenova Total			\$68,000
Town of Hanover			
1. Digitally Scan Historical Society Records		\$14,600	
2. Historic Markers Placement (\$1200 each)		\$2,400	
Total			\$17,000

Exhibit F

Unanticipated Discoveries and Human Remains Protocols

UNANTICIPATED ARCHAEOLOGICAL DISCOVERY PLAN

PROPOSED BALL HILL WIND ENERGY PROJECT

TOWNS OF VILLENova AND HANOVER, CHAUTAUQUA COUNTY, NEW YORK

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3. The Project Archaeologist will assess the discovered resource by personal examination. In the course of this examination the Project Archaeologist may request the Site Manager to use available on-site machinery (e.g., backhoe) to expose a larger section of the resource. This additional exposure will be of limited scope. If, at this point, the Project Archaeologist determines the resource to be insignificant, construction may resume immediately. If, on the other hand, the resource is judged to be potentially significant, construction will remain suspended, the Project Archaeologist will notify the New York

State Historic Preservation Office (SHPO), and a determination will be made of the need for additional examination.

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