

**Proposed Madison County
Agriculture and Renewable Energy Business Park**

**Town of Lincoln
Madison County, New York**

**Final Generic Environmental
Impact Statement**

June 2013

State Environmental Quality Review Act (SEQRA)

Type of Document: Final Generic Environmental Impact Statement

Name of Project: Agricultural and Renewable Energy Park

Location of Project: Town of Lincoln, Madison County, NY

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Table of Contents

<u>Section</u>	<u>Page</u>
I. Introduction.....	1
A. Project Summary	1
B. Organization of the FGEIS.....	1
C. Document Availability.....	3
D. DGEIS Public Comment Opportunities	3
II. Revisions to the DGEIS.....	5
A. Overview of Revisions	5
B. Revisions to Specific Portions of the DGEIS.....	5
III. Responses to Comments	14
A. Oneida Indian Nation Comments	14

Appendices

- Appendix AA – Correspondence and Other Materials
- Appendix BB – DGEIS Public Hearing Transcript and Written Comments
- Appendix CC – Additional Cultural Resource Investigations and Studies
- Appendix DD – Alliance Archaeological Services Response to Comments
- Appendix EE – Madison County Landfill Solid Waste Permit ID 7-2538-0001/00005
- Appendix FF – Draft Conservation Easement

I. Introduction

A. Project Summary

Madison County, herein referred to as “the County” proposes to designate approximately 305 acres of County-owned land along Buyea Road and Tuttle Road for the development of an Agricultural and Renewable Energy (ARE) Park in the Town of Lincoln, Madison County, New York. These lands are generally comprised of permitted or planned soil borrow areas and buffer properties for the County’s active solid waste disposal facility. Sites 1A and 1B, which total approximately 65 acres in size, are located along Tuttle Road. Most of the acreage included in Sites 1A and 1B has been previously approved for use as soil borrow areas, as part of the County’s permitted landfill operation. Site 2 consists of approximately 218 acres of land, located on the east side of Buyea Road, opposite the operating Madison County Landfill, and approximately 12 acres located on the west side of Buyea Road at the south entrance to the landfill.

Numerous studies and surveys have shown the need for locally based support industries for agricultural producers in Madison County. Efforts to attract tenants to the ARE Park will be targeted toward attracting businesses that will coincide with the areas regional strengths and likely include those that produce, process, store, and ship a variety of meat, seafood and agricultural products, wood products, products manufactured from recycled materials, and specialty industries. Businesses in the ARE Park will have access to reliable, locally generated sources of green energy, including electrical energy from the Landfill-Gas-to-Energy facility and a solar energy cap located at the Madison County Landfill.

A Draft Generic Environmental Impact Statement (DGEIS) for this project, dated January 23, 2012 was made available for public review and comment following its acceptance by Madison County, as the SEQRA lead agency, on January 23, 2012. A public hearing on the DGEIS was held on February 6, 2012 and the written comment period for the DGEIS concluded on March 14, 2012.

B. Organization of the FGEIS

Section I of this FGEIS (Introduction), in addition to providing a summary of the project, describes the main section of the FGEIS, provides a list of locations where the FGEIS is available for public review, and summarizes the opportunities for public comment subsequent to issuance of the DGEIS on January 23, 2012.

Section II of this FGEIS (Revisions to the DGEIS) describes the changes that have been made to the DGEIS. These revisions are in response to Madison County’s consideration of comments submitted with regard to the DGEIS during the public comment period. Except for the DGEIS revisions described in this

FGEIS, the information and environmental analyses contained in the DGEIS remain unchanged and are incorporated by reference in this FGEIS.

Presented below is a list of DGEIS documents that identifies the location of revisions made, if any, to each document through this FGEIS process.

DGEIS Documents (Dated January 23, 2012)	Location of DGEIS Revisions Within FGEIS (Dated June 11, 2013)
DGEIS Main Volume, including all table and figures bound therein	FEIS Main Volume, any changes to tables or figures included therein
Appendix A: Notice of SEQRA Public Scoping Meeting	No changes made
Appendix B: Final Public Scoping Document	No changes made
Appendix C: Correspondence	No changes made
Appendix D: Habitat Assessment Memorandum	No changes made
Appendix E: Wetland Delineation Reports	No changes made
Appendix F: Traffic Impact Analyses	No changes made
Appendix G: Cultural Resource Investigations and Studies	No changes made
Appendix H: Visual Impact Assessment	No changes made
Appendix I: Noise Assessment	No changes made
Appendix J: Air Quality Assessment	No changes made

The third section of this FGEIS is Section III (Responses to Comments). Section III provides the County's responses to substantive comments that were submitted either at the DGEIS public hearing or in writing prior to the completion of the public comment period on March 14, 2012. There were no participants at the DGEIS Public Hearing, and therefore no comments submitted during the hearing. Only one commenter, the Oneida Indian Nation, submitted comments in writing and the responses to the substantive comments contained in their letter are listed in Section III. The comments are organized in the same order in which they were set forth in the written correspondence submitted by the Nation.

The appendices that are included with this FGEIS are listed in the Table of Contents. These appendices provide additional information with regard to the DGEIS revisions or the comments and responses presented in the FGEIS. Specific references to these appendices are provided, as appropriate, throughout the FGEIS document. The transcript of the DGEIS public hearing and copies of the comment letter(s) received during the comment period are included in Appendix BB.

C. Document Availability

The FGEIS is being made available for public review in the same manner and in the same locations that the DGEIS was made available for public review. Hardcopies of this FGEIS, including a full set of the FGEIS and DGEIS documents (including all separately bound appendices), may be reviewed at the Madison County Planning Department located on the second floor of the Madison County Office Building at 138 North Court Street, Wampsville, New York 13163 or at the Madison County Landfill Offices on Buyea Road, Wampsville, New York 13163.

Electronic copies of the FGEIS and DGEIS for the proposed Madison County ARE Park, including all separately bound documents, can be reviewed at the following website www.madisoncounty.org. A letter reporting the acceptance and availability of the FGEIS was mailed or emailed to all Public Scoping Meeting and DGEIS Public Hearing participants. A copy of this letter was also sent to all individuals who supplied a written comment on either the Draft Scoping Document (dated April 2011) or the DGEIS (dated January 23, 2012). In addition, as was conducted with the DGEIS, hard copies of the FGEIS will be supplied to the following municipalities and agencies: NYSDEC, Town of Lincoln, and Madison County.

D. DGEIS Public Comment Opportunities

The DGEIS for the proposed Madison County ARE Park was issued for public review and comment on January 23, 2012. Full sets of the DGEIS were made available for public review at Madison County Planning Department and Landfill office. In addition, the main volume of the DGEIS was forwarded to the agencies and municipalities identified above for their review and comment. A Notice of Availability, detailing the issuance and accessibility of the DGEIS, was mailed or emailed to 1 person that had participated in the SEQR Public Scoping process for the proposed project.

The DGEIS Public Hearing was held at 7:00 P.M. on Monday, February 6, 2012, at the Madison County Office building, 138 North Court Street, Wampsville, New York. No one presented oral comments on the DGEIS at the Public Hearing, which ended at 8:00 P.M. A stenographic transcript of the hearing is available for public review at the Madison County Planning Department in the Madison County Office building located at 138 North Court Street, Wampsville, New York and is also reproduced as Appendix BB of the FGEIS.

Additional written comments on the DGEIS were accepted by Madison County until the end of the day on March 14, 2012. These submittals are available for public review at the Madison County Planning Department in the Madison County Office building located at 138 North Court Street, Wampsville, New York and are also presented in the FGEIS as Appendix BB.

Madison County has reviewed and considered the comments and prepared written responses to the substantive comments. Madison County's responses are provided in Section III of this FGEIS.

II. Revisions to the DGEIS

A. Overview of Revisions

Madison County's review and consideration of comments submitted have resulted in revisions to the Main Volume of the DGEIS, including to those portions of the document including the Introduction and Cumulative Impacts.

A discussion of the DEIS revisions relating to each of these topics is presented in the following sections.

B. Revisions to Specific Portions of the DGEIS

1.0 Introduction (DEIS pp. 1-12)

1.2.1 *Historic and Archaeological Resources* (DEIS pp. 5-6)

The last paragraph has been revised to read: "Cultural Resources identified in connection with previous Archaeological Resource investigations have been preserved through specific special conditions included in the NYSDEC Landfill Operating Permit and the County will provided conservation easements to protect significant cultural resources that may be identified by on-going studies."

1.5 Segmentation

The following paragraphs were added to the end of this section:

Conducting two separate environmental impact reviews, of the JBL Facility in 2009 and the ARE Park in 2010-2013 including this Generic Environmental Impact Statement, is entirely appropriate and proper procedure under SEQR. The context of the SEQR review of the ARE Park is a positive declaration based on the acknowledged presence of cultural resources within the proposed footprint of the ARE Park. Conversely, the JBL Facility is located on prior disturbed ground that has zero potential to contain cultural resources. The JBL site was historically used as a gravel pit before the County purchased it. The County's recycling facility construction project in the 1980's included all of he lands now slated for transfer to JBL. The recycling facility project, which took place over thirty years ago, involved contouring and grading a multi acre parcel including the lands comprising the JBL site. Importantly, all of the lands required for the recycling facility including the land on which the JBL site will be located were

surveyed for archeological materials twice. The first survey was prior to disturbance in 1989 by Pratt and Pratt Archeological Consultants and subsequently in 2005 by Alliance Archeological Services. Neither study indicated evidence that the subject lands were likely to contain significant cultural resources.

The JBL project is located entirely on prior disturbed ground. Reasonable archeologists would agree that neither further studies nor consultations with experts would be relevant to disturbed ground which by definition has zero potential for impacts to cultural resources. Moreover, the SHPO has stated in writing that it has no further concerns with the JBL site. As noted in Table 1.2 describing the basis for proper treatment of the JBL and ARE Park projects as two separate reviews, seven of the eight consensus factors support separate reviews. The only commonality between the ARE Park and the JBL projects is location. Most importantly, the facts clearly support the conclusion that there will be no significant adverse impacts on cultural resources as a result of the manner in which the County has conducted its SEQR reviews of the two projects. In this case, segmentation is lawful and proper.

4.0 Potential Project Impacts, Mitigation Measures and Alternatives (DEIS pp. 42-96)

4.1.1.1 Sites 1A and 1B

The third sentence of this section was revised to read: “No potentially significant pre-contact sites were identified”.

5.0 Cumulative Impacts (DEIS pp. 97-101)

This section, including Table 5.1, has been revised as indicated by the underlined text.

This chapter evaluates the cumulative impacts of the preferred alternative. “Cumulative impact” is defined as the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions (40 CFR § 1508.7). Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

The Council on Environmental Quality (CEQ) has identified four basic types of effect that can lead to cumulative impacts.

- Type 1 – Repeated additive effects on a resource from a single project
- Type 2 – Stressors from a single project that have interactive (countervailing or synergistic) net effect on a resource
- Type 3 – Additive effects arising from multiple sources (projects, point sources, or general effects associated with development)
- Type 4 – Effects arising from multiple sources that affect resources in an interactive fashion.

For the purposes of this document, the cumulative impact analysis is generic and is limited to those environmental resources directly impacted by the proposed actions. The resources subject to a cumulative impact assessment in this document include: the development footprint of the proposed ARE Park site, local and county roadways adjacent to the project site, cultural resources located within the project footprint area, wetlands, water resources impacts, air resources impacts, visual impacts, noise impacts and impacts to community character.

Actions included within the scope of the ARE Park include:

- Extension of water service to serve the needs of the Madison County Landfill and ARE Park
- Extension of a dedicated force main sanitary sewer and support facilities to serve the needs of the ARE Park and the Madison County Landfill
- Development of Site 2 as a potential soil borrow area
- Reclamation of Sites 1A, 1B and Site 2
- Construction of internal roadways, storm water management facilities, and infrastructure within the ARE Park footprint
- Construction of buildings and operating processes of businesses occupying the ARE Park

Cumulative impact analysis requires an understanding of activities or plans that may reasonably be expected to affect the proposed project site independently of or in conjunction with the proposed project.

Other projects that are being considered or undertaken and fully approved independently of the ARE Park include:

- Town of Lincoln
 - Potential extension of public water from the Onondaga County Water Authority to the hamlet of Clockville
 - Potential rezoning of properties along proposed routes of water main extension from AR-2 to AR-1
- Madison County
 - Soil mining from designated areas of Sites 1A and 1B
 - Construction and operation of the JBL Kiln Facility
 - Build out of Madison County Landfill

No transportation improvement projects have been programmed for the Town of Lincoln, Madison County in the approved State Transportation Improvement Plan for 2011-2014¹. No new transportation improvement projects are proposed by the Town of Lincoln or Madison County Department of Public Works for roadways around the project site.

The methodology for analyzing the cumulative impact of the ARE Park utilizes the CEQ's eleven step process for cumulative impact assessment. The resource issues requiring a cumulative impact assessment were defined during a public scoping meeting in February, 2011 and in comments received from the Onondaga County Water Authority and others. This process is summarized in Table 5.1.

The revisions to Table 5.1 are as indicated by the underlined text.

¹ <https://www.nysdot.gov/programs/stip/files/R2.pdf>

Table 5.1 Cumulative Impact Summary							
Step No.	Cultural Resources	Noise	Visual Impacts	Traffic	Wetlands	Air Quality	Community Character
1 – Identify significant cumulative effects issues	Potential impacts to Native American artifacts or burials and early European settlement artifacts	Potential increases in ambient noise levels with operation of process and HVAC equipment and <u>vehicles</u>	Visibility of industrial buildings will cause a change in view of rural landscape	Increased truck and passenger vehicle traffic on Tuttle and Buyea Roads	Potential loss of emergent marsh and scrub shrub habitat	Potential increased emission of VOCs, particulates, greenhouse gases	Change from agricultural use and use as soil borrow area to an industrial park; installation of public water
2 – Establish the geographic scope for the analysis	ARE Park parcels 1A, 113, and 2(areas as shown in report); <u>JBL Kiln site and area of Madison County Landfill build out</u>	Property perimeter on Tuttle Road and Buyea Road	5 mile radius of ARE Park site	Tuttle Road and Buyea Road	ARE Park parcels and utility alignments	ARE Park parcels and immediate adjacent lands	ARE Park Sites 1A, 1B and 2; Town of Lincoln
3 – Establish the time frame for the analysis	Current	20 years	20 years	20 years	20 years	20 years	20 years
4 – Identify other actions affecting the resources	Soil mining, <u>construction activities and landfilling operations</u>	Potential construction of residential development on adjacent parcels, <u>build out of Madison County Landfill and the JBL Kiln</u>	Build out of Madison County Landfill and <u>JBL Kiln</u>	More use of local roads by commuters; increased residential development and <u>increased commercial/industrial traffic</u>	<u>Build out of the Madison County landfill</u>	Increased use of landfill-generated methane for LFGTE fuel; conversion to CO2	Use of Sites 1A and 113 for soil borrow area; potential use of portions of Site 2 as a soil borrow area; continued agricultural use of all sites until used as soil borrow areas; continued use of portions of Site 2 for drop off of recycled materials
5 – Characterize resources in terms of ability to change and capacity to withstand stresses	Contextual integrity of cultural resource artifacts at risk without appropriate pre- construction investigation and conservation or project modification	Ambient noise levels very low; noise levels are likely to increase slightly for adjacent residential neighbors	Overall rural character of Town is not expected to change; local views will be <u>only slightly altered as completion of planned and/or fully approved activities continue</u>	Existing road capacity will be sufficient for predicted increases in traffic	Alterations in surface drainage patterns may increase water supply to wetland in Site 1A. <u>Wetland impacts can be mitigated through wetland restoration and/or creation projects.</u>	Madison County is currently in attainment status. Ambient conditions are not expected to change as a result of project.	Character of community outside of ARE Park is not likely to be affected; labor force is likely to be drawn from local labor pool

Table 5.1 Cumulative Impact Summary

Step No.	Cultural Resources	Noise	Visual Impacts	Traffic	Wetlands	Air Quality	Community Character
6 – Characterize stresses affecting these resources in relation to regulatory thresholds	Identification of sensitive cultural resources required by National Historic Preservation Act (36 CFR 800-812); New York State Historic Preservation Act (Section 14.09)	29CFR 1910.95 Occupational exposure limits: 8 hr TWA < 90 dbA Maximum exposure limit 140 dbA 6 NYCRR Part 360-1.14 sets noise thresholds at the property line of permitted solid waste facilities. Rural noise thresholds: 7 A.M.-10 P.M. – 57 dBA 10 P.M.-7:00 A.M. – 47 dBA Note: Town of Lincoln Local Law does not apply in IC district	6 NYCRR Part 617 – requires assessment of visual impact. Local community determines standard of acceptability and mitigation requirements	NYS Vehicle and Traffic Laws Town of Lincoln Highway Superintendents Driveway Approval NYSDOT Road Design Standards Threshold for impact: Change in LOS from B to D	Impact threshold for wetland mitigation: 0.1 acre (Sec. 404 Clean Water Act) Water quality standards in 6 NYCRR Part 703 apply for trout waters	6 NYCRR Subpart 201.3 Exempt and Trivial Activities 6 NYCRR Subpart 201.4 – Minor Facility Registrations 6 NYCRR Subpart 201.5 – State Facility Permits 6 NYCRR Subpart 201-6 Title V Air Permits Madison County is currently in compliance with Ambient Air Quality Standards	Sanitary sewer use: - Compliance with City of Oneida Pretreatment Standards (Article XI, Sec. 139) Acceptable sewer use threshold: 5 180K GPD Water usage: - Compliance with OCWA water use requirements Acceptable water use threshold: 5 400K GPD Building height restriction: 5 50 feet (Town of Lincoln code) Lot setbacks: may require variances as discussed in Chapters 2 and 3
7 – Define baseline condition	Refer to Chapter 4	Refer to Chapter 4	Refer to Chapter 4	Refer to Chapter 4	Refer to Chapter 4	Refer to Chapter 4	Private non-farm employment (2008) – 18,234 – down 9% from 2000 No of firms – 5,810 (2007) Unemployment rate (2010) – 8.4%

Table 5.1 Cumulative Impact Summary

Step No.	Cultural Resources	Noise	Visual Impacts	Traffic	Wetlands	Air Quality	Community Character
8 – Identify cause and effect relationships	No impacts anticipated. Soil mining, utility installation, <u>building construction, landfilling operations</u> and ARE Park development activities areas will avoid areas that are determined to be sensitive for cultural resources. All JBL Kiln <u>activities will occur in areas which have been previously disturbed.</u>	Operation of HVAC equipment and process equipment; temporary construction-related noise. Effects will be mitigated to levels below acceptable impact threshold	Buildings in ARE Park likely to be screened by vegetation, partially screened to east by new landfill, and mitigated by height restrictions. <u>Build out of the Madison County landfill and JBL Kiln will produce impacts that are consistent with the existing landfill operations and other industrial uses.</u>	Increased truck traffic and vehicle trips/day expected as ARE Park is built out. <u>JBL will produce minimal increased truck traffic of only approximately 12 truck trips per week. As build out of the Madison County landfill proceeds, and older portions are completed and closed, traffic impacts will remain consistent with current conditions.</u>	Site 1A – Existing wetland may become wetter with increase in surface water runoff	Operation of process equipment could create low level emissions of VOCs, particulates and greenhouse gases	Full build out of ARE Park is likely to generate 506 full time jobs and 25 new or relocated businesses. <u>JBL Kiln is expected to create one job and will not require either water or sewer services.</u>
9 – Determine magnitude and significance of cumulative effects	Cultural resources investigation of Area of Potential Effect shows little likelihood of encountering significant historic or prehistoric artifacts. Consultation with Oneida Indian Nation and NYS Historic Preservation Office is on-going to determine significance of <u>activities related to ARE Park</u>	The maximum noise increase predicted <u>for</u> receptors on Tuttle Road <u>related to ARE Park</u> is 3.1 dBA (Leq). Maximum noise increase predicted on Buyea Road is 3.0 dBA (Leq). The acceptable threshold of impact is 6 dBA. Expected impacts <u>from JBL Kiln and the build out of the Madison County landfill</u> are not significant.	ARE Park buildings will be visible to 3% more area within 5 mile viewshed analysis radius.	No change existing level of service on Tuttle Road. LOS changes from B to C on Buyea Road under build out condition. Tuttle Road threshold for LOS B: 166 vph Buyea Road threshold for LOS C: 411 vph	No wetland impacts anticipated <u>as</u> wetlands will be avoided <u>within ARE Park. Build out of the Madison County Landfill will impact 0.2 acres of wetland as a result of soil mining activities.</u>	Operations within the ARE Park are not likely to exceed regulatory thresholds for hazardous air pollutants or GHGs	The number of jobs is expected to increase approximately 3% over 2008 employment total. These jobs are expected to reduce the current unemployment level and increase real wages.

Table 5.1 Cumulative Impact Summary

Step No.	Cultural Resources	Noise	Visual Impacts	Traffic	Wetlands	Air Quality	Community Character
10 – Modify or add alternatives to avoid, minimize or mitigate significant cumulative effects	<u>Future planned and fully approved development activities</u> will avoid identified areas that are deemed sensitive for cultural resources. <u>Actions in areas of previous disturbance, however, will have no negative impact.</u>	Mitigation measures will be required for impacts in excess of these thresholds	Landscaped buffers, berms, and other measures will be incorporated into site plan to reduce adverse visual impacts. Buildings may be designed with green roofs or other visual elements to be compatible with rural environment	Site Plan Approval from the Town of Lincoln required prior to construction. Traffic impacts in excess of designated thresholds will likely require mitigations such as the addition of turn lanes	Soil mining operations and ARE Park development plans may be modified to avoid impacts to federal jurisdictional wetlands. <u>Wetland impacts related to the build out of the Madison County landfill will be mitigated through the implementation of a wetland creation project.</u>	Air impacts are not likely to trigger regulatory thresholds. Mitigation will be required and incorporated on a case-by-case basis	No adverse cumulative impacts anticipated.
11 – Monitor cumulative effects of the selected alternative	Oneida Indian Nation cultural resource specialist will be involved in evaluation of the alternatives	Noise will be monitored from the site as development proceeds	Town of Lincoln site plan regulations will govern types of screening used.	Town of Lincoln and Madison County Highway Superintendent will monitor traffic and report on need for corrective measures	No adverse impacts anticipated	All operations within ARE Park will be required to comply with applicable air quality regulations	County officials will monitor the effects on the local economy

6.0 Unavoidable Impacts (DEIS pp. 102-103)

6.2 Cultural Resource Impacts

The following paragraph has been added to this section:

Madison County acknowledges its important role in preserving and protecting the environment including archeologically significant materials, objects of antiquity and other important cultural resources that may be located in the vicinity of the proposed ARE Park. Two areas within the ARE Park footprint have been identified by the County's consulting archeologists as having the potential to contain significant cultural resources. Development of these areas will be avoided. Further, the two areas in question will be protected and preserved by means of a permanent Conservation Easement in accordance with the provisions of Article 49 of the New York Environmental Conservation Law. A draft of a proposed Conservation Easement is attached hereto and incorporated herein as Appendix FF. Please note, in accordance with New York State law the proposed Conservation Easement must be reviewed and approved as to form by the offices of the Attorney General of the State of New York and also Counsel to the New York State Department of Environmental Conservation. Accordingly, the Conservation Easement attached hereto is subject to change prior to final execution and filing.

III. Responses to Comments

A. Oneida Indian Nation Comments

In a letter dated March 13, 2012, Ian A. Shavitz, an attorney representing the Oneida Indian Nation (the "Nation"), submitted the following comments (listed under the headings of "General" and "Specific" Comments) in response to the DGEIS. (A copy of the letter is included in Appendix BB.)

A.1 Oneida Indian Nation General Comment #1:

- a. **The Nation and New York State's Historic Preservation Office ("SHPO") were not consulted on the archeological surveys upon which the DGEIS relies for its conclusions.**

Response:

The record on this matter clearly reflects significant consultation activities between SHPO, the Nation, the New York State Department of Environmental Conservation ("DEC") and Madison County (the "County") on the cultural resources surveys conducted at the site over the last more than 20 year period. Every study conducted was submitted to, reviewed by, and is on file with the SHPO. Furthermore, the Nation's input is evidenced in several of the studies and, upon formal initiation of DEC's CP-42 consultation policy by in 2010, all additional cultural resource activities included direct participation and approval of survey and sampling protocols by Nation representatives. Details of such consultations are included in Alliance Archaeological Services' ("Alliance") response to the Nation's comments on the DGEIS (the "Alliance Response"), attached as Appendix DD, which is incorporated fully herein by reference.

Further, while the Nation claims it was not consulted on relevant archaeological studies, each of the studies in question was undertaken as part of a SEQRA and/or DEC permitting procedure of which the Nation had notice, yet failed to participate. For instance, in 2006 the Nation received notice of the permitting process for the landfill expansion, but failed to participate or provide any comments. Similarly, in 2010 the Nation received the SEQRA Lead Agency Notice for the JBL Facility, and again failed to participate in any fashion.

During consultation with the Nation undertaken as part of the surface surveys and sampling of the site the Nation's archaeologist agreed that the methods utilized by the County's archaeological consultant were not only adequate, but were above and beyond standard industry procedures. The same surface survey methods were utilized for all areas of the site, regardless of when the work occurred.

While the Nation asserts that consultation occurring in May of 2010 between SHPO, DEC and representatives of the County resulted in an agreement related

to the process that would occur prior to the development of the site, landfill expansion and/or JBL Facility, no such agreement was ever reached. Rather, the Nation seeks to cast the process, and items, it requested as an “agreement” that was reached between the parties.

While the Nation may not have been directly consulted on every archaeological review of the site which has occurred in the past, they both failed to engage in the opportunity when it was available to them and have since reviewed the very same procedures that were used, and agree that they were more than adequate.

A.2 Oneida Indian Nation General Comment #2:

- b. The DGEIS lacks the information necessary for the Nation to adequately assess the impacts of the Project on cultural resources.**

Response:

While all Archaeology Studies conducted by Madison County for this site were previously submitted to, and reviewed by, the SHPO and have been available through their offices for review upon request of interested and involved parties, additional copies of studies not included in the DGEIS were, upon request, submitted to the DEC and the Nation and are included in Appendix CC of the FGEIS as noted above.

To ensure that all comments and concerns expressed in the Nation’s comment letter were adequately addressed, the County met with DEC Regional and Central Office Staff and Nancy Herter from the SHPO on June 30, 2012 to thoroughly review and discuss the contents of the letter. As a result of the meeting, Nancy Herter issued a letter dated June 11, 2012 clearly outlining the results of her office’s review of all cultural resource materials and detailing additional materials to be submitted by the County. On July 19, 2012, B&L, on behalf of the County, submitted a complete package of materials as requested, including additional mapping, figures, design drawings, copies of previously submitted reports, and other data as outlined in the letter (see Appendix AA). Additionally, DEC, through the CP-42 Consultation process requested other additional copies of previously submitted reports during the months of July through December 2012. The County fulfilled each of the agency requests, providing all existing information. In addition, the County created new maps and other schematics depicting the surveyed areas and proposed development areas at the request of SHPO. Copies of the requests and responses can be found in Appendix AA. The SHPO and DEC provided all requested information to the Nation for review and comment. That Nation has, thus far, provided no further comments.

After receiving all the information from the County, on September 19, 2012 SHPO issued a letter which states that “OPRHP has no further cultural resource

concerns.” Therefore, the Nation’s assertion that insufficient information exists upon which to review the cultural surveys relied upon in the DGEIS is unfounded, as all information was not only provided, but new information was created to address all SHPO and DEC concerns.

A.3 Oneida Indian Nation General Comment #3:

c. The DGEIS fails to consider the Madison County Landfill Expansion and the JBL Facility.

c.1. *The need for all landfill developments to be surveyed prior to any ground disturbance.*

Response

Substantial evidence is contained in all of the cultural resource studies to date (see Appendix CC) which supports the fact that all areas of the site, including the ARE Park, the landfill, and the JBL Facility, have been adequately surveyed to date. The veracity of this statement has been supported by both DEC and SHPO as reference in OPRHP letters dated June 11 and September 19, 2012 stating that SHPO has reviewed all the studies and concluded that they had no further cultural resource concerns. (see Appendix AA). In addition, the Nation’s assertion that a “disadvantage” exists due to the use of previously undertaken archaeological reports is unfounded. As detailed in the Alliance Response, same or similar surface survey techniques and other sampling methods were utilized in all investigations of the cultural resources related to the site. These methods and techniques were ultimately approved, and indeed commented upon favorably, by the Nation’s own archaeologist.

The Nation’s assertion that the entire site must be reevaluated entirely is both unreasonable, and outside the parameters of sound archaeological methodologies. The fact that exemplary archaeological techniques were employed to evaluate the site is evidenced by the identification of four historically significant sites. Sites that the County will protect into the future through the use of a Conservation Easement.

c.2 *Exclusion of the landfill expansion.*

Response:

While the Nation’s comment indicates that the DGEIS is silent on the landfill expansion, that is not the case. The landfill expansion is included in the analysis of potential cumulative impacts of the development of the site. Further, portions of the archaeological review incorporate surveys undertaken to evaluate the impact of the landfill expansion, in those areas approved as a soil borrow area, and which are included in the ARE Park site. Because the landfill expansion has been previously reviewed (including its environmental and cultural impacts) and approved it is not necessary, or appropriate, to revisit these issues outside of

their potential to create or impact cumulative impacts, which the GEIS addresses and analyzes.

The landfill expansion was fully addressed in a SEQR Type I Expanded Environmental Assessment in 2006. This SEQR review included opportunities for written public comments as well as a public hearing to receive oral comments from the public. While the Nation indicates it was not consulted on previous approvals for the landfill expansion, that statement is also not accurate. In fact, the Nation was afforded an opportunity to review all documents and comment during the public comment period. Importantly, the Nation was specifically included on the list of involved and interested agencies pursuant to the permitting process for the landfill expansion. The Nation was included on the Notice of Complete Application for the DEC permits associated with the landfill expansion, which offered an additional opportunity for public review and comment. The Nation, however, chose to provide no comments at that time, and thus failed to participate when given the opportunity. Documentation demonstrating that the Nation was included in the permitting process for the landfill expansion is attached as Appendix EE.

The landfill expansion was approved and permitted by the DEC in 2006, and operations have been underway for several years at this point. The area covered by the landfill expansion was thoroughly investigated with respect to cultural resources in archeological studies conducted between 2005 and 2010. These archeological studies identified cultural resources associated with the Tuttle Site and resulted in its preservation beginning in 2006. In addition, the Part 360 permit issued to the County for the area that has been designated as active landfill requires the County to follow an “avoidance plan” in connection with the Tuttle Site and in the event any new archeological materials are observed. This affirmative permit obligation to report, mitigate loss and protect cultural resources indicates that DEC carefully considered the potential for impacts on archeological and cultural resources during the permitting process and made compliance with an avoidance plan a condition of the permit.

c. 3. Segmentation of the JBL Facility

Response:

Review of the JBL Facility separate and apart from review of the ARE Park does not constitute segmentation. The segmentation issue was discussed thoroughly with several DEC Region 7 and Central Office personnel who, in the end, all came to the consensus that, segmentation in this case is appropriate as fully explained in the FGEIS.

Nonetheless, as discussed below, the County undertook an exhaustive analysis of the cumulative impacts resulting from the landfill, the JBL Facility and the ARE Park.

Further, any potential cumulative impacts related to the JBL Facility are identified and examined as part of the environmental review of the site development. Indeed, after having reviewed all relevant information related to the previous disturbance of the JBL Facility site, SHPO concurred that there were no concerns with impacts to cultural resources from construction and operation of the JBL Facility.

The Nation commented that the ARE Park and JBL project are in essence one project and that “all of the archeological issues must be resolved prior to ground disturbances for the JBL facility.” Further, the Nation asserts that stormwater permits for the JBL facility should not be issued until further archeological testing of the JBL site is performed. These comments are based on a misunderstanding of the fact that the JBL project is located on prior disturbed ground. Further studies of the disturbed JBL lands would be pointless and contrary to the requirements of SEQR and New York’s Historic Preservation Act.

Conducting two separate environmental impact reviews, of the JBL Facility in 2009 and the ARE Park in 2010-2013 including this Generic Environmental Impact Statement, is entirely appropriate and proper procedure under SEQR. The context of the SEQR review of the ARE Park is a positive declaration based on the acknowledged presence of cultural resources within the proposed footprint of the ARE Park. Conversely, the JBL Facility is located on prior disturbed ground that has zero potential to contain cultural resources. As described more fully in Appendix AA, the JBL site was historically used as a gravel pit before the County purchased it. The County’s recycling facility construction project in the 1980’s included all of the lands now slated for transfer to JBL. The recycling facility project, which took place over thirty years ago, involved contouring and grading a multi acre parcel including the lands comprising the JBL site. Importantly, all of the lands required for the recycling facility including the land on which the JBL site will be located were surveyed for archeological materials twice. The first survey was prior to disturbance in 1989 by Pratt and Pratt Archeological Consultants and subsequently in 2005 by Alliance Archeological Services. Neither study indicated evidence that the subject lands were likely to contain significant cultural resources.

The Nation comments that the JBL and ARE Park SEQR reviews were improperly segmented by the County and challenges the County’s determination that “no historic resources would be affected by the [JBL] project.” Moreover, the Nation asserts that although the County commissioned two archeological studies of the JBL site in 1989 and 2005, the County failed to consult with the Nation or obtain clearance from SHPO. The JBL project is located entirely on prior disturbed ground. Reasonable archeologists would agree that neither further studies nor consultations with experts would be relevant to disturbed ground which by definition has zero potential for impacts to cultural resources. Moreover, the SHPO has stated in writing that it has no further concerns with the JBL site. As noted in Table 1.2 describing the basis for proper treatment of the JBL and ARE Park projects as two separate reviews, seven of the eight

consensus factors support separate reviews. The only commonality between the ARE Park and the JBL projects is location. Most importantly, the facts clearly support the conclusion that there will be no significant adverse impacts on cultural resources as a result of the manner in which the County has conducted its SEQR reviews of the two projects. In this case, segmentation is lawful and proper.

c. 4 Inadequate cumulative impacts analysis.

Response:

The DGEIS specifically addresses a wide range of cumulative impacts associated with the proposed action and adequately evaluates each. However, in response to the Nation's comments, the FGEIS contains additional analysis of the cumulative impacts which may occur related to both the landfill expansion and the JBL Facility. See Section 5.0.

With regard to cultural resources specifically, the FGEIS and each of the prior SEQR reviews associated with the landfill expansion and JBL Project rely upon a significant body of archeological data and field studies attached hereto dating back four decades. These studies, each of which builds upon the preexisting studies conducted within a one mile radius of the project APE are the underpinning of the cumulative impact analysis in the DGEIS. Because the many archeological studies cited in the FGEIS each contain an explicit analysis of the potential for cumulative impacts on cultural resources based upon the previous body of science known to the analyst, an iterative cumulative impact analysis is pervasive throughout the FGEIS with respect to cultural resources as well as being discussed directly in numerous locations in the document.

The Nation argues the past, present and reasonably foreseeable landfill developments in particular "have the potential to impact cultural resources of significance to the Nation" but fails to acknowledge that the County already has the duty to mitigate any such impacts. The record indicates that the landfill archeology has been thoroughly studied, is well documented and where cultural resources are present potential impacts from development have been fully mitigated by enforceable permit conditions, e.g. the late woodland Tuttle site avoidance plan. The DEC, through the conditions set forth in its Part 360 permit issued to the County for landfill development, has clearly imposed upon the County the responsibility to mitigate potential impacts on known cultural resources as well as any cultural resources that may be encountered by future development of the landfill footprint.

Perhaps the most important purpose of a cumulative impact analysis is to identify who will have the responsibility to mitigate the potential impacts that may flow from reasonably foreseeable future actions and less foreseeable secondary actions where the environment does not have the capacity to absorb all of the proposed projects and the project sponsors may be different. The County has a

Part 360 permit imposed obligation to mitigate potential impacts on cultural resources associated with future landfill developments. The DGEIS identifies areas of the proposed ARE Park that will not be developed to ensure that adverse impacts to potentially significant cultural resources will be avoided. As documented in the DGEIS, all areas to be developed for the proposed ARE Park have been thoroughly examined and no impacts to significant cultural resources will occur. Thus, the long term cumulative impacts on cultural resources of developing the landfill and the ARE Park will result in, at most, implementation by the County of avoidance measures to mitigate potential impacts in the event new cultural resources are identified as development proceeds.

The expanded evaluation of cumulative impacts associated with the site does not change the ultimate analysis of the impact to cultural resources at the site, or other surrounding activities as each evaluated project either has no impact on cultural resources, or, any existing impacts have been adequately mitigated through avoidance plans and permit conditions.

A.4 Oneida Indian Nation General Comment #4:

- d. All archeological issues must be resolved prior to ground disturbance for JBL facility.**

Response:

The archeological issues for the JBL Facility have been resolved. By letter dated April 15, 2011 to Joanne March of DEC, included in Appendix AA, the County outlined the details surrounding the background of the JBL Facility, including the archaeological review that occurred prior to permitting the facility that predated JBL, as well as the SEQR review undertaken for the JBL Facility. As the letter details, the area included in the JBL Facility operations and construction has been totally disturbed for decades, and thus, no further archaeological concerns exist. Information related to the disturbance of the two acre area was provided to SHPO, and they concurred that no further investigation is warranted.

No basis in law or fact exists to prevent a properly reviewed project, such as the JBL Facility, from obtaining necessary and appropriate approvals, such as a Stormwater Pollution Prevention Plan, particularly where there is no evidence of even the potential for an impact.

A.5 Oneida Indian Nation General Comment #5:

- e. Need for a conservation easement or deed restriction**

Response:

Madison County is committed to the long-term preservation of cultural resources located on public lands over which it has stewardship. The County has determined that its long-term avoidance plan for the cultural resources identified

herein will take the form of a conservation easement in accordance with Article 49, Title 3 of the ECL.

A.6 *Oneida Nation Specific Comments*

Comments listed under this section were all related to the Nation’s “significant concerns about the adequacy of the surveys that have been conducted to date and the conclusions drawn from those surveys”

Response:

The County’s archaeologist, has undertaken a detailed review of the Nation’s comments with respect to the adequacy of the surveys and conclusions to be drawn from the surveys. The Alliance Response is attached hereto as Exhibit 1. As set forth in the Alliance Response, and discussed in response to numerous Comments, the Nation’s archeologist concurred with the survey methodologies employed at the site. Moreover, at a June 30, 2012 meeting with the County, DEC and SHPO, DEC and SHPO unequivocally supported the methodologies employed in the previous studies as meeting the highest professional archeology standards. Nonetheless, detailed responses to each of the Nation’s technical comments contained on pages 8-10 of their comment letter are addressed in the Alliance Response, which is fully incorporated herein by reference.

Appendix AA
Correspondence and Other Materials

ONEIDA INDIAN NATION



MEGHAN MURPHY BEAKMAN
GENERAL COUNSEL

DIRECT DIAL: (315) 361-7937
FACSIMILE: (315) 361-8009
E-MAIL: mbeakman@oneida-nation.org

ONEIDA NATION HOMELANDS

October 20, 2009

Mr. Jeffrey Gregg
Indian Nations Affairs Coordinator
Office of Environmental Justice
New York State Department of Environmental Conservation
625 Broadway
Albany, NY 12233-1500

RE: Madison County Landfill Expansion Project

Dear Mr. Gregg:

The Oneida Indian Nation ("Nation") is writing to initiate consultation on the Madison County Landfill Expansion Project under the New York State Department of Environmental Conservation's ("DEC") *Policy CP-42 / Contact, Cooperation, and Consultation with Indian Nations* ("Consultation Policy").

As you are aware, Madison County is expanding its landfill in the Town of Lincoln, which we understand is proceeding under a DEC permit (the "Project"). The Project sponsor is currently undertaking a cultural resources survey for the 85-acre soil borrow area that is included within the Project's Area of Potential Effects ("APE"), and where three pre-contact artifacts have been identified, including a diagnostic point blade fragment manufactured from Onondaga chert and one sherd of grit-tempered, smooth surfaced Late Woodland pottery (that was broken into two pieces during recovery). The Project sponsor has requested comments from the Office of Parks, Recreation and Historic Preservation on the archaeological testing protocol for this area. In response, Nancy Herter, the OPHRP archeologist, recommended that the Project sponsor conduct mechanical stripping in the area of the pottery sherd to look for archeological features, such as storage pits, and that the DEC and the Nation consult under DEC's Consultation Policy.

Consultation for the Project, including all areas proposed for expansion, is appropriate because the Project is likely to encounter, impact or destroy Native American sites and objects, as defined in the Consultation Policy. Pre-contact artifacts have been identified in the Project's APE, including one that has already been damaged during recovery. The Project's archeological survey also identifies a late 15th century Oneida village site, known as the Tuttle Site, within one of the areas of proposed work. To date, the Project sponsor has not consulted with or otherwise sought the input of the Nation on the potential implications of the Project on Oneida sites and objects, notwithstanding that the Project sponsor's own archeological reports identify the presence of Oneida sites and objects within the footprint of the Project.

PO Box 126 • 5218 Patrick Road • Verona, New York 13478

Mr. Jeffrey Gregg
Indian Nations Affairs Coordinator
New York State Department of Environmental Conservation
October 20, 2009
Page 2

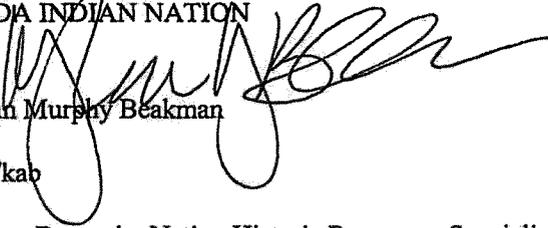
The Nation's concerns regarding this project are further supported and highlighted by Madison County's initial construction of this very same landfill. Madison County constructed the landfill without any input from the Nation, and as a result completely destroyed a late 15th to early 16th century Oneida village site, known as the Buyea site. Now, Madison County is proposing an expansion that could destroy a second historically and archeologically significant Oneida site.

The Nation requests a meeting with yourself and appropriate NYSDEC staff as a first step in the consultation process. Given the presence of pre-contact artifacts and the Tuttle Site, the Nation also requests that the NYSDEC prohibit the Project sponsor from undertaking any further work on the Project that could disturb the ground and impact Native American Sites and Objects, including archeological testing, until consultation is commenced and a plan for moving forward is established. We will also request that Nancy Herter refrain from taking further action, including approving any testing protocol, pending this consultation.

Thank you for your cooperation and we look forward to consulting on the Project.

Very truly yours,

ONEIDA INDIAN NATION


Meghan Murphy Beakman

MMB/kab

cc: Jesse Bergevin, Nation Historic Resources Specialist



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

Historic Preservation Field Services Bureau • Peebles Island, PO Box 189, Waterford, New York 12188-0189
518-237-8643
www.nysparks.com

David A. Paterson
Governor

Carol Ash
Commissioner

November 23, 2009

James A. Zecca
Madison Co Dept. of Sanitation
P.O. Box 27
Wampsville, NY 13163
(via email only)

Re: DEC
Madison Co Landfill Expansion/
85-acre Soil Borrow Area
Town of Lincoln, Madison County
04PR00503

Dear Mr. Zecca:

The Office of Parks, Recreation and Historic Preservation (OPRHP) understands that the Department of Environmental Conservation (DEC) will be undertaking Indian Nation consultation with the Oneida Indian Nation in accordance with DEC Policy CP-42/Contact, Cooperation, and Consultation with Indian Nations.

Given the interest of the Oneida Indian Nation in this undertaking, the OPRHP will offer an opinion regarding the *Proposed Mechanical Trenching Protocol within the North Cornfield of the 85-Acre Soil Borrow* (September 9, 2009) once tribal consultation regarding this document has been concluded. This will allow the OPRHP and the Nation to work together to arrive at a mutually agreeable course of action.

I can be reached at ext 3280 with any questions you may have.

Sincerely,

Nancy Herter
Scientist, Archaeology

cc. Kevin Bliss, NYSDEC (via email only)
Jeff Gregg, NYSDEC (via email only)
Jesse Bergevin, Oneida Indian Nation (via email only)
Ian Shavitz, Esq. Oneida Indian Nation (via email only)



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

Historic Preservation Field Services Bureau • Peebles Island, PO Box 189, Waterford, New York 12188-0189
518-237-8643
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June 15, 2010

Kevin Bliss
NYSDEC Region 7
615 Erie Blvd.
West Syracuse, NY 13204
(via email only)

David A. Paterson
Governor

Carol Ash
Commissioner

Re: DEC
Madison Co Landfill Expansion/
North Cornfield 85-acre Soil Borrow Area
Town of Lincoln, Madison County
04PR00503

Dear Mr. Bliss:

Thank you for requesting the comments of the Office of Parks, Recreation and Historic Preservation (OPRHP). We have reviewed the proposed Trenching Protocol, prepared by Nikki Waters and dated September 9, 2009, in accordance with New York State Parks, Recreation and Historic Preservation Law, Section 14.09.

Based upon this review, the OPRHP concurs with the trenching methodology and recommends that:

1. When possible, all feature fill must be saved for flotation processing to recover plant and animal remains.
2. If large features are encountered, a minimum of 25% of the feature fill is saved for flotation.
3. Flotation samples are collected using a bucket and shovel/trowel so as not to destroy fragile plant and animal remains.
4. Faunal, floral and radiocarbon samples are analyzed by professionals with the appropriate expertise.

Please telephone me at ext. 3280 with any questions you may have.

Sincerely,

Nancy Herter
Scientist, Archaeology

- cc. James Zacca, Madison County Landfill *(via email only)*
Jesse Bergevin, Oneida Indian Nation *(via email only)*
Ian Shavtiz, Esq. *(via email only)*
Meghan Murphy Beakman, Esq. Oneida Indian Nation *(via email only)*
Charles Vandrei, DEC *(via email only)*
Jeff Gregg, DEC *(via email only)*
John Condino, Barton & Loguidice *(via email only)*



657 East Avenue
Rochester, NY 14607-2177
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www.rmssc.org

RECEIVED

APR 13 2011

BARTON & LOGUIDICE

11 April 2011

John J. Condino
Senior Project Manager
Barton & Loguidice, P.C.
290 Elwood Davis Road
Syracuse, New York 13220

**Re: Cultural Resource Management Report for a Phase I Cultural Resource
Reconnaissance Survey for the Proposed Madison County ARE Park Water and Sewer
Mains, Towns of Lenox and Lincoln and City of Oneida, Madison County, New York
(RMSC/RHPP PIN 2009.26)**

Dear John,

Please find enclosed four copies (two bound and two electronic .pdf) of the above-referenced report for your use. We hope you will find this work of value. If you have any questions regarding either the report or the work behind it, please do not hesitate to call this office at your convenience.

I have forwarded the report for review to Nancy Herter and explained to her that this was subject to potential mains route revisions and that any changes would be included in a potential addendum to the report.

Additionally, as the OIN is involved with the project and its review, I have forwarded a copy to Jesse Bergevin at the OIN.

Sincerely,

Scott A. Crowder
Assistant Manager, Archaeological Services of the Rochester Museum & Science Center

Encl.



February 12, 2010

Meghan Murphy Beakman
General Counsel
Oneida Indian Nation Legal Department
5218 Patrick Road
Verona, New York 13478

Re: Consultation Process – Additional Information Request
Madison County Landfill Expansion and ARE Park Projects

File: 154.091.001

Dear Ms. Beakman:

Subsequent to your January 29, 2010 meeting with the NYSDEC Region 7 Office regarding consultation for the Madison County Landfill Expansion and ARE Park projects, Kevin Bliss provided the County with a synopsis (via email dated February 1, 2010) of additional information requested by the Nation. On behalf of Madison County and as requested by the NYSDEC Region 7 Office, Barton and Loguidice, P.C. (B&L) is pleased to forward the enclosed additional information and documentation as communicated to us in Mr. Bliss' email.

The comments as provided by Mr. Bliss (in quotations) and responses (italicized) are as follows:

“What the Oneidas specifically request is information necessary for them to better review the proposed archeological study the County provided a couple weeks ago. Specifically...”

- “1. SEQRA Documentation for the landfill expansion, in particular the Phase IA archeological review for landfill expansion that would have been completed some time ago.”

*Environmental Information Document for the West Side Landfill Expansion (B&L, January 2006)
(Copy Enclosed)*

Phase IA Archaeological Background and Literature Review and Literature Review and Phase IB Archaeological Field Reconnaissance Report for the Proposed Madison County Landfill Expansion Project and Two Potential Soil Borrow Areas in the Town of Lincoln, Madison County, New York (Alliance Archaeological Services, August 2, 2005) (Copy Enclosed)

- “2. The design documents for landfill expansion, in particular relative to borrow pit areas or other ground proposed for new disturbance.”

Madison County Design Documents dated February, 2006 including the following sheets:

Sheet #2 – Vicinity Plan (Copy Enclosed)

Sheet #4 – Landfill Development Plan (Copy Enclosed)

Sheet #5 – Proposed Mining Plan (Copy Enclosed)





Meghan Murphy Beakman
Oneida Indian Nation Legal Department
February 12, 2010
Page 2

- “3. The SEQRA status confirmation and any SEQRA documentation to date, especially any archeology reports for the ARE Park project, i.e. Phase I work. Also, to better review the proposed archeological work, any design drawings for the Park, i.e. foot print of park, design profiles for waterlines, sewer lines, and trenches leading to the park.”

Per Resolution # 337-09 Madison County declared its intent to be established as Lead Agency.

As of 2/01/10 Coordinated review process has not been initiated.

*ARE Park footprint as shown on figure titled “Project Location Map” dated February 4, 2010.
(Copy Enclosed)*

Documents of available design details for the water and sewer lines were provided in the January 5, 2010 submission as Phase 1B recommendation.

- “4. The Oneidas had a couple other concerns. Importantly, they want the ARE Park and the landfill expansion archeological studies to be done as one project, rather than piece-meal. This is because doing so allows for a more coherent, better designed study that’s easier to review.”

It is the intention and desire of Madison County to conduct the additional Phase 1B Archaeology Field Reconnaissance for the 85-acre North Cornfield site where the Late Woodland sherd was identified and the ARE Park Project as one project.

- “5. The Oneidas are asking if any portion of the project has federal permits or funding involved. This is important as they want consistency between the state and the feds and don’t want to get different results in terms of archeological studies required or outcome decisions because of two separate review paths and time frames.”

Currently there has been no federal funding source or federal permitting requirements identified for this project.

- “6. The Oneidas want an Oneida archeologist on site during field work, or at least to receive a phone call to let him know they’re working.”

The intent to conduct archaeology field work was communicated to the Nation’s archaeologist in early October 2009. It is the County’s intent to communicate with the Nation’s field archaeologist via phone calls throughout the entire archaeology investigative process.

- “7. The Oneidas want to be included in SEQRA review earlier on projects.”

The Oneida Nation has been identified as an Interested Agency and will be included in the coordinated SEQRA review process when conducted.





Meghan Murphy Beakman
Oneida Indian Nation Legal Department
February 12, 2010
Page 3

"8. Oneidas and DEC need a better understanding of County's intended timing for various stages of construction."

Timing for the initial stages of the ARE Park development which includes the transfer of property identified as ARE Park Site #1 and ARE Park Site #2 to the Madison County Industrial Development Agency as well as installation of the sewer infrastructure is proposed to occur in 2010. Installation of the water infrastructure as well as future commercial development in the ARE Park is expected to follow on in subsequent years as demand warrants.

As reflected above, the County plans to continue moving forward with its efforts to provide long term economic stability in the region by providing access to such things as an affordable renewable energy source. As such, the County is prepared to immediately continue the consultation process and requests a meeting to discuss the proposed Phase 1B protocols no later than February 26, 2010.

As stated previously, the County representatives and their consultants welcome the Nations' input on these projects and are available and prepared to discuss related concerns at any time. In the meantime, should you have any questions regarding this issue, please feel free to contact me at (315) 457-5200.

Very truly yours,

BARTON & LOGUIDICE, P.C.

John J. Condino
Senior Project Manager

JJC/akg
Enclosures

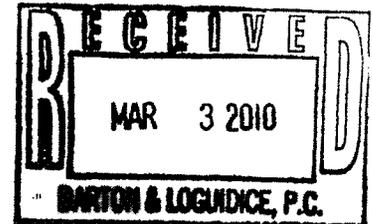
cc: Paul Miller, Madison County (w/o enc.)
James Zecca, Madison County (w/o enc.)
Jesse Bergevin, Oneida Indian Nation (w/o enc.)
Kevin Bliss, NYSDEC Region 7 (w/o enc.)
Kenneth Lynch, NYSDEC Region 7 (w/o enc.)
Nancy Herter, NYSOPRHP (w/o enc.)
Scott Crowder, Rochester Museum of Science (w/o enc.)



ONEIDA INDIAN NATION



MEGHAN MURPHY BEAKMAN
GENERAL COUNSEL



DIRECT DIAL: (315) 361-7937
FACSIMILE: (315) 361-8009
E-MAIL: mbeakman@oneida-nation.org

ONEIDA NATION HOMELANDS

March 2, 2010

VIA FEDERAL EXPRESS

John J. Condino
Barton and Loguidice, P.C.
290 Elwood Davis Road, Box 3107
Syracuse, NY 13220

RE: Madison County Landfill Expansion and ARE Park Projects

Dear Mr. Condino:

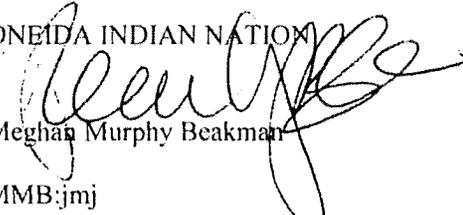
Thank you for your February 12, 2010 letter regarding the Madison County Landfill Expansion and Agricultural and Renewable Energy (ARE) Park projects. As you are aware, Oneida Indian Nation (Nation) representatives met with the New York State Department of Environmental Conservation (NYSDEC) regarding these projects on January 29, 2010, as the first step in the Government-to-Government consultation under NYSDEC Policy CP-42, Contact, Cooperation and Consultation with Indian Nations. We understand that Kevin Bliss provided you with a synopsis of that meeting and that he requested that you send the Nation additional information regarding the projects, which you provided with your February 12th letter.

Your February 12th letter requested a meeting on or before February 26, 2010 as part of the continuing consultation process to discuss the proposed Phase IB testing protocols. We would be happy to meet with the County to discuss the Phase IB testing as the next step in the consultation process. Obviously, we will have to schedule the meeting after February 26th, to allow us to complete our review of the materials that you provided prior to the meeting. To make that meeting more efficient and productive, we would like representatives from NYSDEC and the New York State Historic Preservation Office to attend as well.

Please feel free to contact me to discuss scheduling this consultation meeting.

Very truly yours,

ONEIDA INDIAN NATION


Meghan Murphy Beakman

MMB:jmj

PO Box 126 • 5218 Patrick Road • Verona, New York 13478

cc: Clint Hill
Jesse Bergevin
Ian Shavitz
Ken Lynch, DEC
Kevin Bliss, DEC

PO Box 126 • 5218 Patrick Road • Verona, New York 13478

Madison County Landfill Site Tour

MAY 26, 2010

<u>Name</u>	<u>Organization</u>
1) <u>Jim A. Zimm</u>	<u>MADISON COUNTY DSW</u>
2) <u>[Signature]</u>	<u>Madison City DSW</u>
3) <u>Bill Bucher</u>	<u>Pulaski & Sugar Attys</u>
4) <u>Nikki Waters</u>	<u>Alliance Archaeological Services</u>
5) <u>Scott Crowder</u>	<u>RMSC Arch Services</u>
6) <u>JOHN CONDINO</u>	<u>RANDOLPH LANGRISH</u>
7) <u>James Gruppe</u>	<u>NYSDEC SOHM</u>
8) <u>Stephanie Harrington</u>	<u>NYSDEC Public Affairs</u>
9) <u>Joanne March</u>	<u>NYSDEC Permits</u>
10) <u>Kevin R. Bliss</u>	<u>DEC Permits</u>
11) <u>Charles Vander</u>	<u>DEC - LANDS + FORESTS HP.</u>
12) <u>Fan Shvitz</u>	<u>Akin Gump / Oneida Nation</u>
13) <u>JEFF GREGG</u>	<u>NYS DEC</u>
14) <u>CLINT HILL</u>	<u>ONEIDA NATION</u>
15) <u>Jesse Bergevin</u>	<u>ONEIDA NATION</u>
<u>Nancy Herter</u>	<u>OPR HP</u>

ATTN:
JOHN
CONDINO
BELONG.

AKIN GUMP
STRAUSS HAUER & FELD LLP

Attorneys at Law

IAN SHAVITZ
202.887.4590/fax: 202.887.4288
ishavitz@akingump.com

June 1, 2010

Kevin R. Bliss
NYS Department of Environmental Conservation- Region 7 Office
615 Erie Boulevard West
Syracuse, NY 13204

Re: Modification of Permit ID 7-2538-00011/00005

Dear Kevin,

The Oneida Indian Nation (Nation) requests that the New York State Department of Environmental Conservation (NYSDEC) modify the Madison County Landfill Permit (Permit ID 7-2538-00011/00005; issued Nov. 2, 2008, modified Aug. 22, 2008) as follows:

Modify *Solid Waste Permit Condition 65* (on page 14 of 17) to include "Jesse Bergevin, Oneida Indian Nation archeologist, Phone: (315) 829-8463" as a contact in the event that any archeological resources or remains are uncovered during construction or operations of the Madison County Landfill.

This modification is necessary to protect archeological resources of cultural or religious significance to the Nation, including potential grave sites, that could be impacted by Madison County's construction and operation of the landfill.

Please feel free to call or e-mail me with any questions.

Thank you,



Ian Shavitz

John J. Condino

From: James Zecca [madcosw@gpoconnect.net]
Sent: Tuesday, June 01, 2010 12:28 PM
To: John J. Condino; 'Paul Miller'
Subject: FW: Permit modification request
Attachments: DEC permit modification letter .pdf

James A. Zecca, Director
Madison County Dept. of Solid Waste
P.O. Box 27
Wampsville, NY 13163
Tel; 315-361-8408
Fax; 315-361-1524

-----Original Message-----

From: Kevin Bliss [mailto:krbliss@gw.dec.state.ny.us]
Sent: Tuesday, June 01, 2010 12:17 PM
To: Ian Shavitz; James Zecca; wbuchan1@twcnny.rr.com
Cc: Michael Rossetti; Jesse Bergevin; Meghan Beakman
Subject: Re: Permit modification request

Ian, Jim, and Bill:

Ian, Thank you for following up on this issue. I'll get back to you as soon as possible with the Department's response.

Jim and attorney Bacon, as we discussed at your office last Wednesday, in accordance with the Uniform Procedures Act, the Department of Environmental Conservation has only 15 days to act on this request.

FYI, I'm inclined to recommend to Joanne March, our Regional Permit Administrator, in favor of permit modification as requested. When the original permit was issued, the Oneida Nation was not included in permit condition number 65 only because the DEC had not at that time heard from them on the subject. Yet, at any time, an interested party may request a permit modification for good cause.

As an aside to everyone, I would note our discussions and the anticipated Draft Generic IS may result in some additional thoughts with respect to on-site operations. In which case, if other ideas for permit modification come up (from the use of certain archaeological protocol to the use of solar panels on the liner system), we may wish to hold off on any official permit modification until we can address everything at once. But I see no harm, and some good, in a quick turn around on this specific request. Consequently, I will be glad to act on it accordingly.

So, Jim and Bill, please provide to my attention any comments you may have for DEC consideration with regard the attached modification request before June 15, 2010.

Thank you, all.

kevin

Kevin R. Bliss
Sr. Environmental Analyst
NYSDEC
615 Erie Blvd. West
Syracuse, NY 13204
(315) 426-7444

>>> "Shavitz, Ian" <IShavitz@AKINGUMP.com> 6/1/2010 11:27 AM >>>
Kevin,

Please see the attached Madison County Landfill permit modification request submitted on behalf of the Oneida Indian Nation.

Thank you,

Ian Shavitz

IRS Circular 230 Notice Requirement: This communication is not given in the form of a covered opinion, within the meaning of Circular 230 issued by the United States Secretary of the Treasury. Thus, we are required to inform you that you cannot rely upon any tax advice contained in this communication for the purpose of avoiding United States federal tax penalties. In addition, any tax advice contained in this communication may not be used to promote, market or recommend a transaction to another party.

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BUCHAN & SUTTER, P.C.

Attorneys and Counselors at Law

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COPY

William M. Buchan
buchanlaw@aol.com

June 9, 2010

Sharon A. Sutter
sutterlaw1@aol.com

Via Fax & US Mail

Kevin R. Bliss
Sr. Environmental Analyst
NYSDEC
615 Erie Blvd. West
Syracuse, NY 13204

RE: Madison County Part 360 Permit Modification Request

Dear Kevin:

This responds to your email dated June 1, 2010 regarding a request by the Oncida Indian Nation ("OIN") to have the New York State Department of Environmental Conservation ("Department") modify the permit issued to Madison County ("County") to construct and operate its solid waste landfill.

The County has no objection whatsoever to notifying the Department and other interested parties in the event that matters addressed in permit condition number 65 should be discovered in the course of constructing the landfill. However, we respectfully disagree that a formal modification of the permit is proper or necessary under the circumstances present here.

The regulations addressing the grounds for modifying a permit were promulgated by the Department under the Uniform Procedures Act in 6 NYCRR § 621.13 (a) as follows:

(a) Permits may be modified, suspended or revoked at any time by the department on the basis of any ground set forth in paragraphs (1) through (6) below:

- (1) materially false or inaccurate statements in the permit application or supporting papers;
- (2) failure by the permittee to comply with any terms or conditions of the permit;
- (3) exceeding the scope of the project as described in the permit application;
- (4) newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;

(5) noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the department related to the permitted activity; or

(6) for SPDES permits, in addition to paragraphs (1) through (5) above, any of the reasons listed in Part 750-1.18 (b)(1) through (7) of this Title.

Further, subsection (b) of these regulations addressing requests for modification states:

(b) The department may consider requests from any interested party for modification, suspension or revocation of permits based on reasons given in paragraphs 621.13(a) (1) through (6) above.

There is nothing in the request submitted by OIN counsel Shavitz that suggests any material change in environmental conditions or any other basis for modification set forth in the regulations is present here. Moreover, during the course of our mutual discussions with the OIN and the Department under the Department's Consultation Policy ("CP-42") it has been noted that the OIN was properly notified by the Department, in writing, on September 25, 2006 prior to the issuance of the permit. Because the OIN failed to timely respond to the Department's notice, it is not listed under condition 65. The OIN's oversight does not appear to be a proper basis to modify the permit.

As you are aware, permit condition 65 requires the County to immediately notify the Department, and others, if archeological resources or remains are unearthed. It is the formal policy of the Department under CP-42 to communicate directly with the OIN relative to matters of shared interest, especially cultural and archeological resources. This would appear to be a situation where CP-42 has direct application, making it unnecessary for the Department to take any steps beyond faithfully executing its own policy.

For the foregoing reasons the County does not believe the permit should be modified. In the event the Department determines that a modification will issue, the County will request a hearing.

Thank you.

BUCHAN & SUTTER, P.C.



By: William M. Buchan

cc: S. John Campanie, Esq.
Mr. James A. Zecca
Mr. John Condino



Madison County
Department of Solid Waste and Sanitation



(315) 361-8408
(315) 361-1524 (FAX)
Email: madcosw@gpconnect.net

PO Box 27
Wampsville NY 13163

James A. Zecca
Director



April 15, 2011

Certified Mail

Ms. Joanne L. March
Regional Permit Administrator
NYS DEC Region 7 - Permits
615 Erie Blvd. West
Syracuse, NY 13204

RE: Lumber Kiln Project SEQR Review

Dear Joanne:

As promised during our conversation March 17, 2011, this letter provides further information regarding Madison County's ("County") environmental review pursuant to the New York State Environmental Quality Review Act ("SEQR") of a proposed project to construct lumber drying kilns adjacent to the County's solid waste facilities (the "Project"). I apologize for any confusion relative to the attachments referenced in the Project Long Environmental Assessment Form ("EAF") and I have attached a complete copy of the EAF and all attachments for your file as Exhibit A.

Background

As you know, the County owns and operates solid waste management facilities located on Buyea Road in the Town of Lincoln comprised of closed and active landfills, a materials recycling facility ("MRF"), a landfill gas to energy facility, soil borrow areas, buffer lands and various maintenance and support facilities. All of these solid waste management facilities are located on approximately 600 acres of contiguous lands and operate under an array of permits issued by the New York State Department of Environmental Conservation ("Department"). In accordance with mandates under the New York State Environmental Conservation Law, the County has duly adopted, and the Department has approved, a local solid waste management plan that will ultimately provide 100 years of sustainable, environmentally sound solid waste recycling and disposal capacity for all County residents.

The County began planning facilities to capture gases produced by the closed and active landfills more than 10 years ago. A series of requests for proposals were issued under Section

120-w of the New York State General Municipal Law¹ seeking a privately designed, constructed and operated landfill gas to energy facility. Waste Management Renewable Energy ("WMRE") was ultimately selected in 2007 and the 1.6 MW facility went online in 2009. Although WMRE owns and operates the facility, it shares revenues with the County from the sale of electricity as payment for the landfill gas, and the County also has the contractual right to use or sell thermal energy produced by combustion of landfill gas in the generator ("Heat"): The Heat is captured from the cooling jacket water surrounding the engine and heat exchangers that transfer heat from the exhaust stack to heat water that is moved via circulation pumps.

In 2009 Madison County again used GML § 120-w to solicit private entities with an interest in using the Heat. The Johnson Brothers Lumber Company ("JBL") of Cazenovia, New York submitted a proposal to build one or more lumber drying kilns that would use the Heat. The Project subject to SEQR review in December 2010 is the transfer of two acres of land to JBL and construction of one or more lumber drying kilns using the Heat.

Because the Heat is in the form of hot water transmitted by pipeline from the engine to the Project site, it is desirable to locate the kilns as close as possible to mitigate thermal losses. Accordingly, the preferred location is an area currently used by the MRF for vehicle parking, ingress and egress, and buffer from Buyea Road. Specifically, the Project site is an area between the MRF and Buyea Road that has been developed for the MRF.

Archeological and Cultural Resource Issues Associated with the Project Site

The Project site was subjected to two cultural resource studies during the permitting of the MRF. The first was a Cultural Resource Evaluation and literature search conducted by Atlantic Testing Laboratories, Ltd. dated January 1989. The second study by Pratt & Pratt Archaeological Consultants, Inc. dated June 8, 1989 expanded the literature search to include interviews with noted local historian Daniel Weiskotten and Dr. Peter P. Pratt author of "Archeology of the Oneida Iroquois" and included field shovel tests. Field testing was conducted on the entire seven acre parcel including the two acres to be transferred to JBL. The Pratt report concludes "No significant cultural materials were located during this cultural resource evaluation." Further, the Pratt Study notes, "an area in the middle of the project area had been disturbed by a haul road and previous mining of gravel." The entire seven acre parcel was cleared, stripped of topsoil and graded prior to construction of the MRF and associated parking areas. Evidence of this disturbance is clearly demonstrated in the figure attached as Exhibit B showing pre- and post-MRF development survey contours.

Both the Atlantic Testing report and the Pratt & Pratt study have been provided to the New York State Office of Parks, Recreation and Historic Preservation ("SHPO") and are referenced in the most recent archeological report by the County's consultant Nikki Waters in her 2005 study entitled "Phase I Cultural Resources Investigation for the Proposed Madison County Landfill Expansion Project and Two Potential Soil Borrow Areas in the Town of Lincoln, Madison County."

¹ This law provides a flexible process for public facility owners to contract with private entities for solid waste management-resource recovery facilities such as the landfill gas plant and recovery of excess heat it produces.

Attached as Exhibit C is a letter dated November 18, 2009 from Nancy Herter of SHPO addressed to the County's engineering consultant Barton & Loguidice commenting on a proposed project called the ARE Park that would include 150 acres of the lands surrounding the landfill. The letter states: "While the area proposed for the [Project Site] is located within the existing Madison County Landfill, the SHPO has no data to indicate that this area is disturbed and recommends either Phase IB archeological testing or evidence of previous ground disturbance." The map attached as Exhibit B is based upon data from the County's records. As noted in the Pratt & Pratt report a comparison of the site contours indicates that prior to MRF construction a gravel pit and access roads were present. These features were created by the Town of Lincoln prior to the County's ownership. The present day Project site contains only soils that have been disturbed by development activities associated with the MRF after the site was surveyed twice and found to be free of any indications of historical artifacts.

The Pratt & Pratt study notes the presence of roads and gravel mining disturbance relative to the area in question prior to construction of the MRF. Further, Exhibit B sets forth additional data indicating that the area of potential effect for this project has been totally disturbed for many years prior to the advent of the present Project. In light of these facts, the County does not believe that any basis exists for requesting SHPO to sign off on this Project nor would it be reasonable to expect that SHPO would require further archeological or cultural investigations of this disturbed two acre area.

Relationship Between the Lumber Kiln Project and ARE Park

In 2009 the County identified a number of parcels in the immediate vicinity of the landfill that would be candidates for future development by private businesses interested in taking advantage of the unique setting presented by the availability of green energy from the nearby wind energy farm in Fenner as well as low cost hydroelectric power available from the Oneida Madison Electric Cooperative ("OMEC"). The Board of Supervisors identified this effort as the so called Agriculture and Renewable Energy Park ("ARE Park") and directed the Madison County Industrial Development Agency to identify the improvements and funding necessary to attract interested businesses. Water, sewer and three phase electrical service were identified as the basic needs and the American Recovery and Reinvestment Act ("ARRA") was targeted as a source of grant funding for the improvements.

Throughout 2009 and 2010 the County conducted preliminary engineering studies to ascertain the cost and feasibility of bringing water and sewer to the ARE Park. OMEC extended its service area to the ARE Park by entering into a franchise agreement with the Town of Lincoln. No applications for ARRA funding of the ARE Park infrastructure were approved and no ARRA funding is available to the ARE Park. Currently there are no applications for federal funding of the ARE Park water or sewer projects.

As you know, the Madison County Board of Supervisors issued a Positive Declaration relative to the ARE Park. A draft scoping document for the Draft Generic Environmental Impact Statement ("DGEIS") has been issued and the public comment period recently closed. A final scoping document for the DGEIS was accepted by the Board of Supervisors at its April 12, 2011 Board meeting. The DGEIS will provide a full environmental review of those aspects of the

ARE Park concept that are foreseeable and common to any subsequent development. The DGEIS will identify potential cumulative impacts from subsequent developments. In the event actual projects are proposed for the ARE Park, further environmental reviews will be conducted relative to the specific environmental impacts implicated by the proposed projects. The scoping of the DGEIS includes archeological and cultural resource parameters.

The existing WMRE facility and the proposed lumber kilns will be physically connected. However, each one is separately owned, has its own function and serves its own purpose. The same is true for future businesses locating within the ARE Park. Other than physical proximity, the lumber kiln project and future ARE Park projects will be separately owned, will have their own functions and will serve diverse purposes. The lumber kiln project does not require public water or public sewer systems and three phase power will not be supplied. The lumber kiln project is very small and limited in scope, thus it will not be determinative of future development in and around the landfill facilities or ARE Park.

SHPO Sign Off and OIN Consultation

Based upon the considerations recited above, the County did not seek the approval of SHPO because the two acres of land in question have been previously studied and determined to be free of archeological or cultural resources and were subsequently completely disturbed. The lumber kiln is a privately owned and privately funded project. No federal funding or federal approvals are involved in the Project. The County is not aware of any basis for mandatory consultation with the Oneida Indian Nation ("OIN") relative to the Project. However, the County has in fact consulted with OIN through a meeting convened by the Department under the New York State Consultation Policy. Moreover, the County identified OIN as an interested agency relative to the SEQR review of the Project and provided notice of its intent to serve as lead agency. No questions or communications of any kind were received from OIN during the lead agency coordinated review process.

During our consultation meeting we discussed the County's intent to conduct separate SEQR reviews of the ARE Park and lumber kiln projects. OIN's litigation counsel questioned whether doing so would improperly "segment" the SEQR review to avoid consideration of environmentally significant matters. The facts articulated above indicate that what some may consider the most contentious environmental issue, archeological and cultural resource concerns, are not relevant to the kiln project due to disturbances occurring over the past 30 plus years. More importantly, the DGEIS will thoroughly study all areas of future development and document any archeological and cultural resources that may be present. We believe this course of action is proper, lawful and in the best interests of all concerned.

Please contact me if you have any questions relative to the Project. We look forward to working with you on the ARE Park SEQR review. Thank you.

Very Truly Yours,

Madison County Department of Solid Waste & Sanitation

A handwritten signature in black ink, appearing to read "James A. Zecca". The signature is written in a cursive style with a large initial "J".

James A. Zecca
Director

cc: Solid Waste Committee
Mr. Kipp Hicks
Mr. Scott Ingmire
William M. Buchan, Esq.
Mr. John Condino
Mr. Kevin Voorhees



Andrew M. Cuomo
Governor

Rose Harvey
Commissioner

New York State Office of Parks, Recreation and Historic Preservation

Historic Preservation Field Services Bureau • Peebles Island, PO Box 189, Waterford, New York 12188-0189

518-237-8643

www.nysparks.com

June 11, 2012

David Bimber, DEC
DEC Region 7
Division of Environmental Permits
615 Erie Blvd. West
Syracuse, NY 13204
(via email only)

Re: DEC, SEORA
ARE Business Park
Towns of Lenox and Lincoln
Madison County
09PR5358

Dear Mr. Bimber:

We have reviewed the project in accordance with New York State Parks, Recreation and Historic Preservation Law, Section 14.09. This letter provides a summary of Office of Parks, Recreation and Historic Preservation (OPRHP) comments to date and is intended to help bring the cultural resource review to completion. Action items are underlined.

Phase IA/IB Report of the Proposed 130-acre Soil Borrow/Development Project Area within the Proposed Madison County Landfill Expansion Project in the Town of Lincoln, Madison County, prepared by Alliance Archaeological Services and dated July 26, 2010.

The archaeological survey methods included a surface survey (1m and 3m transect intervals) and supplemental shovel tests. No alluvial soils were identified and deep testing was not conducted. While existing site file information identified the Late Woodland Ingal Village site as partially within the 130 acre soil borrow area, no traces of this site were identified during the current survey. We have no further concerns with this area or comments regarding the report.

Phase I Cultural Resource Reconnaissance Survey for the Proposed Madison County ARE Park Water and Sewer Mains, prepared by the Rochester Museum and dated November 29, 2010.

The Area of Potential Effects (APE) for the Phase I archaeological survey includes 20,000 linear feet of 10-inch water main, 1 pumping station, 18,000 linear feet of 6-inch sewer force main, 2 wet wells, and 2 wastewater storage tank sites. The archaeological survey methods consisted of shovel testing. No archaeological sites were identified and no further work was recommended. The OPRHP concurs with this recommendation with the understanding that for areas not subjected to archaeological testing because of previous ground disturbance the line will

be placed between the edge of pavement and the edge of existing drainage ditches. If this is not the case, additional archaeological testing may be necessary. We would recommend that once final project maps are available that they be submitted to the OPRHP and the Oneida Indian Nation. These maps should include the APE boundary, the location of the proposed line, the location of ditches and pre-existing utilities.

Phase IA Archaeological Background and Literature Review and Phase IB Archaeological Field Reconnaissance Report of the Proposed ARE Park Project Site in the Town of Lincoln, Madison County, prepared by Alliance Archaeological Services and dated December 30, 2011.

The APE for the proposed ARE Business Park is 286.1 acres (115 hectares) in extent and was divided into three sections (1A, 1B and 2). Sections 1A and 1B coincide with the 85-acre soil borrow area, portions of which were previously investigated as part of the landfill expansion project. Section 2 coincides with the 130-acre soil borrow which was previously investigated as part of the Madison County Landfill project. This Phase IB investigation covers the extreme eastern portions of Section 1A and 2.

The archaeological survey methods for the eastern portions of Section 1A and 2 included a surface survey (1m and 3m intervals) and supplemental shovel tests (61 m, 200 ft interval or less) and a limited auger survey. The auger survey was conducted to gather data on the potential for deeply buried archaeological sites. The results of the auger survey indicate that deeply buried archaeological sites are possible. However, deep testing was not conducted because construction is not planned for the floodplain. If project plans change, a geomorphology study will be necessary for any portion of the floodplain to be impacted by ground disturbing activities.

The Phase IB testing identified four archaeological sites all of which are located on the floodplain. These sites include the ARE Northern Historic Concentration (A05310.000014), the ARE Central Historic Concentration (A05310.000015), the ARE Southern Historic Concentration (A05310.000016), and the ARE Precontact site (A05310.000017). If avoidance of these archaeological sites is not feasible, then Phase II Site Evaluations will be necessary.

The location of the Late Woodland Ingal Village site, as recorded in the ORPHP's site files, lies on the floodplain and a wooded sloped area that will be avoided and protected long-term. The only areas not subjected to Phase IB testing are those that will be avoided and protected long-term.

Two precontact block flakes were identified in eastern Section 1A. The OPRHP recommends that eight additional shovel tests at 1m and 3 m intervals be excavated at each of the block flake find spots and a surface survey, covering a 100 ft area, around these find spots. The results may be submitted as a letter report.

During our site visit on June 5th 2012, one lithic flake was identified approximately 20 ft south of a small wetland slated for avoidance. We would recommend a 100 ft wetland buffer to protect not only the wetland but any precontact artifacts that may be associated with it. This area should be included in the long-term avoidance plan.

In order for the OPRHP to complete its review of this report and the larger project, we request the following information:

1. Two sets of unbound site forms with USGS maps
2. A revised Figure 2 with Section 1A, Section 1B and Section 2 labeled.

3. An oversize map (minimum 24" by 36" inches) of the ARE Business Park that includes the location of the four archaeological sites bounded and labeled, the purported location of the Ingal site bounded and labeled; the floodplain line; areas not slated for construction, and the section numbers.
4. Phase II archaeological scopes-of-work or long-term avoidance plans for the four identified sites. Long-term avoidance plans often include conservation easements and/or deed restrictions.
5. An avoidance plan for the sloped, wooded area purported to be the location of the Ingal site and for which no archaeological testing was conducted.

Phase IB Archaeological Machine Trenching Addendum Report of the Late Woodland Sherd Site within the proposed 85-acre Soil Borrow Area within the Proposed Madison County Landfill Expansion Project Area in the Town of Lincoln, Madison County, New York, prepared by Alliance Archaeological Services and dated July 16, 2010.

The OPRHP understands that no Native American features were identified and we have no further concerns with this area or comments regarding the report.

Johnson Lumber Development Project Site

We recommend that the evidence of previous ground disturbance be provided to the OPRHP and the Oneida Indian Nation for review and comment.

Requested Mapping

The OPRHP has reviewed a draft of the mapping requested in our June 15, 2010 letter. This mapping is intended to summarize the review history and results of the archaeological investigations for both the Madison County Landfill project and the ARE Business Park. Based on this review, we recommend the following.

Map 1--- Please include the location of the previous archaeological investigations bounded and labeled and the section numbers.

Map 2 --- Madison County Landfill (MCL)/ARE Business Park Map

Please include: (1) areas previously subjected to archaeological testing; (2) areas not archaeologically tested with reason(s) for not testing (ie. slope); (3) areas of existing disturbance including existing landfill areas and borrow areas bounded and labeled; (4) areas of long-term avoidance; and (5) the section numbers.

In regards to long-term protection measures that are necessary to conserve the archaeological sites that have been identified and for areas that have not been subjected to archaeological testing, three options have been discussed. They include: (1) a county legislative resolution; (2) a DEC permit condition; and (3) conservation easements and/or deed restrictions. The issue we see with the legislative resolution is that it is not sufficiently binding because the county can easily abolish the protection by passing another legislative resolution, and the DEC, OPRHP and the Oneida Indian Nation will not have any say in that process. We are also unsure of the longevity or enforceability of a DEC permit conditions because we understand that the DEC permit is for construction only. The OPRHP prefers the conservation easements and/or deed restrictions because it is binding, does not allow the county to make changes without DEC approval, and will run with the land so that the archaeological sites are best protected in perpetuity.

We recommend that the DEC provide the Oneida Indian Nation copies of the above requested information and all reports for their review and comment. Please telephone me at ext. 3280 with any questions you may have.

Sincerely,



Nancy Herter
Scientist, Archaeology

cc. James Zecca, Madison County Dept. of Sanitation *(via email only)*
Charles Vandrei, DEC *(via email only)*
Jeff Gregg, DEC *(via email only)*
Kenneth Lynch, DEC *(via email only)*
John Condino, Barton & Loguidice *(via email only)*
Jesse Bergévin, Oneida Indian Nation *(via email only)*
Ian Shavitz, Esq. *(via email only)*
Meghan Beakman, Esq. Oneida Indian Nation *(via email only)*
Nikki Waters, Alliance Archaeological Services *(via email only)*

Celebrating over 50 years of service

July 23, 2012

Mr. David Bimber
NYSDEC Region 7
Division of Environmental Permits
615 Erie Blvd., West
Syracuse, New York 13204

Re: Madison County ARE Park SEQR Review
Information Requested by OPRHP

File: 154.091.003

Dear Mr. Bimber:

This responds to a letter the New York State Department of Environmental Conservation ("Department") dated June 11, 2012 from Dr. Nancy Herter of the New York State Office of Parks, Recreation and Historic Preservation ("OPRHP") concerning the cultural resource review of the Madison County Agriculture and Renewable Energy Park ("ARE Park"). The County has asked us to provide information to you with respect to a number of action items and information required by OPRHP to complete the cultural resource review. Set forth below is the requested information presented in the order it was requested.

Phase IA/IB Report of the Proposed 130-acre Soil Borrow/Development Project Area within the Proposed Madison County Landfill Expansion Project in the Town of Lincoln, Madison County, prepared by Alliance Archeological Services and dated July 26, 2010.

Requested Information: No comments or further concerns.

Madison County Response: None.

Phase I Cultural Resource Reconnaissance Survey for the Proposed Madison County ARE Park Water and Sewer Mains, prepared by the Rochester Museum and Science Center dated November 29, 2010.

Requested Information: We would recommend that once final project maps are available that they be submitted to the OPRHP and the Oneida Indian Nation. These maps should include the APE boundary, the location of the proposed line, the location of ditches and pre-existing utilities.

Madison County Response: Attached as Exhibit 1 are the final project drawings for the sewer lines prepared by Barton & Loguidice Engineers ("B&L"). As is evident by the drawings, the alignment for the sewer lines has not been relocated and falls within the areas included in the RMSC Cultural Resources Management Report dated April 11, 2011. To the extent possible the requested features are depicted on the maps. Waterline drawings are not available at this time as final design and construction is not anticipated for several years. Notwithstanding OPRHP's request, and for reasons well known to the Department and OPRHP, Madison County has and will continue to provide information to the Oneida





Mr. David Bimber
NYSDEC Region 7
July 23, 2012
Page 2

Indian Nation of New York ("OIN") as an interested agency as that term is defined by the New York State Environmental Quality Review Act ("SEQR"). Because the Department has subjected itself to a mandatory obligation to consult with the OIN by virtue of Consultation Policy CP-42, any direct communication between the County and OIN would appear to be unnecessary.

Phase IA Archeological Background and Literature Review and Phase IB Archeological Field Reconnaissance Report of the Proposed ARE Park Project Site in the Town of Lincoln, Madison County, Prepared by Alliance Archeological Services and Dated December 30, 2011.

Requested Information:

- A) Regarding "block flakes": The OPRHP recommends that eight additional shovel tests at 1m and 3m intervals be excavated at each of the block flake find spots and a surface survey, covering 100 ft area, around these find spots.
- B) Include a 100 ft buffer area around the isolated wetland area and include the wetland and buffer area in the long term avoidance plan.
- C) Follow-up information:
 - 1. Two sets of unbound site forms with USGS maps.
 - 2. A revised Figure 2 with Section 1A, Section 1B and Section 2 labeled.
 - 3. An oversize map (*minimum 24" by 36" inches*) of the ARE Business Park that includes the location of the four archeological sites bounded and labeled, the purported location of the Ingal site bounded and labeled; the floodplain line; areas not slated for construction, and the section numbers.
 - 4. Phase II archeological scopes-of-work or long-term avoidance plans for the four identified sites. Long-term avoidance plans often include conservation easements and/or deed restrictions.
 - 5. An avoidance plan for the sloped, wooded area purported to be the location of the Ingal site and for which no archeological testing was conducted.

Madison County Responses:

- A) Block flake shovel tests. Attached as Exhibit 2 is a letter report dated July 2, 2012 by Alliance Archeological Services documenting the requested additional field testing. No cultural resources were identified by the additional testing.
- B) 100 ft wetland buffer. As shown on Exhibit 8, Map 2, a 100 foot buffer around the wetland will be preserved by inclusion in the long-term avoidance plan.
- C)
 - 1. Site forms; attached as Exhibit 3.
 - 2. Revised Fig. 2; attached as Exhibit 4.





Mr. David Bimber
NYSDEC Region 7
July 23, 2012
Page 3

3. Annotated oversized map; attached as Exhibit 5. Please note that Madison County has no independent data that would form the basis for locating the reported Ingal site on property owned by Madison County. The map produced in response to this request shows a purported location for the Ingal Village based solely upon the location contained in the OPRHP files. As shown on the map, the entire sloped area and floodplain located at the toe of the slope including the purported OPRHP Ingal Village site will be preserved as part of the long-term avoidance plan. Accordingly, it is presumed that the Ingal Village is thereby preserved, if in fact its location exists as reported.
4. Long-term preservation plan. Madison County proposes to preserve the following six archeological sites: 1) ARE Northern Historic Concentration (A05310.000014); 2) ARE Central Historic Concentration (A05310.000015); 3) ARE Southern Historic Concentration (A05310.000016); 4) ARE Pre-contact site (A05310.000017); 5) Isolated wetland and 100 ft buffer; and 6) Sloped, wooded area including the purported location for the so called Ingal Village, if any.
5. Avoidance Plan. Madison County has determined that its long-term avoidance plan for the cultural resources identified in C) 4 above will take the form of a conservation easement in accordance with Article 49, Title 3 of the New York Environmental Conservation Law ("ECL").

Phase 1B Archeological Machine Trenching Addendum report of the Late Woodland Sherd Site within the proposed 85-Acre Soil Borrow Area...

Requested Information: No comments or further concerns.

Madison County Response: None.

Johnson Lumber Site

Requested Information: We recommend that evidence of previous ground disturbance be provided to the OPRHP and the Oneida Indian Nation for review and comment.

Madison County Response: A copy of a letter from Madison County dated April 15, 2011 to Ms. Joanne March of the Department addressing the previous archeological studies and evidence of previous ground disturbance was forwarded by James Zecca under a separate letter directly to Nancy Herter in response to a recent email request by Ms. Herter.

Additional Mapping

Requested Information:

Map 1 – Please include the location of the previous archeological investigations bounded and labeled and the sections numbered.

Map 2 – Madison County Landfill (MCL/ARE Business Park Map. Please include: (1) areas previously subjected to archeological testing; (2) areas not previously tested with reason(s) for not testing (i.e.,





Mr. David Bimber
NYSDEC Region 7
July 23, 2012
Page 4

slope); (3) areas of existing disturbance including existing landfill areas and borrow areas bounded and labeled; (4) areas of long-term avoidance; and (5) the section numbers.

Madison County Response: Map 1 is attached as Exhibit 6. Map 2 is attached as Exhibit 7.

Preservation Measures

Requested Information: How will Madison County perfect its commitment to preserve cultural resources located on its property?

Madison County Response: Madison County is committed to the long-term preservation of cultural resources located on public lands over which it has stewardship. The County has determined that its long-term avoidance plan for the cultural resources identified herein will take the form of a conservation easement in accordance with Article 49, Title 3 of the ECL.

Madison County appreciates the efforts of the OPRHP and the Department to complete the cultural resources review in connection with this matter. It is our understanding that the Madison County Board of Supervisors plans to finalize its SEQR review of the ARE Park within the next 30 days in anticipation of having all of the outstanding cultural resources matters resolved through the information, disclosures and commitments set forth in this letter and its attachments.

Please contact the undersigned if you have any further questions or comments relative to the enclosed information.

Thank you.

Very truly yours,

BARTON & LOGUIDICE, P.C.

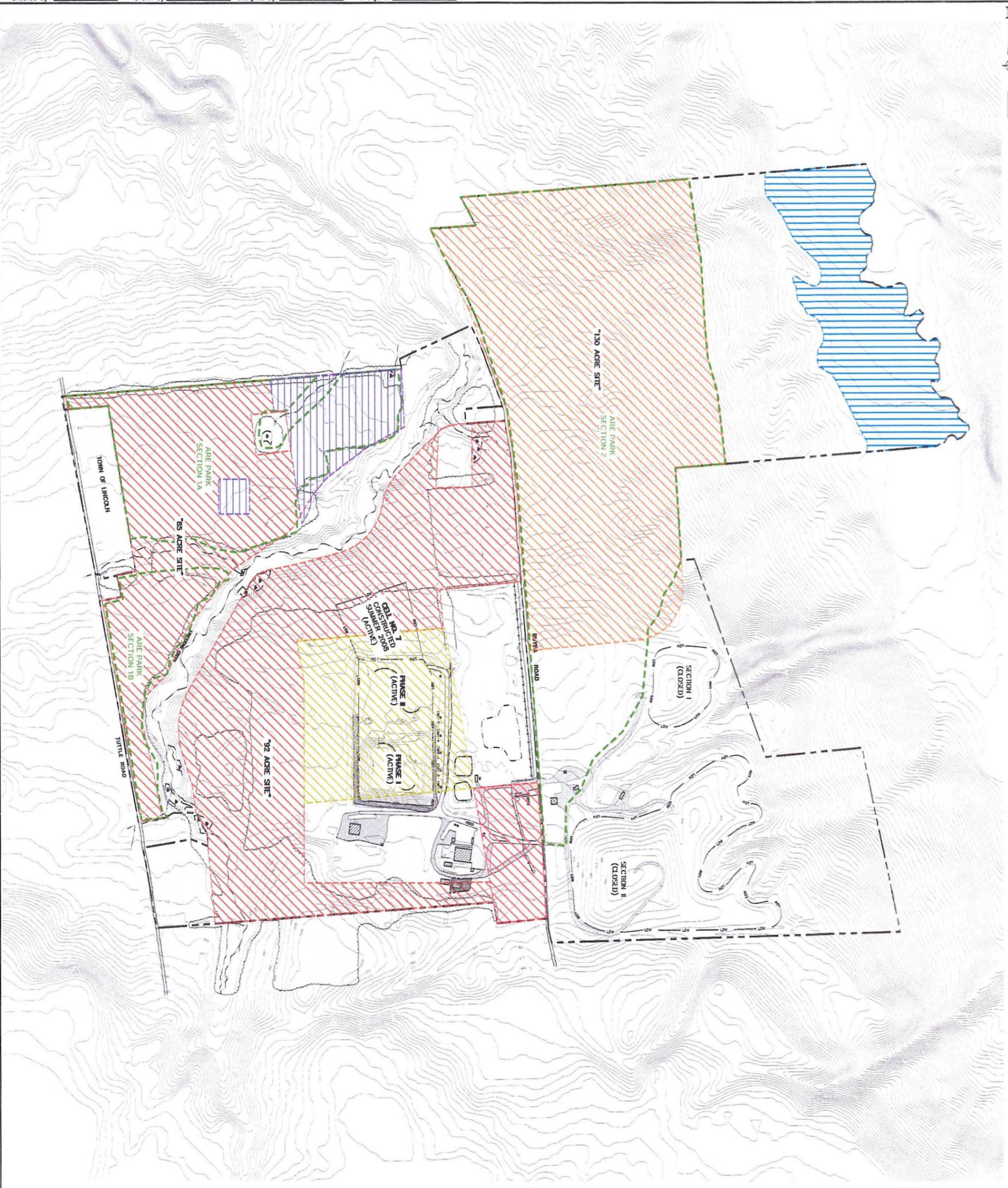
John J. Condino
Senior Project Manager

JJC/akg

Attachments

cc: James A. Zecca Madison County (via email)
Nancy Herter, OPRHP (via email and U.S. Mail)
Charles Vandrie, DEC (via email only)
Kenneth Lynch, DEC (via email only)
Kipp Hicks, IDA (via email only)
Nikki Waters, AAS (via email only)
William M. Buchan, Esq. (via email only)





- LEGEND**
- APPROXIMATE PROPERTY BOUNDARY
 - ▨ EXISTING STRUCTURE
 - ▤ EXISTING PAVED ROADWAY
 - ▥ GRAVEL ROADWAY
 - APPROXIMATE LIMITS OF TREES/VEGETATION
 - STREAM
 - ◡ WETLAND
 - EXISTING CHAIN LINK FENCE
 - EXISTING STORMWATER POND
 - EXISTING CONTOUR
 - EXISTING LEACHATE TRANSFER MANHOLE
 - EXISTING LIMITS OF WASTE
 - ▨ JANUARY 1989 PHASE I INVESTIGATION (ATLANTIC TESTING LABORATORIES, JANUARY 1989) (PRATT & PRATT, JUNE 1989)
 - ▨ JUNE 1989 PHASE I INVESTIGATION (PRATT & PRATT, JUNE 1989)
 - ▨ AUGUST 2005 PHASE I INVESTIGATION
 - ▨ FEBRUARY 2010 PHASE I INVESTIGATION (ALLIANCE ARCHAEOLOGICAL SERVICES, FEB 2010)
 - ▨ DECEMBER 2010 PHASE I INVESTIGATION
 - ▨ JULY 2010 ADDENDUM TO AUGUST 2005 PHASE I INVESTIGATION

- GENERAL NOTES**
1. TOPOGRAPHIC BASE MAP PREPARED BY SNYDER ENGINEERING LAND SURVEYING L.L.P., ONEIDA, NEW YORK. PHOTOGRAPHS TAKEN BY SNYDER ENGINEERING AND LOCKWOOD MAPPING INC., ROCHESTER, N.Y. 14617, USING AIR PHOTOGRAPHS TAKEN JANUARY 23, 1990.
 2. PROPERTY LINES SHOWN ARE APPROXIMATE.
 3. THERE ARE NO SPECIAL WASTE HANDLING AREAS.
 4. COVER MATERIAL IS EXCAVATED FROM THE EXISTING MINING AREAS.
 5. PHASE I AND II, AS PROPOSED IN THE 1992 PERMIT DRAWINGS.
 6. EXISTING PERMITTED MINING AREAS OBTAINED FROM THE SOIL MANAGEMENT PLAN OF THE MADISON COUNTY WEST SIDE EXPANSION PERMIT DRAWINGS (BARTON & LOUDICE, P.C., DATED 1992).



NO ALTERATION PERMITTED HEREON EXCEPT AS PROVIDED BY THE MADISON COUNTY ENGINEERING AND SURVEYING BOARD UNDER THE NEW YORK STATE EDUCATION LAW.

COMPLETED CONSTRUCTION

Significant Construction (through Are System)

By _____ Date _____

Old _____ Date _____

REVISIONS

MADISON COUNTY DEPARTMENT OF SOLID WASTE AND SANITATION
 WEST SIDE LANDFILL EXPANSION

SITE ACTIVITY PLAN

TOWN OF LINCOLN MADISON COUNTY, NEW YORK



Date: JULY, 2012

Scale: 1" = 350'

Sheet Number: **FIGURE 2**

File Number: 154,091



NEW YORK STATE HISTORIC ARCHAEOLOGICAL SITE INVENTORY FORM
 NYS OFFICE OF PARKS, RECREATION & HISTORIC PRESERVATION
 (518) 237-8643

For Office Use Only--Site Identifier

Project Identifier Alliance Archaeological Services ROI #11FR06 Date 06/29/2012
 Your Name Nikki A. Waters, M.A.
 Address 4160 Watervale Rd, Manlius, NY 13104 Phone (315) 632-8283

Organization (if any) Alliance Archaeological Services (same address)

1. SITE IDENTIFIER(S) ARE Park Central Historic Concentration Area

2. COUNTY Madison One of the following: CITY
 TOWNSHIP Town of Lincoln
 INCORPORATED VILLAGE
 UNINCORPORATED VILLAGE OR HAMLET

3. PRESENT OWNER Madison County
 Address

4. SITE DESCRIPTION (check all appropriate categories): Structure/site
 Superstructure: complete ___ partial ___ collapsed ___ not evident
 Foundation: above ___ below ___ (ground level) not evident
 ___ Structural subdivisions apparent ___ Only surface traces visible
 ___ Buried traces detected
 List construction materials (be as specific as possible):

Grounds
 Under cultivation ___ Sustaining erosion ___ Woodland ___ Upland
 ___ Never cultivated ___ Previously cultivated Floodplain ___ Pastureland
 Soil Drainage: excellent ___ good fair ___ poor
 Distance to nearest water from structure (approx.)
 Elevation:

5. Site Investigation (append additional sheets, if necessary):
 Surface -- date (s) October & November 2011
 Site map (submit with form*) See attached.
 Collection See attached.
 Subsurface -- date(s)
 Testing: shovel coring ___ other ___ unit size
 no. units _____ (Submit plan of units with form*) See referenced report.

Excavation: unit size _____ no. of units Not applicable.
 (Submit plan of units with form*)

* Submission should be 8 1/2" by 11", if feasible

Investigator Nikki A. Waters, M.A., Principal Investigator, Alliance Archaeological Services

Manuscript or published report (s) (reference fully):

Phase IA Archaeological Background and Literature Review and Phase IB Archaeological Field Reconnaissance Report of the Proposed ARE Park Project Site in the Town of Lincoln in Madison County, New York (12/30/2011).

Present repository of materials Alliance Archaeological Services, pending final arrangements.

6. Site inventory:

a. Date constructed or occupation period Mid to late 19th century.

b. Previous owners, if known

c. Modifications, if known

(append additional sheets, if necessary)

7. Site documentation (append additional sheets, if necessary):

a. Historic map references

1) Name Gillette Date 1859 Source

Present location of original, if known

2) Name Beers Date 1875 Source

Present location of original, if known

b. Representation in existing photography

1) Photo date _____ Where located See attached or referenced report.

2) Photo date _____ Where located _____

c. Primary and secondary source of documentation (reference fully)

d. Persons with memory of site

1) Name _____ Address _____

2) Name _____ Address _____

8. List of material remains other than those used in construction (be as specific as possible in identifying object and material):

See attached or referenced report.

If prehistoric materials are evident, check here and fill out prehistoric site form. Not applicable.

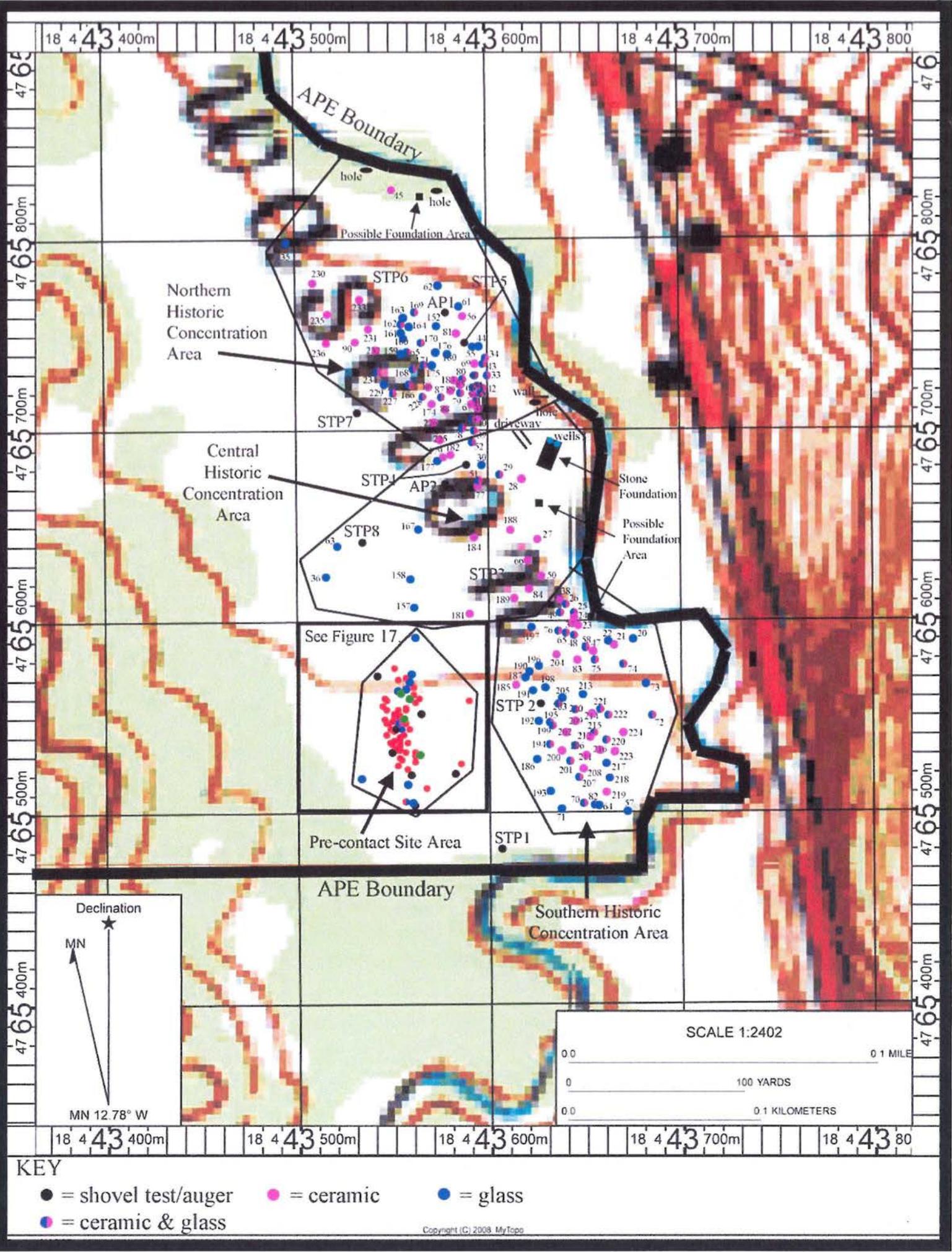
9. Map References: Map or maps showing exact location and extent of site must accompany this form and be identified by source and date. Keep this submission to 8½" x 11", if possible.

USGS 71/2 Minute Series Quad. Name _____ See attached or referenced report.

For Office Use Only--UTM Coordinates

10. Photography (optional for environmental impact survey): Please submit a 5"x7" black and white print(s) showing the current state of the site. Provide a label for the print(s) on a separate sheet.

See attached or referenced report.



- KEY**
- = shovel test/auger
 - = ceramic
 - = glass
 - = ceramic & glass

Central Historic Concentration Area

Table 7:
Cultural Materials Recovered from the Central Historic Concentration Area within Section 2

FS#	Identification	# of Sherds	# of Vessels	Decoration/ Raw Material	Color	Production Range/Median Date (A.D.)
27	ironstone basal sherd	1	1	undecorated	white	1813-1900/1870
36	container glass basal sherd	1	1	undecorated	clear	19 th to 20 th century
50	whiteware body sherd	1	1	undecorated	white	1820-1900+/1860
50	whiteware shoulder sherd	1	1	blue hand-painted	white	1820-1900+/1860
63	container glass body sherd	1	1	embossed	clear	19 th to 20 th century
66	whiteware body sherd	1	1	blue hand-painted	white	1820-1900+/1860
84	whiteware basal sherd	1	1	light blue glaze	white	1820-1900+/1860
84	porcelain body sherd	1	1	undecorated	white	1820-1900+/1860
157	container glass basal sherd	1	1	undecorated	clear	19 th to 20 th century
158	flat glass sherd	1	NA	NA	aqua	1800-1900+
167	bottle rim and neck	1	1	undecorated	aqua	19 th to 20 th century
167	flat glass sherd	1	NA	NA	clear	1800-1900+
167	flat glass sherd	11	NA	NA	aqua	1800-1900+
181	porcelain doll head	1	1	molded	white	1800-1900+
184	whiteware shoulder sherd	1	1	undecorated	white	1820-1900+/1860
188	stoneware body sherd	1	1	Albany slip; tan & blue salt glaze exterior	cream	1825-1910
189	whiteware rim sherd	1	1	blue shell-edged, unscaloped	white	1850-1897/1879
225	porcelain rim sherd	2	1	undecorated	white	1820-1900+/1860
225	porcelain basal sherd	1	1	embossed "75"	white	1820-1900+/1860
226	whiteware body sherd	3	1	undecorated	white	1820-1900+/1860
227	whiteware rim sherd	1	1	blue shell-edged, unscaloped	white	1850-1897/1879
227	container glass body sherd	1	1	undecorated	clear	19 th to 20 th century
227	flat glass sherd	1	NA	NA	aqua	1800-1900+
228	whiteware basal sherd	1	1	light blue transferprint	white	1826-1831/1829
228	container glass basal sherd	1	1	embossed "4"	aqua	19 th to 20 th century
229	container glass body sherd	2	1	undecorated	cobalt blue	19 th to 20 th century
229	container glass shoulder sherd	1	1	undecorated	clear	19 th to 20 th century
230	whiteware basal sherd	1	1	undecorated	white	1820-1900+/1860
231	whiteware rim sherd	2	1	undecorated	white	1820-1900+/1860
232	whiteware body sherd	1	1	undecorated	white	1820-1900+/1860
232	whiteware basal sherd	1	1	undecorated	white	1820-1900+/1860
232	whiteware rim sherd	1	1	undecorated	white	1820-1900+/1860
232	ironstone rim sherd	1	1	undecorated	white	1813-1900/1870
233	whiteware body sherd	1	1	blue annular glaze	white	1815-1860/1845

233	whiteware body sherd	1	1	brown/tan hand-painted	white	1820-1900+/1860
233	whiteware rim sherd	1	1	black/blue/green hand-painted	white	1820-1900+/1860
233	ironstone body sherd	1	1	undecorated	white	1813-1900/1870
234	whiteware rim sherd	1	1	blue shell-edged, unscalped	white	1850-1897/1879
234	porcelain shoulder sherd	1	1	undecorated	white	1820-1900+/1860
234	container glass body sherd	1	1	undecorated	aqua	19 th to 20 th century
235	whiteware body sherd	5	1	undecorated	white	1820-1900+/1860
235	whiteware shoulder sherd	1	1	embossed	white	1820-1900+/1860
236	whiteware body sherd	2	1	undecorated	white	1820-1900+/1860
236	whiteware rim sherd	1	1	light blue transferprint	white	1826-1831/1829
236	whiteware basal sherd	1	1	flow blue	white	1835-1900+
236	porcelain body sherd	1	1	undecorated	white	1820-1900+/1860
Total Ceramic Sherd Count		42				
Mean Ceramic Date		1860				
Total Historic Artifact Count					66	

Cultural Material Analysis

A total of 66 artifacts (Table 7) were recovered from the Central Historic Concentration Area within the floodplain portion of Section 2 (Figure 13). All of these materials were of historic origin and were recovered from the surface of the plowzone. Representative photographs of these materials have been provided in Figure 15. The A_p within this area averaged 18 cm (7 inches) in depth and consisted of a dark brown to dark yellowish brown, firm silt loam. Although no cultural features were identified in association in the plowed area, this concentration area is also geographically associated with the MDS shown on the 1859, 1875 and 1895 maps (figures 6 through 8). These MDS are identified in 1859 as the A. Adle and C. Adle houses, and in 1875 as the J. Ingles and A. Adel houses, respectively. Two unnamed MDS are also still shown at these locations in 1895 (Figure 8). One possible foundation area (a large depression in the ground covered with quick growth disturbance vegetation) and two smaller hole areas were also identified further to the north. A rectangular stone wall foundation was also identified to the east. Two circular depression areas that may represent the locations of wells were also noted just within this northern foundation wall. The shallow remnants of a dirt driveway were also still visible to the northwest of the foundation. Another possible foundation hole, perhaps for an outbuilding, was also identified to the north along the banks of the creek. Portions of a low stone wall were also noted to the immediate north of this foundation hole. Two additional possible foundation areas were also recorded to the east and south, just to the north of the Southern Historic Concentration Area. All of these features were identified within the scrub grass and forest area between the plowed portions of the floodplain and Cowaselon Creek. Therefore, although these areas were recorded by GPS and photographed, as they are currently scheduled for full avoidance, no shovel testing was conducting. Each identified artifact class is discussed separately below.

The recovered glass materials (n = 24) consisted of 13 aqua flat glass sherds, 1 clear flat glass sherds, 2 undecorated, clear container glass body sherds, 1 undecorated clear container glass shoulder sherd, 2 undecorated clear container glass basal sherds, 1 undecorated, aqua container glass body sherd, 1 undecorated, aqua container glass rim sherd, 1 undecorated aqua container glass basal sherd, and 2 undecorated, cobalt blue container glass body sherds.

The recovered ceramic materials (n = 42) consisted of 12 undecorated whiteware body sherds, 2 undecorated whiteware basal sherds, 3 undecorated whiteware rim sherds, 1 undecorated whiteware shoulder sherd, 1 embossed whiteware shoulder, 1 whiteware basal sherd with light blue transferprint, 1 whiteware rim sherd with light blue transferprint, 1 whiteware basal sherd with a light blue glaze, 1 whiteware basal sherd with flow blue, 1

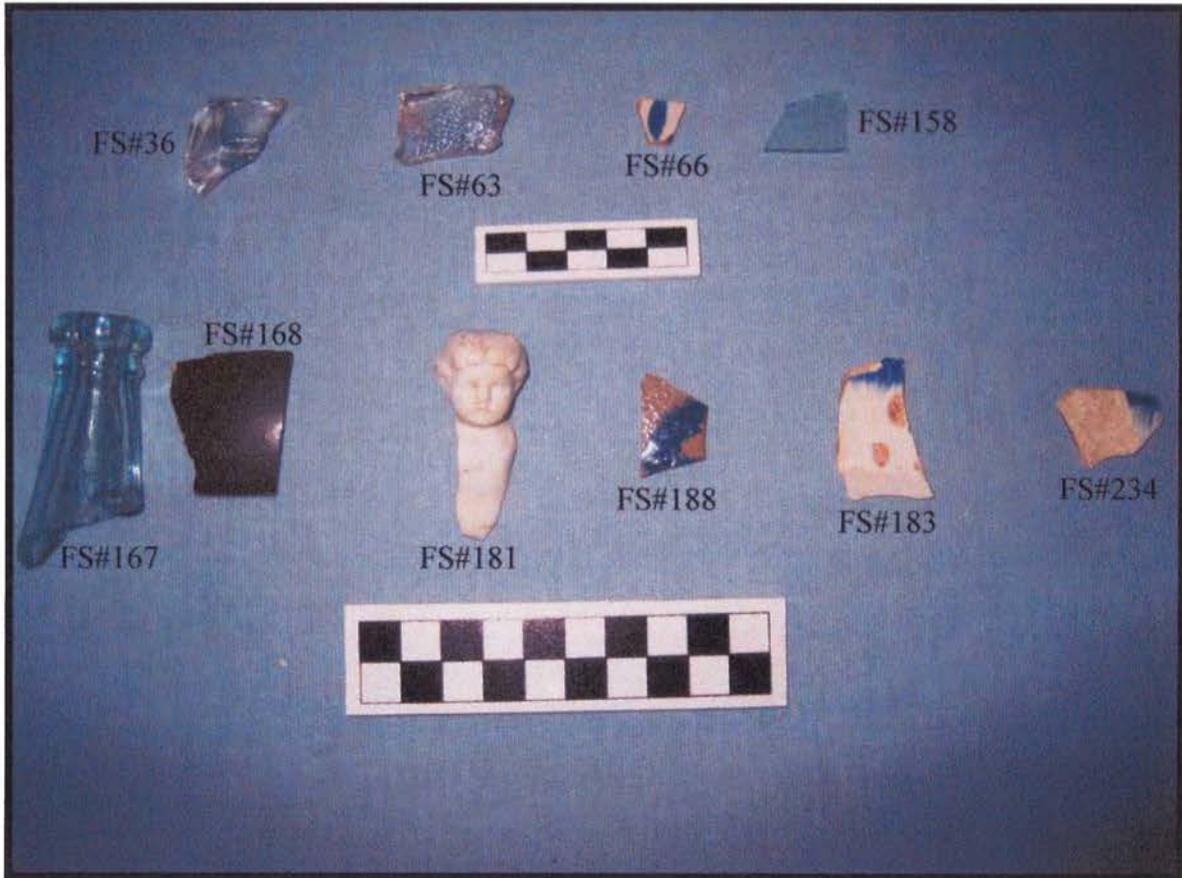


Figure 15. Representative photograph of all cultural materials recovered from the Central Historic Concentration Area during the 2011 surface inspection of the floodplain portion of Section 2.



Photograph 101. Looking south along the western edge of the plowed portion of the floodplain.



Photograph 102. Looking southeast across the plowed portion of the floodplain.



Photograph 103. Looking east across the plowed portion of the floodplain.



Photograph 104. Looking northeast across the plowed portion of the floodplain.



**NEW YORK STATE PREHISTORIC ARCHAEOLOGICAL SITE INVENTORY
FORM**
NYS OFFICE OF PARKS, RECREATION & HISTORIC PRESERVATION
(518) 237-8643

For Office Use Only--Site Identifier

Project Identifier Alliance Archaeological Services ROI #11FR06

Date 06/29/2012

Your Name Nikki A. Waters, M.A.

Phone (315) 632-8283

Address 4160 Watervale Road, Manlius, NY 13104

Organization (if any) Alliance Archaeological Services

1. SITE IDENTIFIER(S) ARE Park Pre-contact Site

2. COUNTY Madison One of the following: CITY
TOWNSHIP Town of Lincoln
INCORPORATED VILLAGE
UNINCORPORATED VILLAGE OR HAMLET

3. PRESENT OWNER Madison County

Address

4. SITE DESCRIPTION (check all appropriate categories):

Site

- | | | |
|--|---|---|
| <input type="checkbox"/> Stray Find | <input type="checkbox"/> Cave/Rockshelter | <input type="checkbox"/> Workshop |
| <input type="checkbox"/> Pictograph | <input type="checkbox"/> Quarry | <input type="checkbox"/> Mound |
| <input type="checkbox"/> Burial | <input type="checkbox"/> Shell Midden | <input type="checkbox"/> Village |
| <input checked="" type="checkbox"/> Surface Evidence | <input type="checkbox"/> Camp | <input checked="" type="checkbox"/> Material in plow zone |
| <input type="checkbox"/> Material below plow zone | <input type="checkbox"/> Buried evidence | <input type="checkbox"/> Intact Occupation floor |
| <input type="checkbox"/> Single component | <input type="checkbox"/> Evidence of features | <input type="checkbox"/> Stratified |
| | <input type="checkbox"/> Multicomponent | |

Location

- | | | |
|--|---|---|
| <input type="checkbox"/> Under cultivation | <input type="checkbox"/> Never cultivated | <input checked="" type="checkbox"/> Previously cultivated |
| <input type="checkbox"/> Pastureland | <input type="checkbox"/> Woodland | <input checked="" type="checkbox"/> Floodplain |
| <input type="checkbox"/> Upland | | <input type="checkbox"/> Sustaining erosion |

Soil Drainage: excellent good fair poor

Slope: flat gentle moderate steep

Distance to nearest water from site (approx.) 130 meters to the east

Elevation: ~550ft AMSL

5. SITE INVESTIGATION (append additional sheets, if necessary):

Surface--date(s) October and November 2011 (additional surface inspection w/o collection by AAS, SHPO & OIN on 06/05/12. Additional flakes and 1 scraper identified but no diagnostics. Materials left in place.)

Site map (Submit with form) See attached.

Collection See attached.

Subsurface--date(s)

Testing: shovel coring other One 10cm auger. unit size See referenced report.

no. of units _____ (Submit plan of units with form)

Excavation: unit size _____ no. of units

Investigator Nikki A. Waters, M.A., Principal Investigator, Alliance Archaeological Services

Manuscript or published report(s) (reference fully):

Phase IA Archaeological Background and Literature Review and Phase IB Archaeological Field Reconnaissance Report of the Proposed ARE Park Project Site in the Town of Lincoln in Madison County, New York (12/30/2011).

Present repository of materials Alliance Archaeological Services, pending final arrangements.

6. COMPONENT(S) (cultural affiliation/dates): Indeterminate pre-contact.

7. LIST OF MATERIAL REMAINS (be specific as possible in identifying object and material):

Please see attached sheets or referenced report.

If historic materials are evident, check here and fill out historic site form.

Please see attached sheets or referenced report.

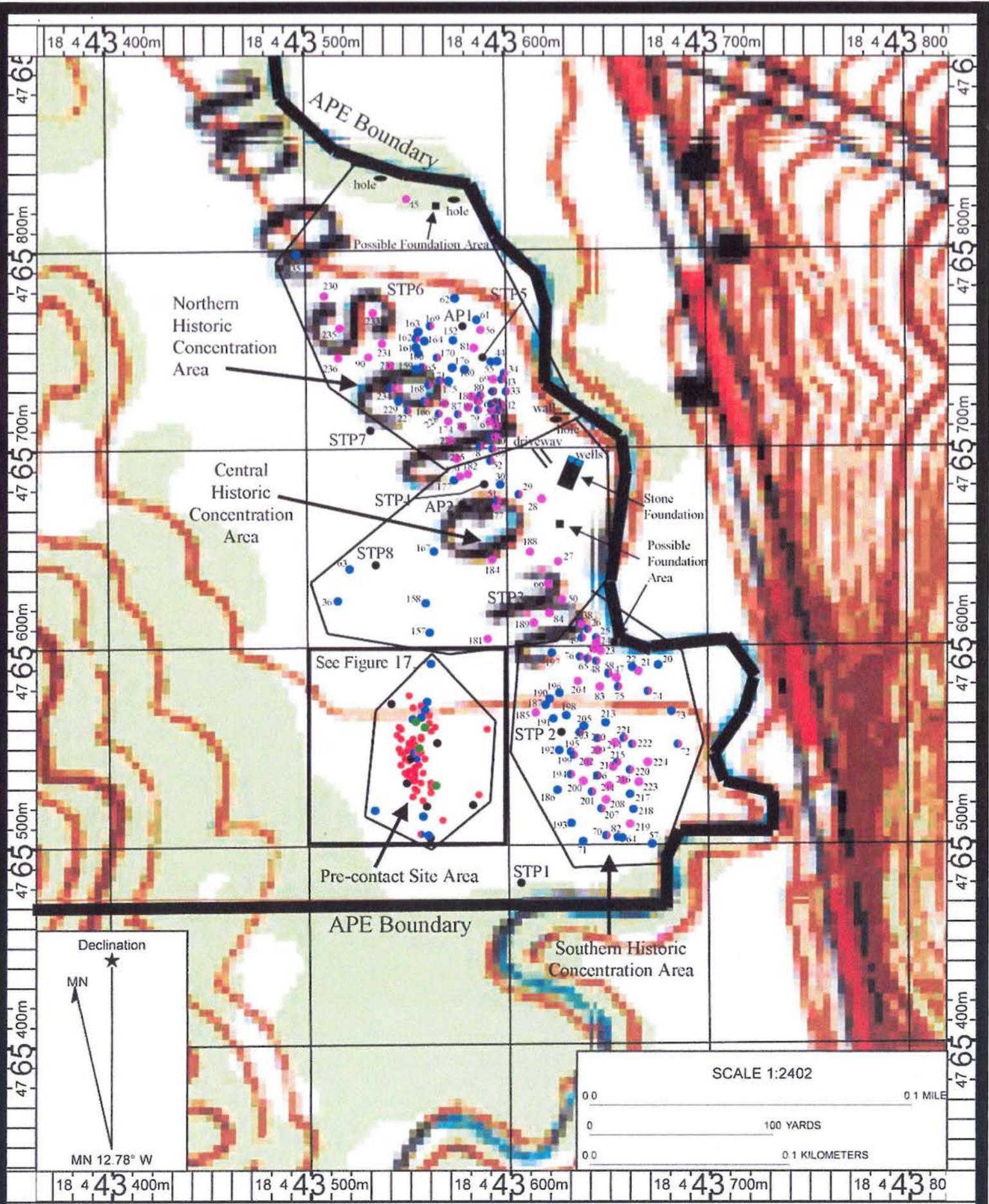
8. MAP REFERENCES

USGS 7.5 Minute Series Quad. Name 1955 Oneida, NY, photo-revised 1993

UTM Coordinates

9. Photography

Please see attached sheets or referenced report.



- KEY**
- = shovel test/auger
 - = ceramic
 - = glass
 - = ceramic & glass

produced from 1850 through 1897, enjoying their greatest popularity between 1874 and 1884. For transferprinted wares, the most temporally diagnostic feature is color. For example, light blue transferprints were produced from 1826 through 1831 with a mean production date of 1829. However, they were most popular from 1827 to 1828. Red transferprints were produced from 1829 through 1850 with a mean production date of 1840. However, they were most popular from 1829 to 1839. Flow blue was first produced in 1835 and continued until at least the early part of the 20th century. Variable motifs obtained popularity from 1840 to 1860 and from 1870 onward, with mean productions of 1850 and 1875, respectively. Blue spongeware was produced from 1830 through the early 20th century, but was most popular from 1830 through 1860. As a result, it has a mean production date of 1850. These decorated wares are also therefore consistent with the map-documented use of this area from at least 1859 through 1895.

The ceramic assemblage from this area is fairly good (n = 114). As a result, mean ceramic dating (MCD) was applied in order to refine the potential chronological placement of this site. The recovered sherds produced a MCD of 1860 or 1863 (dependent upon the median flow blue date), which supports the hypothesis that these materials are related to the map-documented use of this specific area.

Site Summary and Recommendations

In conclusion, both the high density and the high diversity of the historic cultural materials recovered from the Southern Historic Concentration Area, along with the corresponding map-documentary evidence and the field verification of at least one stone foundation, strongly suggests that additional information directly relevant to our understanding of the early historic occupation of Madison County is present within this area. The high artifact density and diversity also indicates that this area is highly likely to be able to provide statistically relevant answers to specific and/or detailed research questions. Although this concentration area blends with a second historic concentration area to the north, the artifact density does drop between these two areas, suggesting that two discrete middens may be present. As a result, each area has been analyzed separately. In addition, as intact features were identified to the immediate north within the scrub grass and small woodland adjacent Cowaselon Creek, there is a strong potential for intact subplowzone features to be present. Therefore, although all of the current materials were recovered from the surface of the plowzone and no indications of features were identified within these plowed areas, the overall integrity of this site and its research potential is considered to be high. The phase I investigation therefore indicates that data redundancy has not been achieved. Given that the wooded and grass areas have never been plowed, there is a high probability that these areas contain additional artifacts, intact soil strata, additional structural remains, and/or other features which will make it possible to test either new or existing hypotheses, and/or refine the local historical sequence. This concentration area would therefore appear to be eligible for nomination to the *National Register of Historic Places* under Criterion D.

Further archaeological investigations are therefore recommended if full avoidance of this area cannot be maintained. However, as the current ARE Park plans call for avoidance of this floodplain area by all earth-moving or ground-disturbing activities, the significant information within this site will be preserved for the future.

Pre-contact Site Area

<i>Detail Map Area</i>						
FS#	Identification	# of Sherds	# of Vessels	Decoration/ Raw Material	Color	Production Range/Median Date (A.D.)
46	container glass body sherds	2	1	undecorated	clear	19 th to 20 th century
91	edge-modified flake	1	NA	Onondaga chert	NA	indeterminate precontact
92	unmodified flake	3	NA	Onondaga chert	NA	indeterminate precontact
93	unmodified flake	6	NA	Onondaga chert	NA	indeterminate precontact
93	flat glass sherd	1	NA	NA	aqua	1800-1900+
96	whiteware body sherd	1	1	undecorated	white	1820-1900+/1860
96	container glass	1	1	undecorated	clear	19 th to 20 th century

	body sherd					
101	flat glass sherd	1	NA	NA	aqua	1800-1900+
111	container glass body sherd	1	1	undecorated	clear	19 th to 20 th century
112	flat glass sherd	1	NA	NA	aqua	1800-1900+
94	unmodified flake	1	NA	Onondaga chert	NA	indeterminate precontact
94	block flake	2	NA	Onondaga chert	NA	indeterminate
95	unmodified flake	1	NA	Onondaga chert	NA	indeterminate precontact
95	block flake	1	NA	Onondaga chert	NA	indeterminate
97	unmodified flake	1	NA	Onondaga chert, heat-damaged	NA	indeterminate precontact
98	unmodified flake	1	NA	Onondaga chert	NA	indeterminate precontact
99	unmodified flake	1	NA	Onondaga chert	NA	indeterminate precontact
99	block flake	1	NA	Onondaga chert	NA	indeterminate
100	unmodified flake	2	NA	Onondaga chert	NA	indeterminate precontact
101	unmodified flake	1	NA	Onondaga chert	NA	indeterminate precontact
101	block flake	2	NA	Onondaga chert	NA	indeterminate
102	unmodified flake	2	NA	Onondaga chert	NA	indeterminate precontact
103	unmodified flake	1	NA	Onondaga chert	NA	indeterminate precontact
104	unmodified flake	3	NA	Onondaga chert	NA	indeterminate precontact
104	unmodified flake	1	NA	Onondaga chert, heat-damaged	NA	indeterminate precontact
105	unmodified flake	4	NA	Onondaga chert	NA	indeterminate precontact
106	unmodified flake	3	NA	Onondaga chert	NA	indeterminate precontact
106	block flake	1	NA	Onondaga chert	NA	indeterminate
107	unmodified flake	1	NA	Onondaga chert	NA	indeterminate precontact
107	unmodified flake	1	NA	Onondaga chert, heat-damaged	NA	indeterminate precontact
108	unmodified flake	2	NA	Onondaga chert	NA	indeterminate precontact
108	block flake	1	NA	Onondaga chert	NA	indeterminate
108	notched point fragment	1	NA	Onondaga chert	NA	probable Archaic
109	edge-modified flake	1	NA	Onondaga chert	NA	indeterminate precontact
109	block flake	1	NA	Onondaga chert	NA	indeterminate
110	unmodified flake	1	NA	Onondaga chert	NA	indeterminate precontact
113	unmodified flake	1	NA	Onondaga chert	NA	indeterminate precontact
114	unmodified flake	1	NA	Onondaga chert	NA	indeterminate precontact
115	block flake	1	NA	mottled glacial chert	NA	indeterminate
116	unmodified flake	1	NA	Onondaga chert	NA	indeterminate precontact
117	unmodified flake	2	NA	Onondaga chert	NA	indeterminate precontact
118	unmodified flake	3	NA	Onondaga chert	NA	indeterminate precontact
119	unmodified flake	1	NA	Onondaga chert	NA	indeterminate precontact
120	unmodified flake	1	NA	Onondaga chert	NA	indeterminate precontact
121	unmodified flake	1	NA	Onondaga chert	NA	indeterminate precontact
122	unmodified flake	3	NA	Onondaga chert	NA	indeterminate precontact
122	unmodified flake	1	NA	mottled glacial chert, heat- damaged	NA	indeterminate precontact
122	block flake	1	NA	mottled glacial chert	NA	indeterminate
123	unmodified flake	1	NA	Onondaga chert	NA	indeterminate precontact
124	unmodified flake	1	NA	Onondaga chert	NA	indeterminate precontact
124	unmodified flake	1	NA	Onondaga chert, heat-damaged	NA	indeterminate precontact

124	edge-modified flake	1	NA	Onondaga chert	NA	indeterminate precontact
125	scraper	1	NA	Onondaga chert, heat-damaged	NA	indeterminate precontact
126	unmodified flake	2	NA	Onondaga chert	NA	indeterminate precontact
126	scraper fragment	1	NA	Onondaga chert	NA	indeterminate precontact
127	unmodified flake	1	NA	Onondaga chert	NA	indeterminate precontact
128	edge-modified flake	1	NA	Onondaga chert	NA	indeterminate precontact
127	flat glass sherd	1	NA	NA	aqua	1800-1900+
140	flat glass sherd	1	NA	NA	aqua	1800-1900+
142	flat glass sherd	1	NA	NA	aqua	1800-1900+
144	flat glass sherd	1	NA	NA	aqua	1800-1900+
153	flat glass sherd	1	NA	NA	aqua	1800-1900+
154	container glass body sherd	1	1	undecorated	clear	19 th to 20 th century
156	container glass shoulder sherd	1	1	undecorated	clear	19 th to 20 th century
129	unmodified flake	1	NA	Onondaga chert	NA	indeterminate precontact
130	unmodified flake	1	NA	Onondaga chert	NA	indeterminate precontact
131	unmodified flake	1	NA	Onondaga chert	NA	indeterminate precontact
131	edge-modified flake	1	NA	Onondaga chert	NA	indeterminate precontact
132	unmodified flake	3	NA	Onondaga chert	NA	indeterminate precontact
133	unmodified flake	1	NA	Onondaga chert	NA	indeterminate precontact
133	unmodified flake	1	NA	Onondaga chert, heat-damaged	NA	indeterminate precontact
134	unmodified flake	2	NA	Onondaga chert	NA	indeterminate precontact
135	unmodified flake	1	NA	Onondaga chert	NA	indeterminate precontact
136	unmodified flake	1	NA	Onondaga chert	NA	indeterminate precontact
137	unmodified flake	1	NA	Onondaga chert	NA	indeterminate precontact
138	unmodified flake	2	NA	Onondaga chert	NA	indeterminate precontact
139	drill fragment	1	NA	Onondaga chert	NA	indeterminate precontact
140	block flake	1	NA	Onondaga chert	NA	indeterminate
141	unmodified flake	3	NA	Onondaga chert	NA	indeterminate precontact
143	unmodified flake	1	NA	Onondaga chert	NA	indeterminate precontact
145	point blade fragment	1	NA	Onondaga chert	NA	indeterminate precontact
146	unmodified flake	1	NA	Onondaga chert	NA	indeterminate precontact
147	unmodified flake	1	NA	Onondaga chert	NA	indeterminate precontact
147	unmodified flake	1	NA	Onondaga chert, heat-damaged	NA	indeterminate precontact
148	unmodified flake	1	NA	Onondaga chert	NA	indeterminate precontact
149	unmodified flake	1	NA	Onondaga chert, heat-damaged	NA	indeterminate precontact
150	unmodified flake	1	NA	Onondaga chert	NA	indeterminate precontact
151	unmodified flake	1	NA	Onondaga chert	NA	indeterminate precontact
155	unmodified flake	1	NA	Onondaga chert	NA	indeterminate precontact
172	unmodified flake	1	NA	Onondaga chert, heat-damaged	NA	indeterminate precontact
173	unmodified flake	1	NA	Onondaga chert	NA	indeterminate precontact
178	container glass shoulder sherd	1	1	undecorated	clear	19 th to 20 th century
178	container glass shoulder sherd	2	1	undecorated	aqua	19 th to 20 th century
Total Historic Artifact Count			18			
Total Precontact Artifact Count			108			
Total Tool/Biface Count			10			

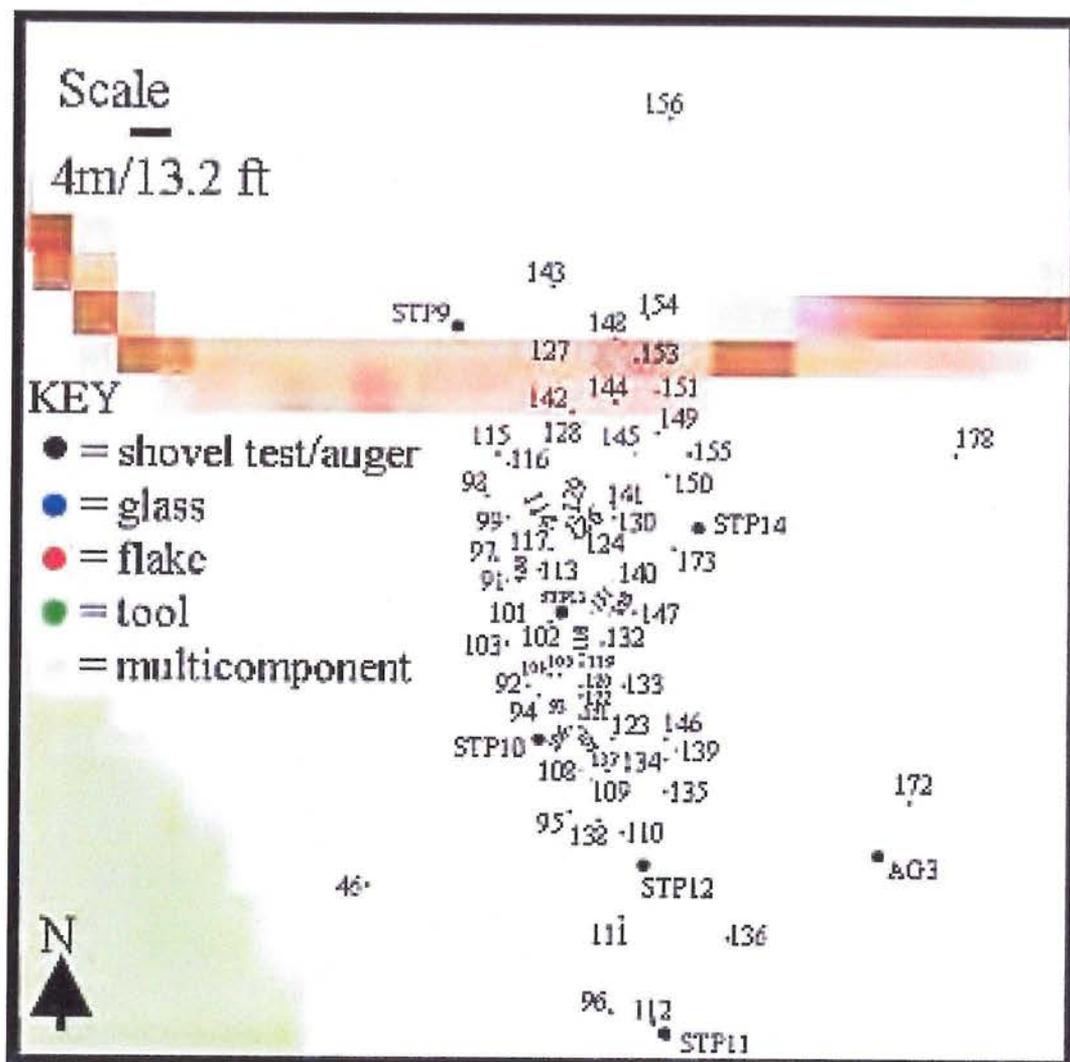


Figure 17. Location of all identified cultural materials and supplemental subsurface testing within the Pre-contact Site Area within the Section 2 APE as shown on a portion of the 1955 Oneida, New York 7.5' quadrangle, photo-revised 1993, Copyright 2010, Maptech, Inc. (Scale in UTM).

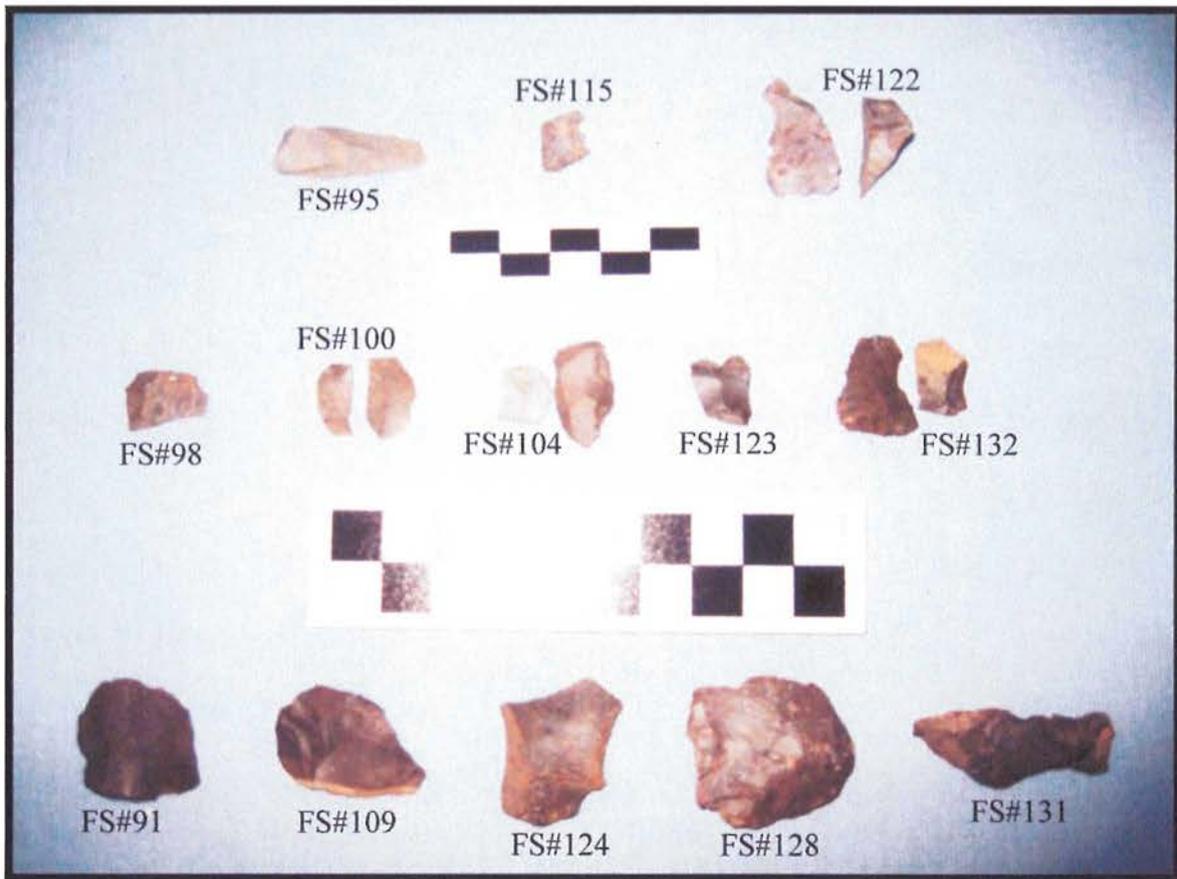
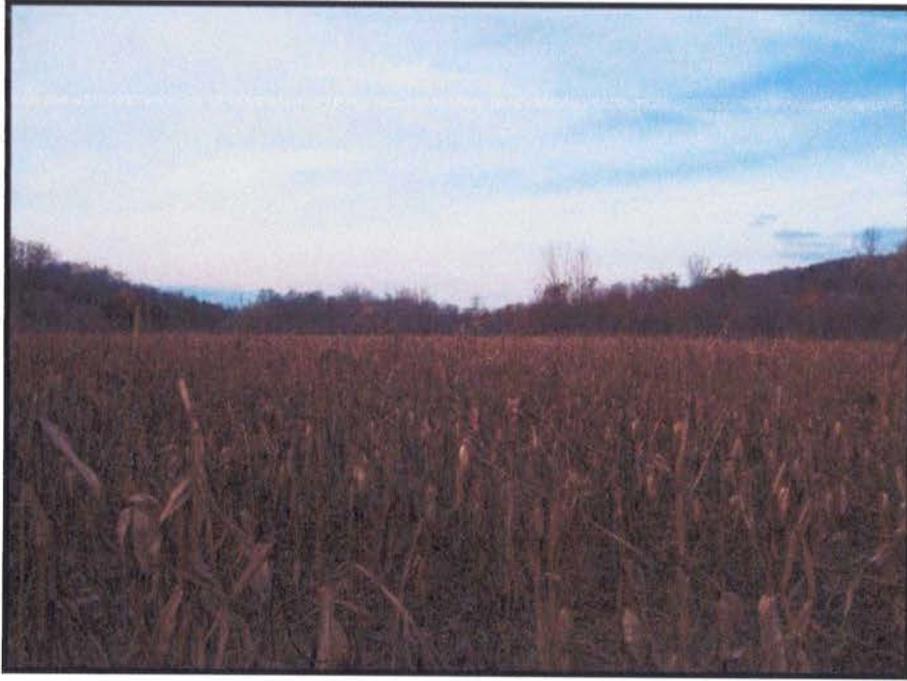


Figure 18. Representative photograph of all block, unmodified and edge-modified flakes recovered from the Pre-contact Site Area during the 2011 surface inspection of the floodplain portion of Section 2. Block flakes are shown on the top row. Unmodified flakes are shown in the middle row. All edge-modified flakes are shown on the bottom row.



Figure 19. Photograph of all remaining tools recovered from the Pre-contact Site Area during the 2011 surface inspection of the floodplain portion of Section 2. The flake tools are shown in Figure 18.



Photograph 41. Looking north across the southern portion of the floodplain portion of Section 2.



Photograph 42. Looking northwest across the southern portion of the floodplain portion of Section 2.

John J. Condino

From: David Bimber [dlbimber@gw.dec.state.ny.us]
Sent: Monday, July 30, 2012 1:39 PM
To: John J. Condino
Subject: 23 July 2012 SEQR Review & OPRHP Information Request

John:

Thank you for your most recent letter regarding the County's ARE Park.

Please provide two additional copies of the information to my attention, here in Syracuse.

Thanks again for you consideration,

Dave

David L. Bimber
Regional Permit Administrator
NYS DEC, Region 7
Division of Environmental Permits
615 Erie Boulevard West
Syracuse, New York 13204-2400

Email: dlbimber@gw.dec.state.ny.us
Voice: 315-426-7440
Fax: 315-426-7425

John J. Condino

From: Herter, Nancy (PEB) [Nancy.Herter@parks.ny.gov]
Sent: Friday, August 31, 2012 4:04 PM
To: 'David Bimber'
Cc: 'James Zecca'; John J. Condino; 'Jesse Bergevin'; Shavitz, Ian; 'cwallan@gwdec.state.ny.us'
Subject: Madison County ARE Business Park, SHPO Comments
Attachments: SHPOAreaofConcern.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Dave,

The OPRHP/SHPO has reviewed the package of information, prepared by Barton and Loguidice and dated July 23, 2012, and the additional information regarding the Johnson Brothers Lumber Project, prepared by Jim Zecca, Director of Madison County Landfill and dated July 20, 2012. Thank you for the comprehensive package of information. The majority of the OPRHP's concerns have been addressed and we have two requests.

1. The southern portion of ARE Park Section 2 is noted as disturbed on Figure 3. Please submit evidence of this disturbance or direct me to the applicable document (*see attached map*).
2. The ORPHP requests a set of revised archaeological site form maps reproduced at their original size (i.e. 1 to 1 reproduction, 1:24,000) so that we can accurately plot the site locations on our GIS.

Sincerely,
Nancy

Nancy Herter
Historic Preservation Program Analyst
Office of Parks, Recreation and Historic Preservation
Division for Historic Preservation
PO Box 189, Peebles Island
Waterford, New York 12188-0189
(518) 237-8643 ext. 3280

John J. Condino

From: John J. Condino
Sent: Friday, September 07, 2012 2:46 PM
To: 'Herter, Nancy (PEB)'; 'David Bimber'
Cc: 'James Zecca'; Bill Buchan; 'Nikki A. Waters, M.A.'
Subject: RE: Madison County ARE Business Park, SHPO Comments
Attachments: Madison County Landfill SHPO Area of Interest Circa 1974.pdf; Madison County Landfill SHPO Area of Interest Circa 2006.pdf; Madison County Landfill SHPO Area of Interest Circa 2011.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Dave,

Regarding Nancy Herter's 8/31/2012 email request for additional information we are pleased to provide the following information on behalf of Madison County:

Herter Request #1:

1. The southern portion of ARE Park Section 2 is noted as disturbed on Figure 3. Please submit evidence of this disturbance or direct me to the applicable document (*see attached map*).

Madison County Response:

Please refer to the attached files labeled Madison County Landfill SHPO Area of Interest Circa 1974, 2006, and 2011 respectively. The figure in the file labeled Madison County Landfill SHPO Area of Interest Circa 1974 is a copy of the original 1974 site plan drawing clearly depicting the original contours and development plans for the "Area of Interest" as depicted in Nancy's request. The figure in the file labeled Madison County Landfill SHPO Area of Interest Circa 2006 is a copy of the original site plan drawing for the landfill expansion permitted in 2006 clearly depicting the "Area of Interest" as a previously permitted soil borrow mining area with then current contours evidencing substantial mining in the intervening years since the original development circa 1974. The figure in the file labeled Madison County Landfill SHPO Area of Interest Circa 2011 is a figure produced utilizing 2011 vintage aerial photography clearly depicting the current status of nearly three decades of development in this "Area of Interest".

Herter Request #2:

2. The ORPHP requests a set of revised archaeological site form maps reproduced at their original size (i.e. 1 to 1 reproduction, 1:24,000) so that we can accurately plot the site locations on our GIS.

Madison County Response:

With regard to this request, Nikki Waters, Alliance Archaeology, has been in direct contact with Nancy and will be supplying appropriate response material under a separate email to Nancy.

We trust that the above information sufficiently addresses Nancy Herter's request. It is the County's expectation that, based on Nancy's comment that SHPO's concerns have been addressed, her letter of determination should be forthcoming within a few days. We appreciate your continued interest and assistance regarding this project.

Regards,

John

John J. Condino

Barton & Loguidice, P.C.

From: Herter, Nancy (PEB) [<mailto:Nancy.Herter@parks.ny.gov>]

Sent: Friday, August 31, 2012 4:04 PM

To: 'David Bimber'

Cc: 'James Zecca'; John J. Condino; 'Jesse Bergevin'; Shavitz, Ian; 'cwvallon@gwdec.state.ny.us'

Subject: Madison County ARE Business Park, SHPO Comments

Dear Dave,

The OPRHP/SHPO has reviewed the package of information, prepared by Barton and Loguidice and dated July 23, 2012, and the additional information regarding the Johnson Brothers Lumber Project, prepared by Jim Zecca, Director of Madison County Landfill and dated July 20, 2012. Thank you for the comprehensive package of information. The majority of the OPRHP's concerns have been addressed and we have two requests.

3. The southern portion of ARE Park Section 2 is noted as disturbed on Figure 3. Please submit evidence of this disturbance or direct me to the applicable document (*see attached map*).
4. The ORPHP requests a set of revised archaeological site form maps reproduced at their original size (i.e. 1 to 1 reproduction, 1:24,000) so that we can accurately plot the site locations on our GIS.

Sincerely,
Nancy

Nancy Herter
Historic Preservation Program Analyst
Office of Parks, Recreation and Historic Preservation
Division for Historic Preservation
PO Box 189, Peebles Island
Waterford, New York 12188-0189
(518) 237-8643 ext. 3280

John J. Condino

From: Nikki A. Waters, M.A. [nwaters@alliancearchaeology.com]
Sent: Sunday, September 09, 2012 1:48 PM
To: Herter, Nancy (PEB)
Cc: John J. Condino
Subject: madison county landfill and ARE park site locations
Attachments: all_site_locations_Madison_Landfill_and_ARE_Park.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Good Morning, Nancy

Please find attached a 1:24000 scale topo map showing the locations of the six sites identified on the landfill and ARE park properties. Let me know if you need anything else.

Thanks,
Nikki

John J. Condino

From: John J. Condino
Sent: Monday, September 10, 2012 7:54 AM
To: 'David Bimber'
Cc: 'James Zecca'; Bill Buchan; 'Herter, Nancy (PEB)'
Subject: FW: madison county landfill and ARE park site locations
Attachments: all_site_locations_Madison_Landfill_and_ARE_Park.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Dave,

For your records and in accordance with my email from Friday 9/7, attached is the 1:24000 scale topo map sent directly from Nikki Waters to Nancy Herter yesterday.

I trust this provides the balance of the information requested by Nancy.

Thanks again for your assistance,

John

John J. Condino
Barton & Loguidice, P.C.

-----Original Message-----

From: Nikki A. Waters, M.A. [<mailto:nwaters@alliancearchaeology.com>]
Sent: Sunday, September 09, 2012 1:48 PM
To: Herter, Nancy (PEB)
Cc: John J. Condino
Subject: madison county landfill and ARE park site locations

Good Morning, Nancy

Please find attached a 1:24000 scale topo map showing the locations of the six sites identified on the landfill and ARE park properties. Let me know if you need anything else.

Thanks,
Nikki

John J. Condino

From: David Bimber [dlbimber@gw.dec.state.ny.us]
Sent: Wednesday, September 12, 2012 3:25 PM
To: John J. Condino
Subject: Archaeological Reports - ARE Park

Follow Up Flag: Follow up
Flag Status: Flagged

John: As I mentioned the other day, I need three older archaeological reports for CP-42 coordination purposes. Also I do not have them in my files. Please provide 2 copies (unless electronic copies are available). Please let me know if these are available elsewhere (Web, etc.)

They are:

Oberon, Stephen J.
1989 Stage I Archaeological Survey, Proposed Eisaman Property Borrow Site, Town of Lincoln, Madison County, New York. Report prepared by Atlantic Testing Laboratories, Limited. Utica, New York.

Pratt, Peter P. and Majorie K. Pratt
1989 Cultural Resources Survey of the Madison County Recycling Facility, Town of Lincoln, Madison County, New York. Report prepared by Pratt and Pratt Archaeological Consultants, Inc. Cazenovia, New York.

Waters, Nikki
2010a Final Phase IA Archaeological Background and Literature Review and Phase IB Archaeological Field Reconnaissance Report for the Proposed Madison County Landfill Expansion Project and Two Potential Soil Borrow Areas in the Town of Lincoln, Madison County, New York. Report prepared by Alliance Archaeological Services. Fayetteville, New York.

Thanks

Dave

David L. Bimber
Regional Permit Administrator
NYS DEC, Region 7
Division of Environmental Permits
615 Erie Boulevard West
Syracuse, New York 13204-2400

Email: dlbimber@gw.dec.state.ny.us
Voice: 315-426-7440
Fax: 315-426-7425

From: "Shavitz, Ian" <Ishavitz@AKINGUMP.com>
To: "David Bimber" <dlbimber@gw.dec.state.ny.us>
CC: "Kenneth Lynch" <kplynch@gw.dec.state.ny.us>, "Meghan Beakman" <mbeakman...>
Date: 8/30/2012 6:28 PM
Subject: ARE Park/Johnson Brothers Lumber Project

Dear Dave,

While I was out of the office last week on vacation, I received the materials you forwarded from Barton and Loguidice (B&L) regarding the ARE Park project. As we have previously discussed, the Nation has not been provided with all of the reports referenced in the B&L submission. As we have stated on numerous occasions - including most recently in our SEQRA DGEIS comments - it is not possible for the Nation to adequately comment on the cultural resources impacts of the project until the Nation's archeologist can review each of the reports.

We appreciate your efforts to send us the reports that we are missing. We have not received the following reports:

Oberon, Stephen J.
1989 Stage I Archaeological Survey, Proposed Eisaman Property Borrow Site, Town of Lincoln, Madison County, New York. Report prepared by Atlantic Testing Laboratories, Limited. Utica, New York.

Pratt, Peter P. and Majorie K. Pratt
1989 Cultural Resources Survey of the Madison County Recycling Facility, Town of Lincoln, Madison County, New York. Report prepared by Pratt and Pratt Archaeological Consultants, Inc. Cazenovia, New York.

Waters, Nikki
2010a Final Phase IA Archaeological Background and Literature Review and Phase IB Archaeological Field Reconnaissance Report for the Proposed Madison County Landfill Expansion Project and Two Potential Soil Borrow Areas in the Town of Lincoln, Madison County, New York. Report prepared by Alliance Archaeological Services. Fayetteville, New York.

2010b Phase IB Archaeological Machine Trenching Addendum Report of the Late Woodland Sherd Site within the Proposed 85-acre Soil Borrow Area within the Proposed Madison County Landfill Expansion Project Area in the Town of Lincoln, Madison County, New York. Report prepared by Alliance Archaeological Services. Fayetteville, New York.

Once we receive the reports and have the opportunity to review them, we can then comment on the reports themselves, as well as the submission from B&L. You can send the reports directly to Jesse Bergevin at the following address:

Jesse Bergevin
Historic Resources Specialist, Oneida Indian Nation
1256 Union Street
PO Box 662
Oneida, NY 13421-0662

I apologize again for having to cancel Monday's meeting, as the ARE Park/Johnson Lumber Project was one of the issues that we wanted to discuss. We will get back to you and Ken with some alternate dates in early September very shortly. In the mean time, we request that DEC continue with its commitment not to take any action on this project until the Nation has had the opportunity to review and comment on the cultural resources impacts of this project. (While you are relatively new to this project, you should be aware that we (and SHPO) have been requesting these reports and maps from the County for close to two years.)

Thank you,

Ian

Ian Shavitz

AKIN GUMP STRAUSS HAUER & FELD LLP

1333 New Hampshire Avenue, N.W. | Washington, DC 20036-1564 | USA | Direct: (1) 202.887.4590 |
Internal: 24590

Fax: (1) 202.887.4288 | ishavitz@akingump.com<<mailto:ishavitz@akingump.com>> |
[akingump.com](http://www.akingump.com)<<http://www.akingump.com>> | Bio<<http://akingump.com/ishavitz>>

IRS Circular 230 Notice Requirement: This communication is not given in the form of a covered opinion, within the meaning of Circular 230 issued by the United States Secretary of the Treasury. Thus, we are required to inform you that you cannot rely upon any tax advice contained in this communication for the purpose of avoiding United States federal tax penalties. In addition, any tax advice contained in this communication may not be used to promote, market or recommend a transaction to another party.

The information contained in this e-mail message is intended only for the personal and confidential use of the recipient(s) named above. If you have received this communication in error, please notify us immediately by e-mail, and delete the original message.

From: David Bimber
To: Bergevin, Jesse; Shavitz, Ian
CC: Kenneth Lynch
Date: 9/13/2012 3:15 PM
Subject: Phase IB Archaeological Machine Trenching Addendum Report
Attachments: appendixB.PDF; addendum_figure4.docx; addendum_report.pdf; appendixA.PDF

Sirs:

Attached, as you requested, is an electronic copy of the July 16,2010 report by Nikki Waters, entitled:

2010b Phase IB Archaeological Machine Trenching Addendum Report of the Late Woodland Sherd Site within the Proposed 85-acre Soil Borrow Area within the Proposed Madison County Landfill Expansion Project Area in the Town of Lincoln, Madison County, New York. Report prepared by Alliance Archaeological Services. Fayetteville, New York.

The other three reports you requested in your 30 August 12 email, should be delivered to me here in the Regional Office in the next few days and I will mail them as soon as they arrive.

Thank you for your patience.

Dave

David L. Bimber
Regional Permit Administrator
NYS DEC, Region 7
Division of Environmental Permits
615 Erie Boulevard West
Syracuse, New York 13204-2400

Email: dlbimber@gw.dec.state.ny.us
Voice: 315-426-7440
Fax: 315-426-7425

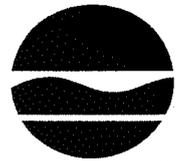
New York State Department of Environmental Conservation

Division of Environmental Permits, Region 7

615 Erie Boulevard West, Syracuse, New York 13204-2400

Phone: (315) 426-7438 • Fax: (315) 426-7425

Website: www.dec.ny.gov



Joe Martens
Commissioner

17 September 2012

Ian A. Shavitz, Esq
Akin Gump Strauss Hauer & Feld, LLP
Robert S. Strauss Building
1333 New Hampshire Ave. NW
Washington, D.C. 20036-1564

Jesse Bergevin
Historic Resources Specialist, Oneida Indian Nation
1256 Union Street
PO Box 662
Oneida, NY 13421-0662

Dear Sirs:

Re: Archaeological Surveys
Madison County Agriculture and Renewable Energy (ARE) Park
Lincoln (T), Madison County

I have enclosed copies, for your review, of Oberon, 1989; Pratt and Pratt, 1989; and Waters, 2010a for the above noted project, as you requested in your 30 August 2010 email. Please let me know if you need any additional information to complete your review. I anticipate hearing from you, if you have any further comments, within the next 30 days. Please let me know if you need additional time.

Please contact me at 315-426-7440 or email at dlbimber@gw.dec.state.ny.us if you have any questions relating to the status of our review. Thank you for your time and assistance in this matter.

Sincerely,

David L. Bimber
Regional Permit Administrator
Division of Environmental Permits

cc: K. Lynch, Regional Director

From: David Bimber
To: Beakman, Meghan; Bergevin, Jesse; Shavitz, Ian
CC: Kenneth Lynch
Date: 11/30/2012 4:24 PM
Subject: ARE Business Park Arch Reports - 130 Ac Borrow Area
Attachments: July26_2010_report_1.pdf

Sirs:

Attached, as you requested, is an electronic copy of the 26 July 2010 report that focused on the 130 acre borrow area at the ARE Business Park.

It appears that the February report includes the data from the July report. OPRHP initially requested a complete report of the landfill and 2 borrow areas (Feb. report) which was to include the requested corrections on the first submitted landfill report plus the new work done on the 130 acre area. This was the full report submitted in February. OPRHP later requested that the 130 acre survey be extracted and submitted as a separate report.

Please let me know if you have any problems accessing this report. I would appreciate if you could provide any comment you may have on this as well as the previously forwarded reports within 30 days of your receipt of this note. Please let me know if there are any additional materials needed to complete your review.

Thank you for your patience.

Dave

David L. Bimber
Regional Permit Administrator
NYS DEC, Region 7
Division of Environmental Permits
615 Erie Boulevard West
Syracuse, New York 13204-2400

Email: dlbimber@gw.dec.state.ny.us
Voice: 315-426-7440
Fax: 315-426-7425

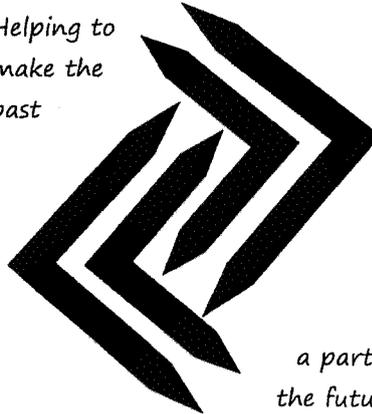
*Phase IA Archaeological Background and Literature Review
and Phase IB Archaeological Field Reconnaissance Report of the
Proposed 130-acre Soil Borrow/Development Project Area
within the Proposed Madison County Landfill Expansion
Project in the Town of Lincoln, Madison County, New York*

(OPRHP Project Review Number 04PRO0503)

Report prepared by:

Alliance Archaeological Services

*Helping to
make the
past*



*a part of
the future.*

Report date:

July 26, 2010

Reports of Investigations 09FR02

From: "Shavitz, Ian" <Ishavitz@AKINGUMP.com>
To: "David Bimber" <dlbimber@gw.dec.state.ny.us>
CC: "Kenneth Lynch" <kplynch@gw.dec.state.ny.us>, "Jesse Bergevin" <jbergevi...>
Date: 11/30/2012 4:40 PM
Subject: RE: ARE Business Park Arch Reports - 130 Ac Borrow Area

Dave,

Thank you for securing this report. As we have discussed on multiple occasions both with NYSDEC and Madison County, in order to undertake our review, we need to have a full understanding of the multiple projects proposed at the landfill, including their locations and boundaries. For this reason, had also requested a copy of a map showing the locations and boundaries (including all areas of land disturbance) for each of the projects proposed at the landfill. The request for this map dates back several years -- it originated from SHPO in 2010 -- and we discussed the need for this map most recently at our meeting in early October.

While we will attempt to meet your 30-day request, given the upcoming holidays, the voluminous documents that need to be reviewed, and the fact that we still have not received the map, it unlikely that we will be able to complete our review by the end of December.

Please feel free to call with any questions.

Ian

-----Original Message-----

From: David Bimber [mailto:dlbimber@gw.dec.state.ny.us]
Sent: Friday, November 30, 2012 4:24 PM
To: Shavitz, Ian; Jesse Bergevin; Meghan Beakman
Cc: Kenneth Lynch
Subject: ARE Business Park Arch Reports - 130 Ac Borrow Area

Sirs:

Attached, as you requested, is an electronic copy of the 26 July 2010 report that focused on the 130 acre borrow area at the ARE Business Park.

It appears that the February report includes the data from the July report. OPRHP initially requested a complete report of the landfill and 2 borrow areas (Feb. report) which was to include the requested corrections on the first submitted landfill report plus the new work done on the 130 acre area. This was the full report submitted in February. OPRHP later requested that the 130 acre survey be extracted and submitted as a separate report.

Please let me know if you have any problems accessing this report. I would appreciate if you could provide any comment you may have on this as well as the previously forwarded reports within 30 days of your receipt of this note. Please let me know if there are any additional materials needed to complete your review.

Thank you for your patience.

Dave

David L. Bimber
Regional Permit Administrator
NYS DEC, Region 7
Division of Environmental Permits

615 Erie Boulevard West
Syracuse, New York 13204-2400

Email: dlbimber@gw.dec.state.ny.us
Voice: 315-426-7440
Fax: 315-426-7425

IRS Circular 230 Notice Requirement: This communication is not given in the form of a covered opinion, within the meaning of Circular 230 issued by the United States Secretary of the Treasury. Thus, we are required to inform you that you cannot rely upon any tax advice contained in this communication for the purpose of avoiding United States federal tax penalties. In addition, any tax advice contained in this communication may not be used to promote, market or recommend a transaction to another party.

The information contained in this e-mail message is intended only for the personal and confidential use of the recipient(s) named above. If you have received this communication in error, please notify us immediately by e-mail, and delete the original message.

John J. Condino

From: John J. Condino
Sent: Tuesday, September 18, 2012 3:03 PM
To: Herter, Nancy (PEB); 'James Zecca'
Cc: 'cwballan@gw.dec.state.ny.us'; 'Bill Buchan'; 'David Bimber'; director@madisoncountynyida.com
Subject: RE: ARE Business Park Map Update Request
Attachments: 154091_FIGURE1-REV2.pdf

Nancy,

Attached is the revised Figure 1 – Site Activity Plan indicating that the lot is not currently under the jurisdiction of the Madison County Department of Solid Waste and Sanitation. Please note however, the land title is currently held by the Town of Lincoln Fire District under a Municipal Cooperation Agreement by which the County holds reversionary rights to the property. The Municipal Agreement between the County and the district stipulates that the District shall utilize the property solely for the purpose of training fire personnel in rescue techniques with the intent that the property be deeded back to the County when no longer needed by the district for training purposes. The property was included in previous archaeological studies conducted by Alliance Archaeological Services in 2005.

As you are well aware, the County is anxious to bring this process to a conclusion and, as such, official word of your final determination would be appreciated at your earliest convenience. As a heads up, the Madison County Planning Committee will be meeting this Thursday, September 20th and any further information you could provide prior to that meeting would be greatly appreciated.

As you requested, a hard copy of the figure will follow in the mail.

If you have any further questions regarding this matter please do not hesitate to contact Jim Zecca or me at any time.

Regards,

John

John J. Condino
Barton & Loguidice, P.C.

From: Herter, Nancy (PEB) [<mailto:Nancy.Herter@parks.ny.gov>]
Sent: Monday, September 17, 2012 1:11 PM
To: 'James Zecca'
Cc: John J. Condino; 'cwballan@gw.dec.state.ny.us'; 'Bill Buchan'; 'David Bimber'
Subject: RE: ARE Business Park Map Update Request

Attached is the map showing the area of interest noted below. We were having computer issues last Friday that prevented me from including the scanned map.

From: Herter, Nancy (PEB)
Sent: Friday, September 14, 2012 3:58 PM
To: 'James Zecca'
Cc: John J. Condino; 'cwballan@gw.dec.state.ny.us'; Bill Buchan; David Bimber
Subject: ARE Business Park Map Update Request

Dear Jim,

As we discussed could you please update Figure 1. Site Activity Plan to show that the lot with the house on it is not under the jurisdiction of Madison County Department of Solid Waste and Sanitation. If you could email me a .pdf version of the updated map and follow up with a hard copy, it would be appreciated.

Thank you,
Nancy

Nancy Herter
Historic Preservation Program Analyst
Office of Parks, Recreation and Historic Preservation
Division for Historic Preservation
PO Box 189, Peebles Island
Waterford, New York 12188-0189
(518) 237-8643 ext. 3280

John J. Condino

From: Herter, Nancy (PEB) [Nancy.Herter@parks.ny.gov]
Sent: Wednesday, September 19, 2012 12:47 PM
To: 'David Bimber'
Cc: 'cwballan@gw.dec.state.ny.us'; 'Bill Buchan'; director@madisoncountyida.com; 'Jesse Bergevin'; Shavitz, Ian; Meghan Beakman; 'Charles Vandrej'; Kenneth Lynch; John J. Condino; 'James Zecca'
Subject: RE: ARE Business Park Map Update Request
Attachments: AREBusinessParkOPRHPLetter9.19.12.pdf; AREBusinessParkFigure1.pdf

Dave,

The ORPHP has received all requested information. John Condino is correct that the lot in question (see below) was included in previous archaeological studies conducted by Alliance Archaeological Services in 2005.

Attached is my letter stating that the ORPHP has no further cultural resource concerns with the understanding that we receive the conservation easement for review.

Sincerely,
Nancy

Nancy Herter
Historic Preservation Program Analyst
Office of Parks, Recreation and Historic Preservation
Division for Historic Preservation
PO Box 189, Peebles Island
Waterford, New York 12188-0189
(518) 237-8643 ext. 3280

From: John J. Condino [<mailto:jcondino@bartonandloguidice.com>]
Sent: Tuesday, September 18, 2012 3:03 PM
To: Herter, Nancy (PEB); 'James Zecca'
Cc: 'cwballan@gw.dec.state.ny.us'; 'Bill Buchan'; 'David Bimber'; director@madisoncountyida.com
Subject: RE: ARE Business Park Map Update Request

Nancy,

Attached is the revised Figure 1 – Site Activity Plan indicating that the lot is not currently under the jurisdiction of the Madison County Department of Solid Waste and Sanitation. Please note however, the land title is currently held by the Town of Lincoln Fire District under a Municipal Cooperation Agreement by which the County holds reversionary rights to the property. The Municipal Agreement between the County and the district stipulates that the District shall utilize the property solely for the purpose of training fire personnel in rescue techniques with the intent that the property be deeded back to the County when no longer needed by the district for training purposes. The property was included in previous archaeological studies conducted by Alliance Archaeological Services in 2005.

As you are well aware, the County is anxious to bring this process to a conclusion and, as such, official word of your final determination would be appreciated at your earliest convenience. As a heads up, the Madison County Planning Committee will be meeting this Thursday, September 20th and any further information you could provide prior to that meeting would be greatly appreciated.

As you requested, a hard copy of the figure will follow in the mail.

If you have any further questions regarding this matter please do not hesitate to contact Jim Zecca or me at any time.

Regards,

John

John J. Condino
Barton & Loguidice, P.C.

From: Herter, Nancy (PEB) [<mailto:Nancy.Herter@parks.ny.gov>]
Sent: Monday, September 17, 2012 1:11 PM
To: 'James Zecca'
Cc: John J. Condino; 'cwballan@gw.dec.state.ny.us'; 'Bill Buchan'; 'David Bimber'
Subject: RE: ARE Business Park Map Update Request

Attached is the map showing the area of interest noted below. We were having computer issues last Friday that prevented me from including the scanned map.

From: Herter, Nancy (PEB)
Sent: Friday, September 14, 2012 3:58 PM
To: 'James Zecca'
Cc: John J. Condino; 'cwballan@gw.dec.state.ny.us'; Bill Buchan; David Bimber
Subject: ARE Business Park Map Update Request

Dear Jim,

As we discussed could you please update Figure 1. Site Activity Plan to show that the lot with the house on it is not under the jurisdiction of Madison County Department of Solid Waste and Sanitation. If you could email me a .pdf version of the updated map and follow up with a hard copy, it would be appreciated.

Thank you,
Nancy

Nancy Herter
Historic Preservation Program Analyst
Office of Parks, Recreation and Historic Preservation
Division for Historic Preservation
PO Box 189, Peebles Island
Waterford, New York 12188-0189
(518) 237-8643 ext. 3280



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

Historic Preservation Field Services Bureau • Peebles Island, PO Box 189, Waterford, New York 12188-0189
518-237-8643
www.nysparks.com

Andrew M. Cuomo
Governor

Rose Harvey
Commissioner

September 19, 2012

David Bimber, DEC
DEC Region 7
Division of Environmental Permits
615 Erie Blvd. West
Syracuse, NY 13204
(via email only)

Re: DEC, SEORA
ARE Business Park
Towns of Lenox and Lincoln
Madison County
09PR5358

Dear Mr. Bimber:

The Office of Parks, Recreation and Historic Preservation (OPRHP) has received the archaeological site forms, evidence of disturbance and updated Figure 1 map requested in our August 31, 2012 and September 14, 2012 emails. Based on our review of the project material, the OPRHP has no further cultural resource concerns with the condition that the OPRHP receive a copy of the conservation easement for review and comment. Areas to be covered by the conservation easement are noted as "Areas of Long Term Avoidance" on Figure 1, dated September 2012 (*map enclosed*).

The OPRHP understands that the Oneida Indian Nation will be receiving copies of the ARE Business Park archaeology reports. We recognize that the Nation may have information or knowledge to share after their review of this material and we will continue to consult on these issues to the extent necessary. The OPRHP will provide an impact determination once the language of the conservation easement has been agreed to and any additional information provided by the Nation has been considered.

Please telephone me at ext. 3280 with any questions you may have.

Sincerely,

Nancy Herter
Historic Preservation Program
Analyst, Archaeology

cc. James Zecca, Madison County Dept. of Sanitation *(via email only)*
Charles Vandrei, DEC *(via email only)*
Kenneth Lynch, DEC *(via email only)*
Christian Ballantyne, DEC *(via email only)*
William Buchan, Esq. Madison County *(via email only)*
John Condino, Barton & Loguidice *(via email only)*
Jesse Bergevin, Oneida Indian Nation *(via email only)*
Ian Shavitz, Esq. *(via email only)*
Meghan Beakman, Esq. Oneida Indian Nation *(via email only)*

John J. Condino

From: Herter, Nancy (PEB) [Nancy.Herter@parks.ny.gov]
Sent: Wednesday, September 19, 2012 12:47 PM
To: 'David Bimber'
Cc: 'cwballan@gw.dec.state.ny.us'; 'Bill Buchan'; director@madisoncountyida.com; 'Jesse Bergevin'; Shavitz, Ian; Meghan Beakman; 'Charles Vandreli'; Kenneth Lynch; John J. Condino; 'James Zecca'
Subject: RE: ARE Business Park Map Update Request
Attachments: AREBusinessParkOPRHPLetter9.19.12.pdf; AREBusinessParkFigure1.pdf

Dave,

The ORPHP has received all requested information. John Condino is correct that the lot in question (see below) was included in previous archaeological studies conducted by Alliance Archaeological Services in 2005.

Attached is my letter stating that the ORPHP has no further cultural resource concerns with the understanding that we receive the conservation easement for review.

Sincerely,
Nancy

Nancy Herter
Historic Preservation Program Analyst
Office of Parks, Recreation and Historic Preservation
Division for Historic Preservation
PO Box 189, Peebles Island
Waterford, New York 12188-0189
(518) 237-8643 ext. 3280

From: John J. Condino [mailto:jcondino@bartonandloguidice.com]
Sent: Tuesday, September 18, 2012 3:03 PM
To: Herter, Nancy (PEB); 'James Zecca'
Cc: 'cwballan@gw.dec.state.ny.us'; 'Bill Buchan'; 'David Bimber'; director@madisoncountyida.com
Subject: RE: ARE Business Park Map Update Request

Nancy,

Attached is the revised Figure 1 – Site Activity Plan indicating that the lot is not currently under the jurisdiction of the Madison County Department of Solid Waste and Sanitation. Please note however, the land title is currently held by the Town of Lincoln Fire District under a Municipal Cooperation Agreement by which the County holds reversionary rights to the property. The Municipal Agreement between the County and the district stipulates that the District shall utilize the property solely for the purpose of training fire personnel in rescue techniques with the intent that the property be deeded back to the County when no longer needed by the district for training purposes. The property was included in previous archaeological studies conducted by Alliance Archaeological Services in 2005.

As you are well aware, the County is anxious to bring this process to a conclusion and, as such, official word of your final determination would be appreciated at your earliest convenience. As a heads up, the Madison County Planning Committee will be meeting this Thursday, September 20th and any further information you could provide prior to that meeting would be greatly appreciated.

As you requested, a hard copy of the figure will follow in the mail.

If you have any further questions regarding this matter please do not hesitate to contact Jim Zecca or me at any time.

Regards,

John

John J. Condino
Barton & Loguidice, P.C.

From: Herter, Nancy (PEB) [<mailto:Nancy.Herter@parks.ny.gov>]
Sent: Monday, September 17, 2012 1:11 PM
To: 'James Zecca'
Cc: John J. Condino; 'cwballan@gw.dec.state.ny.us'; 'Bill Buchan'; 'David Bimber'
Subject: RE: ARE Business Park Map Update Request

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Sent: Friday, September 14, 2012 3:58 PM
To: 'James Zecca'
Cc: John J. Condino; 'cwballan@gw.dec.state.ny.us'; Bill Buchan; David Bimber
Subject: ARE Business Park Map Update Request

Dear Jim,

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Thank you,
Nancy

Nancy Herter
Historic Preservation Program Analyst
Office of Parks, Recreation and Historic Preservation
Division for Historic Preservation
PO Box 189, Peebles Island
Waterford, New York 12188-0189
(518) 237-8643 ext. 3280

John J. Condino

From: David Bimber [dlbimber@gw.dec.state.ny.us]
Sent: Tuesday, October 09, 2012 9:31 AM
To: John J. Condino
Cc: Kenneth Lynch
Subject: Archaeological Report - ARE Park

Follow Up Flag: Follow up
Flag Status: Flagged

John:

I have another request for an older archaeological report for CP-42 coordination purposes. Also I do not have them in my files. Please provide 2 copies (unless electronic copies are available).

1. IA/IB Report of the Proposed 130-acre Soil Borrow/Development Project Area within the Proposed Madison County Landfill Expansion Project in the Town of Lincoln, Madison County (prepared by Alliance Archaeological Services).
2. It would be helpful if you could provide a copy of a map showing the locations and boundaries (including all areas of land disturbance) for each of the projects proposed at the landfill, i.e., JBL site, existing landfill, landfill expansion areas, borrow areas, etc.

Thanks for your help,

Dave

David L. Bimber
Regional Permit Administrator
NYS DEC, Region 7
Division of Environmental Permits
615 Erie Boulevard West
Syracuse, New York 13204-2400

Email: dlbimber@gw.dec.state.ny.us
Voice: 315-426-7440
Fax: 315-426-7425

John J. Condino

From: John J. Condino
Sent: Wednesday, October 17, 2012 8:26 PM
To: 'David Bimber'
Cc: Kenneth Lynch
Subject: RE: Archaeological Report - ARE Park

Follow Up Flag: Follow up
Flag Status: Flagged

Dave,

Due to the large file size and per your request we have made electronic copies of the documents requested available on the Madison County Website as noted below.

Your continued efforts with this process are appreciated,

John

John J. Condino
Barton & Loguidice, P.C.

-----Original Message-----

From: David Bimber [<mailto:dlbimber@gw.dec.state.ny.us>]
Sent: Tuesday, October 09, 2012 9:31 AM
To: John J. Condino
Cc: Kenneth Lynch
Subject: Archaeological Report - ARE Park

John:

I have another request for an older archaeological report for CP-42 coordination purposes. Also I do not have them in my files. Please provide 2 copies (unless electronic copies are available).

1. IA/IB Report of the Proposed 130-acre Soil Borrow/Development Project Area within the Proposed Madison County Landfill Expansion Project in the Town of Lincoln, Madison County (prepared by Alliance Archaeological Services).

In addition to the printed copies of this report previously submitted to Nancy Herter an electronic copy has been made available on the Madison County Website at:

<http://www.madisoncounty.ny.gov/planning/are-business-park>

2. It would be helpful if you could provide a copy of a map showing the locations and boundaries (including all areas of land disturbance) for each of the projects proposed at the landfill, i.e., JBL site, existing landfill, landfill expansion areas, borrow areas, etc.

We believe that the most recent mapping submitted in our July 23, 2012 response to SHPO's request for additional information includes all of the information in your request. For your convenience we have placed electronic copies of these figures on the Madison County Website at:

<http://www.madisoncounty.ny.gov/planning/are-business-park>

Thanks for your help,

Dave

David L. Bimber
Regional Permit Administrator
NYS DEC, Region 7
Division of Environmental Permits
615 Erie Boulevard West
Syracuse, New York 13204-2400

Email: dlbimber@gw.dec.state.ny.us

Voice: 315-426-7440

Fax: 315-426-7425

John J. Condino

From: Bill Buchan [wbuchan1@twcny.rr.com]
Sent: Thursday, November 08, 2012 6:18 PM
To: kplynch@gw.dec.state.ny.us
Cc: mark.scimone@madisoncounty.ny.gov; james.zecca@madisoncounty.ny.gov; director@madisoncountyida.com
Subject: Proposed Conservation Easement
Attachments: CONSERVATION EASEMENT 11-8-2012.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ken:

As promised, attached for your review and comments is a proposed Conservation Easement for the preservation of Cultural Resources located at the Madison County solid waste management facilities/ARE Park.

The proposed conservation easement was drafted in accordance with the provisions of Article 49 of the ECL. We believe the easement will formally preserve the cultural resources at issue in perpetuity. Please note that we have described the location of the cultural resources by referencing site identification numbers used by SHPO in correspondence with the Department dated June 11, 2012. This indirect reference is intended to avoid publication of a roadmap to the cultural resources in the county real property records.

It is my understanding that Executive Deputy Commissioner Marc Gerstman spoke with Marc Scimone of Madison County today and will likely be in touch with you as well to precipitate a resolution of the current situation. Assuming that we can work out any issues with the attached conservation easement and the Department is otherwise comfortable that the cultural resource issues are fully addressed, we request that the Department issue a "no effect" letter to Madison County. Upon receipt of such a letter, we would immediately proceed with preparation of our FGEIS for presentation to the Board of Supervisors.

Please call me if you have any questions or comments on the attached conservation easement.

Thank you.

Bill

William M. Buchan, Esq.
Buchan & Sutter, P.C.
15 Lakeshore Drive
Constantia, New York 13044
315.623.7133 Office
315.623.7130 Fax
315.243.3849 Mobile

CONFIDENTIALITY NOTICE - This email is ONLY for the person(s) named in the message header. Unless otherwise indicated, it contains information that is confidential, privileged or exempt from disclosure under applicable law. If you have received it in error, please notify the sender of the error and delete the message. Thank you.

CONSERVATION EASEMENT

This Conservation Easement, dated _____ is made by the Madison County Board of Supervisors, a duly constituted public body existing under the laws of the State of New York (hereinafter referred to as "Grantor").

RECEITALS

Grantor is the fee owner of certain lands located in the Town of Lincoln, Madison County and State of New York that are permitted by the New York State Department of Environmental Conservation (the "Department") pursuant to 6 NYCRR Part 360 for the management of solid wastes including the construction and operation of solid waste landfills, recycling facilities, soil borrow areas and appurtenant facilities. Among the various natural resources known to exist in connection with the property are certain archeological materials believed to be of historic, cultural and religious significance that are protected under applicable law (hereinafter referred to as "Cultural Resources").

Grantor is a "Public Body" as that term is defined under N.Y. Env'tl. Conserv. Law § 49-0305(3)(a) and in accordance with such law has the power to act on behalf of the people of Madison County as both grantor and grantee of this conservation easement.

Certain Cultural Resources were identified by means of a series of archeological studies performed by the Grantor in accordance with the New York State Historic Preservation Act of 1980. The precise location of the Cultural Resources is identified in Exhibit A and are referred to hereinafter as the "Premises."

Grantor as the duly elected representative of the people of Madison County hereby declares this Conservation Easement for the purpose of keeping the Premises in its current natural and undisturbed state to preserve the Cultural Resources in perpetuity in accordance with the terms and conditions of this Conservation Easement.

Grantor hereby declares, covenants and grants irrevocably forever, a conservation easement, in perpetuity, in and to the Premises, for the purposes of protecting the Cultural Resources and accomplishing the other objectives of the Grantor on the following terms and conditions.

COVENANTS AND RESTRICTIONS

In furtherance of this conservation easement, Grantor covenants:

(a) To keep the Premises in its current state and to refrain from disturbances whether through excavation, development, mining, landfills or any other solid waste management activity that is otherwise permitted under Grantor's solid waste management permit issued by the Department under 6 NYCRR Part 360.

(b) To post appropriate signs bearing the phrase "Keep Out" or the like around the perimeter of each site specifically identified in Exhibit A as containing Cultural Resources.

(c) To maintain the Premises in its current agricultural state which may include mowing, planting and harvesting crops in accordance with its usual and customary practices provided such practices do not disturb Cultural Resources that may be present below the surface.

DURATION

This conservation easement shall be effective in perpetuity.

RUNS WITH THE LAND

The obligations imposed by this conservation easement shall be deemed to run as a binding servitude with the land. This instrument shall extend to and be binding on the Grantor and all persons claiming under or through the grantor, and the word "Grantor" shall include all such persons.

ASSIGNABILITY

Grantor may, at its discretion, convey and assign this conservation easement to an agency of the State of New York, to a unit of local government, or to a not-for-profit organization organized for the preservation of real property and which has the power to acquire an interest in real property, and which is exempt under the Internal Revenue Code.

MODIFICATION OR EXTINGUISHMENT

It is hereby acknowledged that an unexpected change in the conditions surrounding the Premises may affect the continued ownership or use of the premises for preservation and conservation purposes and necessitate modification or extinguishment of the conservation easement. Such an extinguishment or modification must comply with the following requirements:

- (a) a final decree by a court of competent jurisdiction in a proceeding pursuant to section nineteen hundred fifty-one of the real property actions and proceedings law; or
- (b) upon the exercise of the power of eminent domain; or
- (c) where land subject to a conservation easement or an interest in such land is required for a major utility transmission facility which has received a certificate of environmental compatibility and public need pursuant to article seven of the public service law or is required for a major steam electric generating facility which has received a certificate of environmental compatibility and public need pursuant to article eight of the public service law, upon the filing of such certificate in a manner prescribed for recording a conveyance of real property pursuant to section two hundred ninety-one of the real property law or any other applicable provision of law.

STATUTORY AUTHORITY

This instrument is made pursuant to the statutes of the State of New York relating to conservation easements, to wit: N.Y. Env'tl. Conserv. Law §§ 49-0301 et seq. However, the invalidity of those statutes or any part of them shall not affect the validity and enforceability of this instrument according to its terms.

RECORDING

A copy of this conservation easement shall be recorded with the Madison County recorder of deeds.

MISCELLANEOUS

(a) In the event that any provision of this conservation easement is held invalid or unenforceable by any court of competent jurisdiction, that holding shall not affect any other provision, and this easement's other provision shall continue in full force and effect.

(b) Any rule of strict construction designed to limit the breadth of restrictions on alienation or use of property shall not apply in the construction or interpretation of this instrument, and this instrument shall be interpreted broadly to effect its preservation and conservation purposes and the transfer of rights and the restrictions on use it contains contained as provided in Article 49 of the New York Environmental Conservation Law.

(c) Except as expressly provided, nothing contained in this instrument grants, nor shall be interpreted to grant, to the public any right to enter on the Premises.

(d) For purposes of furthering the preservation of the Premises and of furthering the other purposes of this instrument, and to meet changing conditions, Grantor may amend the terms of this instrument in writing without notice to any party; provided, however, that no amendment shall limit the perpetual duration or interfere with the preservation and conservation purposes of the easement. Amendments shall become effective on recording among the land records of Madison County, New York.

(e) The terms and conditions of this conservation easement shall be referenced in any transfer of the Premises by Grantor, its successors and assigns.

(f) The captions are for convenience only and shall not be deemed to be a part of this instrument.

Grantor has caused this conservation easement to be executed, sealed, and delivered as of the date first above written by order of the Madison County Board of Supervisors.

EXHIBIT A
DESCRIPTION OF PREMISES

1. ARE Northern Historic Concentration - A05310.000014 as set forth in: Phase IA Archeological Background and Literature Review and Phase IB Archeological Field Reconnaissance Report of the Proposed ARE Park Project Site in the Town of Lincoln, Madison County, prepared by Alliance Archeological Services and Dated December 30, 2011.
2. ARE Central Historic Concentration - A05310.000015 as set forth in: Phase IA Archeological Background and Literature Review and Phase IB Archeological Field Reconnaissance Report of the Proposed ARE Park Project Site in the Town of Lincoln, Madison County, prepared by Alliance Archeological Services and Dated December 30, 2011.
3. ARE Southern Historic Concentration - A05310.000016 as set forth in: Phase IA Archeological Background and Literature Review and Phase IB Archeological Field Reconnaissance Report of the Proposed ARE Park Project Site in the Town of Lincoln, Madison County, prepared by Alliance Archeological Services and Dated December 30, 2011.
4. ARE Pre-contact site - A05310.000017 as set forth in: Phase IA Archeological Background and Literature Review and Phase IB Archeological Field Reconnaissance Report of the Proposed ARE Park Project Site in the Town of Lincoln, Madison County, prepared by Alliance Archeological Services and Dated December 30, 2011.

Reference: Letter dated June 11, 2012 from NYSOPRHP and signed by Nancy Herter to David Bimber of NYSDEC, see page 2 paragraph 5.

Appendix BB

DGEIS Public Hearing Transcript and Written Comments

Proposed Madison County Agriculture and
Renewable Energy (ARE) Business Park SEQRA
Public Hearing for Draft Generic Impact
Statement

Public Hearing held at the Madison County
Office Building, Wampsville, New York, on
February 6, 2012 at 7:00 p.m., before
DEBORAH R. SALESKI, Court Reporter and Notary
Public in and for the State of New York.

APPEARANCES:

John J. Condino, Barton & Loguidice
James A. Zecca, Direct of Madison County Department of
Solid Waste and Sanitation
Scott Ingmire, Madison County Planning Director
Kipp Hicks, Executive Director of the Madison County IDA

Special Counsel to Madison County:

BUCHAN & SUTTER, P.C.
Attorneys at Law
15 Lakeshore Drive
Constantia, New York 13044
BY: WILLIAM BUCHAN, ESQ

1 SEQRA Public Hearing

2 sent to the attention of the Proposed ARE
3 (spelled A-R-E) Business Park. Comments can
4 also be submitted via e-mail at
5 planning@co.madison.ny.us. We do want to
6 caution that anonymous comments will not be
7 considered, so please, especially if it's
8 coming via e-mail, make sure that your name
9 and mailing address is listed with the
10 comment. The deadline for submitting written
11 comments is March 14th, 2012.

12 For the record I do want to note that
13 public notices for tonight's hearing were
14 published in three different places. First on
15 January 21st, 2012 there was a public notice
16 in the Oneida Daily Dispatch newspaper here
17 locally. Second, there was also notice
18 published in the January 25, 2012 edition of
19 the Environmental Notice Bulletin, an online
20 publication administered by the New York State
21 Department of Environmental Conservation. And
22 third, notice of this meeting along with
23 additional information regarding the SEQRA
24 process for this project was also posted on
25 the county's website at www.madisoncounty.org.

1 SEQRA Public Hearing

2 As outlined in the public scoping process
3 conducted in 2011 for this project, all of the
4 relevant SEQRA documents including all
5 notices, the final scoping document, the draft
6 DGEIS, the final DGEIS and correspondence
7 related to these documents are and will be
8 posted and available on the county website.

9 Subsequent to the public scoping process
10 conducted in 2011 a Draft Generic
11 Environmental Impact Statement has been
12 prepared that examines the potential
13 environmental impacts that would be associated
14 with development of this proposed business
15 park as defined and outlined in the final
16 scoping document. As a reminder, a Generic
17 Environmental Impact Statement is being
18 developed because at this point, no actual
19 tenants have been identified yet for this
20 business park, so the intent here is to get
21 the business park as shovel ready as possible
22 through an environmental review process so
23 that if there are companies that want to
24 locate in the business park, some of that
25 environmental review has been done upfront,

1 SEQRA Public Hearing

2 County landfill and approximately 12 acres
3 located on the west side of Buyea Road at the
4 south entrance to the landfill.

5 Businesses that are in the ARE Park will
6 have access to reliable, locally generated
7 sources of energy, including electrical energy
8 from the Landfill-Gas-to-Energy facility and a
9 solar energy cap located at the Madison County
10 landfill.

11 The action involves several components
12 which are dependent upon each other and
13 mutually support the development of the ARE
14 Park: Reclamation of soil borrow areas 1A, 1B
15 and 2 to meet approved Soil Borrow Area Use
16 Plan requirements and grade for redevelopment
17 as a business park. The development of a
18 municipal water service either by extension of
19 municipal water service from the Onondaga
20 County Water Authority's (OCWA) water
21 transmission facilities south of the Village
22 of Canastota or development of a groundwater
23 source near the quarry located to the
24 southwest of the landfill. Both alternatives
25 are subject to further engineering studies.

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SEQRA Public Hearing

Extension of sanitary sewer service from the City of Oneida to serve the sanitary and process needs of businesses and industries locating at the ARE Park as well as serve the current landfill operations needs. On-site construction of roads and infrastructure necessary to support industrial development.

Tenant specified construction of buildings, parking areas and appurtenances required for businesses in the ARE Park and the actual size and location of buildings, parking areas and appurtenances required by tenants will be determined on a case-by-case basis.

The DGEIS document is based on the development of the ARE Park with the following potential impacts at full build out:

117 acres of impervious surface area,
21.4 acres of building floor area (923,184 square feet), 582 employees, 29 businesses.

The DGEIS document evaluates what have been determined to be acceptable thresholds for impacts related to noise, traffic, storm water storage and discharge, vibration, air

1 SEQRA Public Hearing

2 emissions, water usage and is an in it Terry
3 sewer discharge. These thresholds are
4 detailed in Chapter 2 of the document.

5 Individual park tenants whose impacts exceed
6 these thresholds will be required to complete
7 a supplemental evaluation of those impacts and
8 provide mitigation.

9 That concludes the brief overview of the
10 proposed business park project, and we've come
11 to the part of the meeting where we're going
12 to invite members of the public the
13 opportunity to comment. For the record it is
14 now 7:25.

15 The only people present currently at the
16 meeting are Scott Ingmire, county planning
17 director; Kipp Hicks the Madison County
18 director of IDA; Jim Zecca, director of
19 Madison County department of solid waste and
20 sanitation; Bill Buchan, special counsel for
21 Madison County relative to this project and
22 myself, John Condino. At this time I believe
23 we'll go of the record and we'll wait until at
24 a minimum 8:00 to see if anybody shows up.

25 (Whereupon, the proceedings have been

1 SEQRA Public Hearing

2 recessed.)

3 MR. CONDINO: Now we're back on the
4 record. It's 8:00 p.m. and for the record no
5 one from the public came to provide any
6 comments, so at this time, unless you
7 gentlemen have anything further you would like
8 to add.

9 MR. BUCHAN: No comment.

10 MR. CONDINO: Then we'll officially close
11 this public hearing at 8:00 p.m.

12 (Time: 8:00 p.m.)

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SEQRA Public Hearing
REPORTER'S CERTIFICATE

I, DEBORAH R. SALESKI, RPR and
Notary Public, certify:

That the foregoing proceedings were taken
before me at the time and place therein set
forth, at which time the witness was put under
oath by me

That the testimony of the witness and all
objections made at the time of the examination
were recorded stenographically by me and were
thereafter transcribed

That the foregoing is a true and correct
transcript of my shorthand notes so taken

I further certify that I am not a
relative or employee of any attorney or of any
of the parties nor financially interested in
the action.

DEBORAH R. SALESKI
Notary Public

Akin Gump
Strauss Hauer & Feld LLP

IAN A. SHAVITZ
202.887.4590/fax: 1.202.887.4288
ishavitz@akingump.com

March 13, 2012

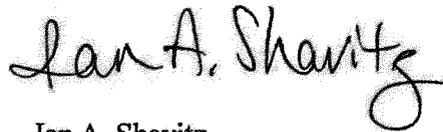
Madison County Planning Department
PO Box 606, North Court Street,
Wampsville, New York 13163

VIA E-MAIL to planning@madisoncounty.ny.gov

Dear Sir or Madam,

Enclosed please find the comments of the Oneida Indian Nation on the Draft Generic Environmental Impact Statement for the Proposed Madison County Agriculture and Renewable Energy Business Park, dated January 2010.

Sincerely,



Ian A. Shavitz

cc: Meghan Murphy Beakman (Oneida Indian Nation)
Jesse Bervegan (Oneida Indian Nation)
Ken Lynch (NYSDEC)
Jeff Gregg (NYSDEC)
Charles Vandrei (NYSDEC)
Robert Ewing (NYSDEC)
Nancy Herter (NY SHPO)

**COMMENTS OF THE ONEIDA INDIAN NATION ON THE
DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT FOR THE PROPOSED
MADISON COUNTY AGRICULTURE AND RENEWABLE ENERGY BUSINESS PARK**

March 13, 2012

The Oneida Indian Nation (Nation), a federally-recognized Indian Tribe, submits the following comments on the *Draft Generic Environmental Impact Statement for the Proposed Madison County Agriculture and Renewable Energy Business Park*, dated January 2010 (DGEIS). As set forth in more detail below, the DGEIS fails to satisfy the requirements of the New York State Environmental Quality Review Act (SEQRA) because it does not adequately identify and analyze the impacts of the Madison County Agriculture and Renewable Energy Business Park (ARE Park or Project) on cultural resources.

I. Background

a. Interests of the Oneida Indian Nation

The Nation's interest in the ARE Park is based upon the potential for the Project to impact resources of cultural and religious significance to the Nation. As discussed in greater detail below, the Project will be located in areas that are highly sensitive for Nation cultural resources. The Nation therefore has a significant interest in assuring that the Project's environmental and historic resources reviews are accurate, complete and comprehensive, and meet the demanding requirements of SEQRA and New York State's Historic Preservation Act of 1980 (Chapter 354 of the New York State Office of Parks, Recreation and Historic Preservation Law, Section 14.09). Proper compliance with these laws will assure that Madison County plans and implements the Project in a manner that avoids impacts to Nation cultural resources. Proper compliance will also allow the New York State Department of Environmental Conservation (NYSDEC), which has permitting authority over the Project, to employ informed decision-making in its permitting of the Project.

b. Archeological Sensitivity of the Project Site

It is beyond doubt that the Project site is highly sensitive for archeological resources. The DGEIS concedes that the Project's three sites are "'highly suitable' to contain previously undocumented pre-contact archeological resources and/or additional data related to two pre-recorded Late Woodland archeological sites" and "have a long history of human occupation and agricultural use." DGEIS at 42. The DGEIS further recognizes that "four additional late Woodland Sites have been recorded within one mile [of the Project site], one of which is located beneath the closed landfill grounds east of Buyea Road." *Id.* The Late Woodland Site identified

in the DGEIS as being “located beneath” the closed landfill was an Oneida Indian Nation village site.¹

In addition to these archeological resources surrounding the Project site, a significant pre-contact Oneida historic site and three historic sites were discovered within the footprint of Section 2 of the ARE Park. DGEIS, App G., at 64. All four of these sites were determined to be potentially eligible for listing on the National Register of Historic Places. *Id.*

The presence of pre-contact sites and resources at and around the Project Site is not surprising, given the Project site’s environmental setting and soil profile. Oneida villages are frequently located in upland settings. A source of water, such as a perennial stream, spring or creek, is often adjacent to or very near the village. Villages are often established on loamy glacially formed soils in these upland settings, which are characterized by silt loam underlain by gravelly silt loams and silty clay loams. These soils are prevalent throughout the Project Site, which is situated near readily available sources of water.

Finally, in addition to the destroyed Oneida Village and the pre-contact site in Section 2 of the Project footprint, several other Oneida sites are located in close proximity to the Project, including the Simpson site, Case site, Tuttle site, Ingals site, Buyea site and Moon site. The presence of multiple Oneida sites at or in close proximity to the ARE Park, underscores the need to ensure that the entire Project area is thoroughly surveyed to identify and protect Nation cultural resources.

c. Need for Comprehensive Review of all Proposed Developments at the Madison County Landfill

Madison County proposes developing the ARE Park, a kiln facility for Johnson Brothers Lumber Company (JBL Facility), and a landfill expansion area at the landfill (the landfill developments). While the Nation has been aware of the landfill developments for several years, the Nation has not been told the specific locations, extent or boundaries of ground disturbance, or the timing associated with these developments. Moreover, because the Nation has not been consulted on the potential impacts to cultural resources related to the landfill developments, the Nation cannot opine on whether all areas of disturbance have been adequately surveyed.

Each of the development activities, which are proposed for different locations at the landfill, pose a threat to Nation cultural resources. Protection of Nation resources can only be assured if all areas of disturbance associated with each of the landfill developments are fully and adequately surveyed and analyzed prior to any ground disturbance for any of the landfill developments.

To better understand the details of the landfill developments and the previous archeological surveys, and to establish a path forward for the County to develop its projects in a way that

¹ It is misleading to state that this site is “located beneath” the landfill, as this suggests that the site has been preserved in place; in reality, the construction of the landfill completely destroyed this site.

adequately protects cultural resources, the NYSDEC² convened a meeting in May 2010 with the County, the State Historic Preservation Office (SHPO), and the Nation. As a result of that meeting, it was agreed that prior to proceeding with the development projects, the County, with the input of the Nation, SHPO, and NYSDEC, would proceed as follows:

- (i) Area of Potential Effect (APE) Maps. The County was to first prepare two maps (that the SHPO requested and detailed in a June 15, 2010 letter) to allow NYSDEC, SHPO, and the Nation to understand the boundaries and areas of disturbance of the developments, the areas that the County had previously tested, the cultural resources present in the APE, and the areas that require new or further testing.
- (ii) Phase IA Archeological Report. Based upon these maps, the County would prepare a single comprehensive Phase IA Archeological Report covering the APE for all three developments. The purpose of this report would be to define the areas that need to be tested (either because the areas had not been previously tested or previous testing was not adequate in scope or methodology), determine the methodology for such testing, and provide the context through which the historic significance of individual resources can be determined.
- (iii) SEQRA Generic Environmental Impact Statement. To satisfy SEQRA, NYSDEC requested that the County prepare a GEIS that would address the full scale of potential development associated with the ARE Project, and would consider the archeological impacts of all three developments through any testing that would be required based upon the findings from the Phase IA Archeological Report.

The Nation is not aware of the County having produced the ARE maps or the Phase IA Archeological Report, which were to define the parameters of any additional archeological surveys and serve as a pre-requisite for the archeological work associated with the DGEIS. Indeed, in the almost two years since that NYSDEC meeting, the same questions remain concerning the boundaries and areas of disturbance of the various developments, the areas that have and have not been tested, the adequacy of previous testing, and how the cultural resources that are present at the Project site will be adequately protected. While the Nation had hoped that the County would produce the SHPO-requested maps and Phase IA Archeological Report, and that the DGEIS would address these crucial questions, this has not been the case.

II. General Comments

Within the context of the above, the Nation provides the following general comments on the DGEIS.

- a. The Nation and SHPO were not consulted on the archeological surveys upon which the DGEIS relies for its conclusions.

² NYSDEC has permitting authority over all three developments at the landfill through, at a minimum, the stormwater discharge program.

The DGEIS' conclusion that no cultural resources will be impacted by the ARE Park project is based upon multiple surveys conducted at the landfill over a more than 20 year period. Neither the Nation nor SHPO, however, were consulted on each of these surveys nor have reviewed, commented on or concurred in each the surveys or survey findings.

The Nation's archeologist and SHPO have unique knowledge and expertise regarding the potential presence of archeological resources and historic sites at and around the Project site. Thus, the Nation and SHPO can best assess the archeological sensitivity of the ARE, including its potential for containing pre-contact and early contact Native historic resources, and whether a testing protocol is adequate to identify, and ultimately serves to protect, such cultural resources.

National Register Bulletin No. 38, *Guidelines for Evaluating and Documenting Traditional Cultural Properties* recognizes the need for agencies to properly consider the concerns and recommendations of those with archeological expertise and experience concerning the project area. The Guidelines state that the reasonableness of an effort to identify cultural properties depends in part on the "likelihood that such properties may be present," which can be reliably assessed on the basis of "*background knowledge of the area's history and ethnography.*" (emphasis added) The Guidelines go on to state that a determination of what constitutes a reasonable level of effort for an archeological survey should be based upon consultation with "those who may ascribe cultural significance to locations within the study area." The Nation ascribes cultural significance to the Project Area and has significant knowledge about the likelihood of cultural resources being present in the region. The SHPO also has significant knowledge of the potential for the Project area to include cultural and historic properties.

Given the experience and expertise of the Nation and SHPO in identifying and assessing cultural resources, as discussed further below, the Nation cannot concur that the Project will not impact cultural resources based upon its review of the DGEIS record.

- b. The DGEIS lacks the information necessary for the Nation to adequately assess the impacts of the Project on cultural resources.

The most significant fault with the DGEIS is that it does not include the information necessary to allow the Nation to assess the adequacy of the cultural resources surveys.

The DGEIS discusses cultural resources in its Executive Summary (in Table 1.1) and in Section 4.0. Further discussion of cultural resources is found in *Phase IA Archeological Background and Literature Review and Phase IB Archeological Field Reconnaissance Report of the Proposed ARE Park Project Site on the Town of Lincoln, Madison County, New York*, dated Dec. 30, 2011, prepared by Alliance Archeology Services (2011 Report). Both the DGEIS and the 2011 Report reference previous studies of the Project area and conclude from these previous studies that no cultural resources will be impacted in the areas studied. The County, however, has not included these studies in the DGEIS.

Without the opportunity to review the prior studies, it is not possible to know whether the associated surveys were adequate—*i.e.*, whether the proper areas were tested, adequate intervals were used, and appropriate methodologies were employed. It is also not possible for the Nation to ascertain whether the conclusions drawn from those previous surveys are correct. (Even

without seeing the text of these studies, however, as discussed in more detail in Section III below, the summary discussions included in the DGEIS and the 2011 Report suggest that the surveys were not adequate to support the conclusions in the DGEIS.) The Nation therefore requests that each of the studies relied upon be provided to the Nation and SHPO, and that the Nation and SHPO be provided an opportunity to review and comment on the studies, to determine what, if any, additional testing may be required prior to publication of the FGEIS.

c. The DGEIS fails to consider the Madison County Landfill Expansion and the JBL Facility.

As discussed below, and consistent with the approach agreed upon following the NYDEC meeting, it is necessary for the Nation to understand the specific locations and extent and boundaries of ground disturbance of the JBL facility and the landfill expansion, and for the County to include the surveys of these areas as part of the DGEIS. The DGEIS, however, fails to include this information.

1. *The need for all landfill developments to be surveyed prior to any ground disturbance*

The DGEIS and the 2011 Report indicate that the various sites comprising the ARE Park have been surveyed by various architects at various times over a span of more than twenty years. This immediately puts the Nation and SHPO at a disadvantage in trying to determine whether the conclusions regarding the presence of cultural resources are proper, since it forces the reviewer to try to interpret the results of surveys that employ varying methodologies at varying levels of effort. The inconsistencies in the information derived from these surveys make interpreting the results even more difficult.

Failure to conduct surveys for (or provide completed surveys for) each of the landfill developments compounds this difficulty. First, without completed surveys for all development areas, the reviewer lacks the context necessary to accurately interpret cultural resource finds. Only when the APE is examined as a whole can the context of those identified historic resources be fully appreciated. When the studies are segmented, resources are evaluated in an isolated setting that may not include all the information that would normally be available to make an informed interpretation of the materials.

A second difficulty with segmenting studies is the lack of reliability of the boundaries of the study areas. Although boundaries drawn on a map may fit together seamlessly, when there is time between surveys, boundaries can become vague and the potential to misidentify the proper boundaries of previous surveys increases. Many variables can account for this, including misinterpretation of maps and the loss of important landscape features or survey markers. Contemporaneous testing of all proposed developments in a geographic area, especially in a confined geographical area such as the landfill, reduces the potential for errors to compound upon each other and avoids omissions of portions of the study area.

2. *Exclusion of the landfill expansion*

The DGEIS is silent on the landfill expansion. While the boundaries of the proposed expansion are not clear, the expansion will presumably occur in an area that, according to the DGEIS, "has already been approved as a soil borrow area." Notwithstanding whether the location for the

landfill expansion has already been approved, it is still necessary to survey these lands, or produce a survey for the Nation and SHPO's review and comment that demonstrates that no cultural resources would be impacted by the expansion. The Nation was not consulted on any previous approvals for the landfill, and the fact that landfill development in a previously-approved area desecrated an Oneida Village is proof enough that an approval does not guarantee protection of cultural resources.

3. *Segmentation of the JBL Facility*

The DGEIS indicates that the JBL facility is a separate project and therefore can be properly segmented under SEQRA. Outside of the SEQRA context, however, the County, in its 2012 State of the County Address, has taken the complete opposite position, leaving no doubt that the JBL facility is in fact part of the ARE Park. In discussing Industrial Development Agency-funded projects, the Chairman of the Madison County Board of Supervisors stated: "Other projects in the IDA's pipeline include . . . Johnson Brothers Lumber *at the ARE Park.*" Similarly, in discussing the ARE Park Project, the Chairman stated:

The first business to take advantage of the excess heat generated by the Gas-to-Energy plant is Johnson Brother's Lumber of Cazenovia. They plan to utilize the excess heat to dry lumber. . . . Johnson Brothers will partner with Morrisville State College to construct a demonstration-scale greenhouse and aquaculture facility *at the Madison County Agriculture and Renewable Energy Park as an add-on to the company's lumber-drying kilns using renewable resources.*

The County attempts to further justify segmentation because the JBL facility "underwent a separate planning and environmental review process." DGEIS at 16. The JBL facility SEQRA study was performed in December 2010, and resulted in a Negative Declaration. The Environmental Assessment Form concluded that no historic resources would be affected by the project based upon prior archeological investigations conducted by Pratt and Pratt Archeological Consultants (June 1989) and Alliance Archeological Services (August 2005).³ The County, however, did not consult with, seek the input of, or otherwise provide these archeological reports to the Nation during the SEQRA process. Moreover, the JBL facility Negative Declaration was not supported by a concurrence letter from the SHPO, and we are not aware of the County having consulted with, sought the input of, or otherwise provided the archeological reports to the SHPO.

4. *Inadequate cumulative impacts analysis*

The impacts of the landfill developments on cultural resources must also be studied together in the DGEIS as cumulative impacts. As stated in the DGEIS, cumulative impacts are impacts of the preferred alternative that result from "the incremental impact of the action when added to other past, present and *reasonably foreseeable future actions* regardless of what . . . person

³ This conclusion, however, appears to be at odds with part 2 of the Environmental Assessment Form, which indicates that the project will impact a site or structure of historic, prehistoric or paleontological importance and that there will be a "potentially large impact" in "an area designated as sensitive for archeological sites on the NYS Site inventory."

undertakes such other actions.” DGEIS at 97 (emphasis added). The DGEIS states that the cumulative impacts analysis will be “limited to those environmental resources directly impacted by the proposed actions,” but while the DGEIS includes “cultural resources” as resources that will be subject to a cumulative impacts assessment in the DGEIS, the County uses an artificially constrained area – i.e., the ARE Park footprint only – as the geographic scope of this analysis. DGEIS at 97. Limiting the cumulative impacts analysis to only the footprint of the Project area runs completely counter to the purpose behind and the need to study cumulative impacts. Since each of the landfill developments are reasonably foreseeable, are being undertaken by or are associated with the County, are located at the County-owned landfill and have the potential to impact cultural resources of significance to the Nation that are located throughout the landfill site, the cumulative impacts of all three landfill developments on Nation archeological resources must be considered. Utilizing a geographic scope of the ARE Park footprint only (see DGEIS at 99, Table 5.1), however, effectively precludes consideration of the cumulative impacts of the other developments at the landfill.

d. All archeological issues must be resolved prior to ground disturbance for JBL facility.

Given the connections between the landfill developments and the need for comprehensive testing of all areas of disturbance, the Nation strongly takes the position that all archeological issues for all three developments must be resolved before ground disturbance can occur for any of the developments at the landfill.

It appears that the first development scheduled to move forward is the JBL facility.⁴ This project will require coverage under a NYSDEC stormwater permit. Permit coverage requires written agreements with the SHPO to mitigate activities that adversely affect historic properties and preparation of a Stormwater Pollution Prevention Plan (SWPPP) that must address the effects of the project on historic properties, the results of historic resources screening determinations and surveys, and measures necessary to avoid or minimize adverse impacts on historic resources. For the reasons discussed throughout these comments, cultural resources issues are not yet resolved. As such, neither the County nor Johnson Brothers Lumber Company can provide the required stormwater permit or SWPPP documentation to properly allow NYSDEC to issue coverage under a stormwater permit.

e. Need for a conservation easement and/or deed restriction.

The DGEIS references the need for conservation easements to protect cultural resources at the Project site. The Nation agrees that appropriate protections, such as conservation easements and/or deed restrictions, must be in place to protect and preserve cultural resources. The precise boundaries of the proposed avoidance areas (which would include the boundaries of the archeological sites and appropriate buffer areas) and the County’s proposed form of deed restriction or easement should be made available for review and comment prior to the completion of SEQRA. Further, the SEQRA decision and findings should require that the protection

⁴ In efforts to move this project forward, on January 6, 2011, the Madison County Department of Solid Waste and Sanitation issued a negative declaration authorizing Johnson Brothers Lumber Company to build its kiln facility. On June 14, 2011, the Madison County Board of Supervisors advanced JBL facility further by authorizing the County to execute a development agreement with Johnson Brothers for the site.

measures be put in place within three months of completing SEQRA and prior to any ground disturbance for any of the landfill developments.

III. Specific Comments

The Nation cannot concur with the conclusions in the DGEIS and in the 2011 Report concerning impacts to cultural resources. As discussed throughout these comments, with the exception of the 2011 Report, the County has not included any of the archeological reports on which the DGEIS relies for its conclusions that no cultural resources will be affected by the Project and its recommendation that no further testing is needed. Without the ability to review these reports first-hand, the Nation cannot say whether the conclusions and recommendations within the DGEIS and 2011 Report are correct.

Based upon the Nation's review of the materials that have been provided, however, the Nation has significant concerns about the adequacy of the surveys that have been conducted to date and the conclusions drawn from those surveys.

a. Specific concerns regarding the DGEIS

- Section 4.1.1.1 of the DGEIS states that "no pre-contact sites were identified." The DGEIS fails to mention, however, the pre-contact lithic finds described in the archaeological report that could be associated with a pre-contact site, and also fails to acknowledge the pre-contact ceramic referenced in the discussion of the 2005 report, which also represents a pre-contact find. Moreover, as described in more detail in the comments to the 2011 Report below, the areas within Sites 1A and 1B that the DGEIS indicates are archeologically cleared are predominantly based upon inadequate surface surveys. More intensive shovel tests are needed to adequately determine whether cultural resources are present in these areas of the Project site.
- In Section 4.1.1.2, there is no information available to verify the claims made in the 2011 Report. Based on the information presented in the 2011 Report, however, it appears that the testing strategy used was based on a methodology that could likely overlook Native historic resources (*i.e.*, testing intervals that are too large and use of pedestrian surveys in place of testing). In addition, if the testing performed for Section 2 was the same as the testing for Section 1A, it is inadequate to identify cultural resources for the reasons just discussed. Because the 2010 report was not included with the DGEIS, however, it is not possible to ascertain whether the Section 2 conclusions and recommendations are proper and correct.
- Section 4.1.1.3 indicates that the survey for the water and sewer lines is based upon the preferred alignment, which is predominately in disturbed areas. To the extent that the alignment is relocated from the edge of road and ditches into less disturbed areas, or if the heavy machinery that will be used to install the lines will operate outside of the roadbed in less disturbed areas, additional testing would be required to determine the potential presence of cultural resources.

b. Specific concerns regarding the 2011 Report

- The Nation is concerned that there may be terraces present in portions of the sloped areas in Section 2 that were not adequately surveyed for cultural resources. As discussed on page 11 of the Report, Section 2 includes sloped areas that have been subject to erosion. Page 4 of the Report states that the sloped portions of Section 2 were not investigated further in the 2009 surveys due to this erosion, and page 11 of the Report concludes that “the potential for significant archeological resources to remain within these heavily sloped areas was considered to be minimal and no further archeological investigations were conducted.” The Nation is aware of significant Oneida village sites that are located on very limited level ground in areas with steep slopes and excessive erosion. Given that the sloped areas were “written off” (*i.e.*, have not been tested) and the DGEIS did not include the 2010 archeological report that addresses this area, the Nation is concerned that there may be gaps in coverage in the testing of Section 2.
- The testing methodology employed for portions of Sections 1A and 2 raises concerns for the Nation. Portions of Section 1A and 2 employed a methodology that entailed surface examination of plowed fields. Such surface examination can be problematic given the types of soils present in the APE, because the results of these examinations can change as these local soils are exposed to further weathering. In a recent examination of a local site with similar soils, initial plowed transects across the portion of the site produced very few lithic materials following several rain events. During a follow up examination after the winter snows had melted, however, additional lithic remains and ceramic materials were exposed, which was consistent with the artifact distribution on other portions of that site that were systematically shovel tested. Given the types of soil present in the area, it is necessary to conduct systematic shovel testing in the portions of Sections 1A and 2 where only surface examination was utilized, in order to properly identify the potential presence of cultural resources.
- The Nation has several concerns regarding the shovel testing that was conducted for Section 1A. First, this testing (as documented on page 61 of the 2011 Report) was attempted at very broad intervals of 76m/250ft. These intervals are too large to adequately identify cultural resources. In addition, these intervals are too large to identify variations in soils, the presence of which would lead to smaller interval testing. The depth of excavation is also a concern because based on previous work in the area, a soil with denser concentrations of gravel at the subsoil would have been expected. The Nation is concerned that many of the shovel tests were not excavated to sterile subsoil based upon the fact that sterile soil in the area is generally encountered below the depths that were tested, and the soil color, texture and composition from the shovel tests, as documented in the 2011 Report, is not what we would have expected to see for sterile soil in the Project area. Therefore, our local archeological work and experience with highly eroded soils, combined with the soil profiles presented in the 2011 Report, raise concerns regarding the actual level of erosion that has occurred within Section 1A. Based upon these concerns, the Nation also questions the interpretations made regarding the integrity of the soils in the portions of Section 2 that were examined in previous studies and documented in the 2010 report. Because the DGEIS failed to include the 2010 Report, it is not possible

for the Nation to determine whether the soil integrity interpretations are adequate, or to otherwise comment on these interpretations.

- Given the questions and concerns regarding soil testing and interpretations, the lack of closer shovel testing intervals, especially around pre-contact recoveries, and the failure of the DGEIS to include the previous reports, the Nation cannot concur that the archeological surveys in significant portions of the Project area were adequate. Accordingly, the Nation also cannot concur with the conclusions that archeological resources are not present in much of the project area or with the recommendations for no further testing in much of the Project area.
- Pages 32 – 34 of the Report references two “block flakes” of Onondaga chert that were identified near each other in Section 1A. The Report, however, concluded that these block flakes were not considered “culturally significant” and therefore no further archeological investigations were conducted. The Nation does not agree with this interpretation. Lithic materials related to this period in Oneida history often represent expedient, informal tools that could indicate an area of previous occupation or the presence of cultural materials that could be part of an Oneida Village site. The pictures of the block flakes included in the report (on p. 33) do not support the Report’s interpretation because the materials in the pictures resemble other lithics that have been observed locally at other Oneida sites. For these reasons, further investigation, including more intensive testing of this area, should be conducted.

Appendix CC

Additional Cultural Resource Investigations and Studies

RECEIVED JUN 12 1989

CULTURAL RESOURCES SURVEY
OF THE
MADISON COUNTY RECYCLING FACILITY
TOWN OF LINCOLN, MADISON COUNTY, NEW YORK

BY

MARJORIE K. PRATT
PROJECT DIRECTOR

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JUNE 5, 1989

FOR

STANDING COMMITTEE FOR SOLID WASTE & RECYCLING
MADISON COUNTY BOARD OF SUPERVISORS
MADISON COUNTY, NEW YORK

June 8, 1989

Mr. James Zecca
Coordinator of Solid Waste
Madison County Highway Department
P.O. Box 15
139 North Court Street
Wampsville, New York 13163

Re: Stage 1
Cultural Resource Survey
Madison County Recycling Facility

Dear Mr. Zecca:

A cultural resource survey of a 7 acre parcel of land Town of Lincoln, Madison County, New York, was conducted between April and June, 1989. This property is to be used for a Recycling Facility.

This location is immediately across Buyea Road from the existing Madison County Landfill. The Eisaman Property Borrow Site is located northwest of this parcel and was the subject of a cultural resource evaluation by Atlantic Testing Laboratories, Limited, in January 1989. Attachment 1 shows the location of the proposed project. Attachment 2 shows details of the location.

The survey conducted for this project supplements the literature search conducted by Atlantic Testing Laboratories, Limited. Included is a brief literature search to update and extend the previous literature search to include the present area, and a field inspection. This letter will serve as a report of the survey.

METHODOLOGY

A brief literature search was undertaken and included: 1) a review of the archaeological literature with reference to the location of sites in the project area, 2) a review of historic maps and secondary historical sources, and 3) interviews with Mr. Daniel Weiskotten, Town of Cazenovia Historian and member of the Chenango Chapter of the New York State Archaeological Association, and Dr. Peter P. Pratt, author of Archaeology of the Oneida, Vol. 1 and expert on Oneida Iroquois archaeology. A bibliography of sources consulted is attached (see Attachment 4). The literature search was conducted by Marjorie K. Pratt.

A field inspection was performed April 28, 1989. The field work consisted of a visual inspection and digging shovel test pits within the project area. The property is presently covered

with grasses and weeds. Visibility of the surface was poor. An area in the middle of the project area had been disturbed by a haul road and previous mining of gravel.

A total of 4 N-S transects were established through the project area. These transects were spaced 100 feet apart and test pits were dug along each transect at 100 foot intervals. Attachment 3 shows the location of the transects and test pits. The test pits averaged 1 1/2 feet in diameter and were dug to a depth at which clay subsoil was encountered. Notes were made on the location of each test pit, the nature of soils, vegetation, topography, and any anomaly present. Transcribed copies of field notes are included with this report as Attachment 5. The field work was conducted under the direction of Marjorie K. Pratt with the assistance of David Allyn.

LITERATURE SEARCH

No properties listed on the National Register of Historic Places are located within the project area. The closest National Register property is the Oneida Community Mansion House, near Oneida. This property is removed from the project area and would not suffer impact from the proposed project.

Interviews with Daniel Weiskotten and Peter P. Pratt and a review of maps and literature covering this area revealed several prehistoric sites within the immediate vicinity of the project area. These sites include the Tuttle site, the Ingalls site, and the Buyea site. These sites are all related to the late prehistoric Oneida Iroquois. These sites are outside of the boundaries of the present survey.

No historic sites are known from the project area. The surroundings of the project area is rural in character and appears to have always been so.

FIELD INSPECTION

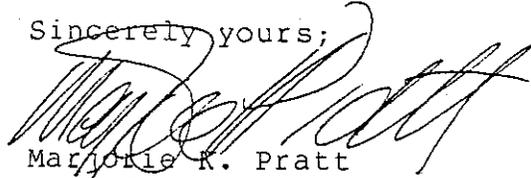
Field investigation was carried out on the entire project area. The test pits dug within the project area primarily exposed a medium-dark brown clay loam topsoil with a tan or orange clay subsoil. No cultural materials were found.

CONCLUSIONS AND RECOMMENDATIONS

No significant cultural materials were located during this cultural resource evaluation. Several prehistoric sites occur in the immediate vicinity of the proposed project. All are outside of the project area.

Based upon the information at hand, the investigators recommend a determination of "no effect" on cultural resources for the 7 acre parcel of land considered in this evaluation.

Sincerely yours;



Marjorie K. Pratt
President

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MKP:rd

Enc.

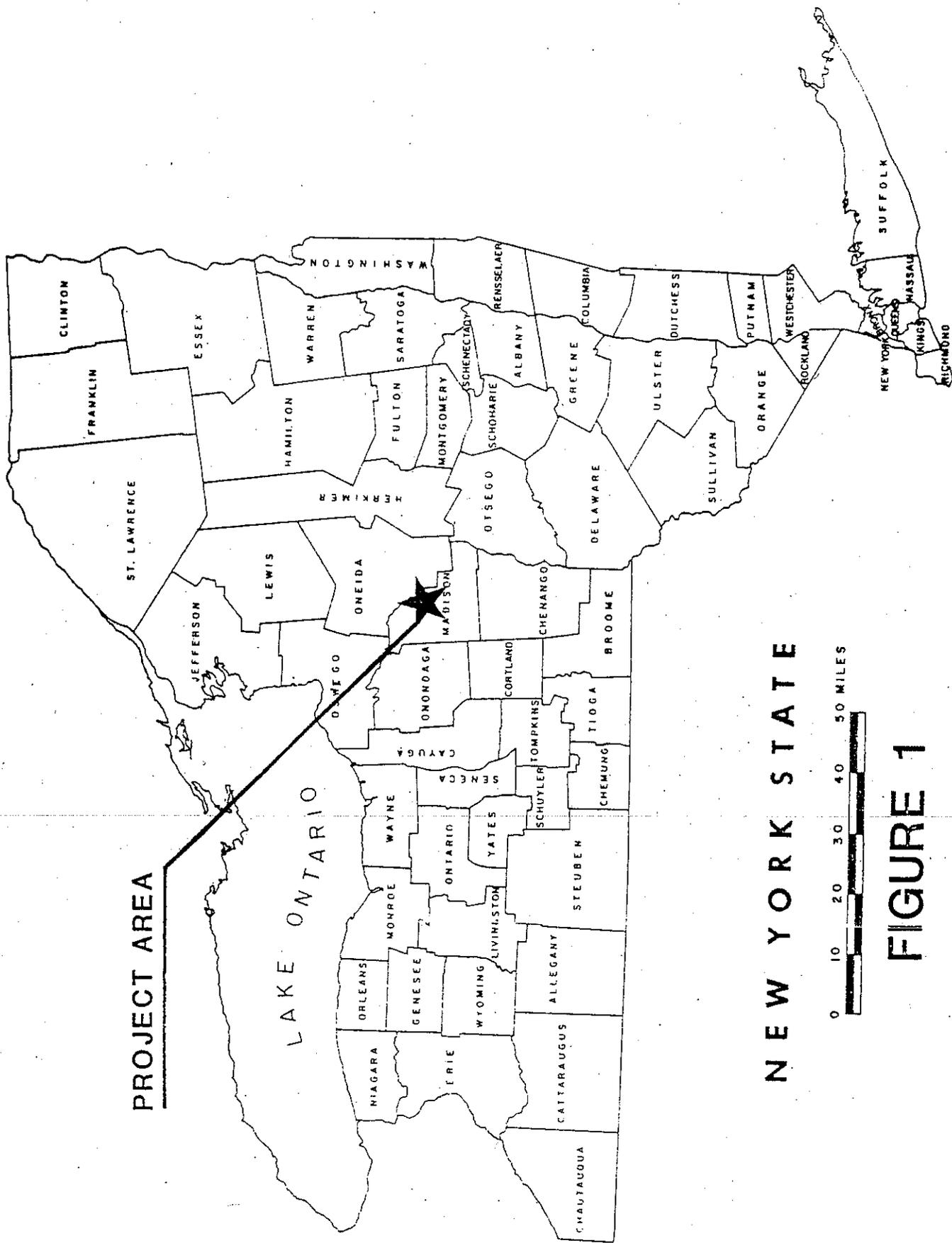
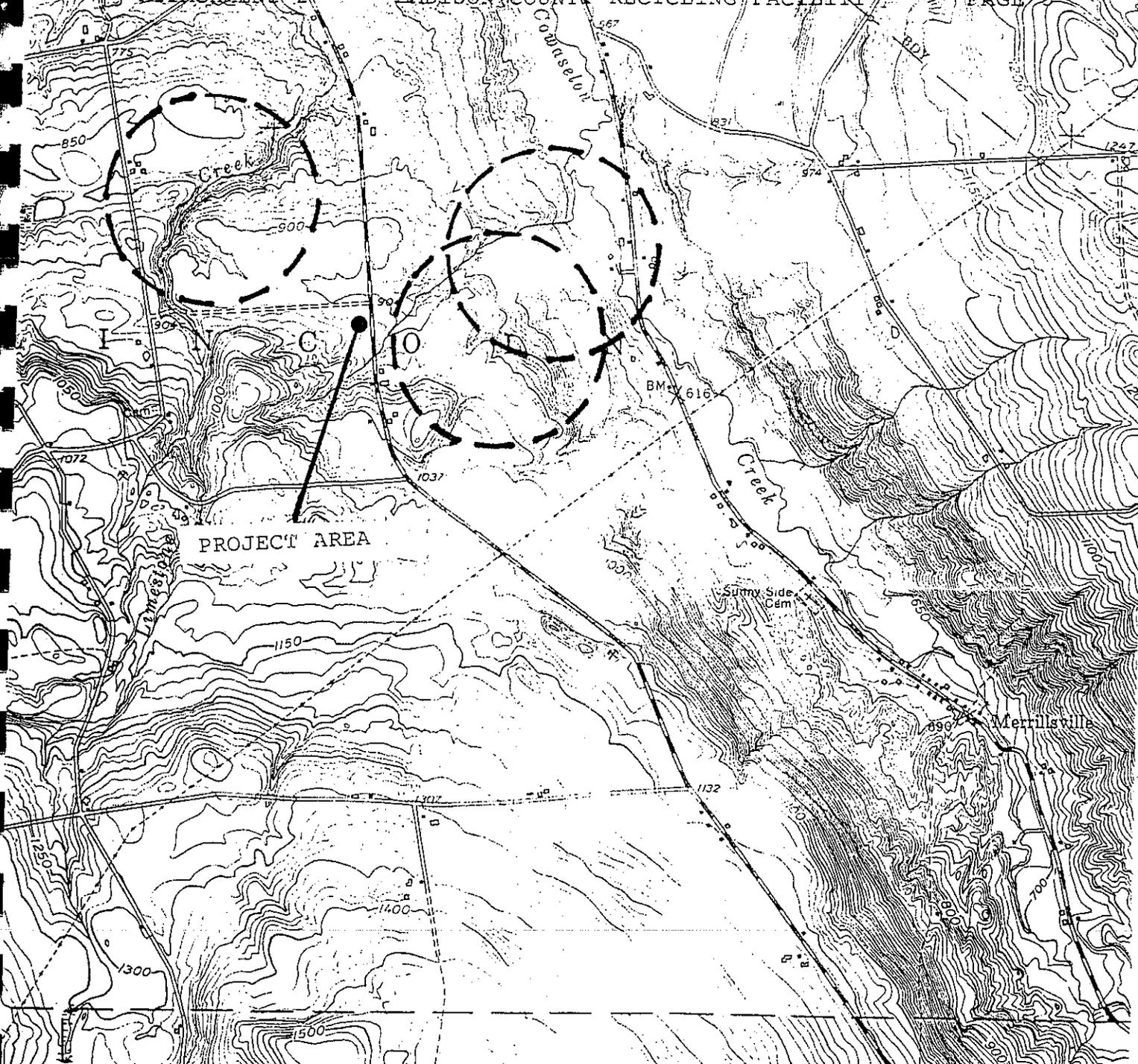


FIGURE 1



PROJECT AREA

from
ONEIDA QUADRANGLE
7 1/2 Minute Series

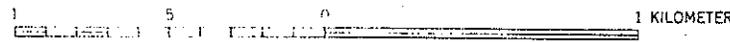
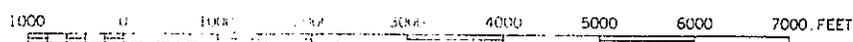
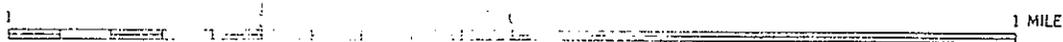
42'30"

(MORRISVILLE)

PETERBORO 2.5 MI.

40'

SCALE 1:24,000



CONTOUR INTERVAL 10 FEET

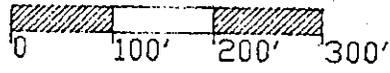
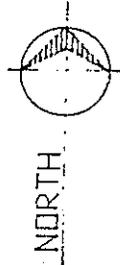
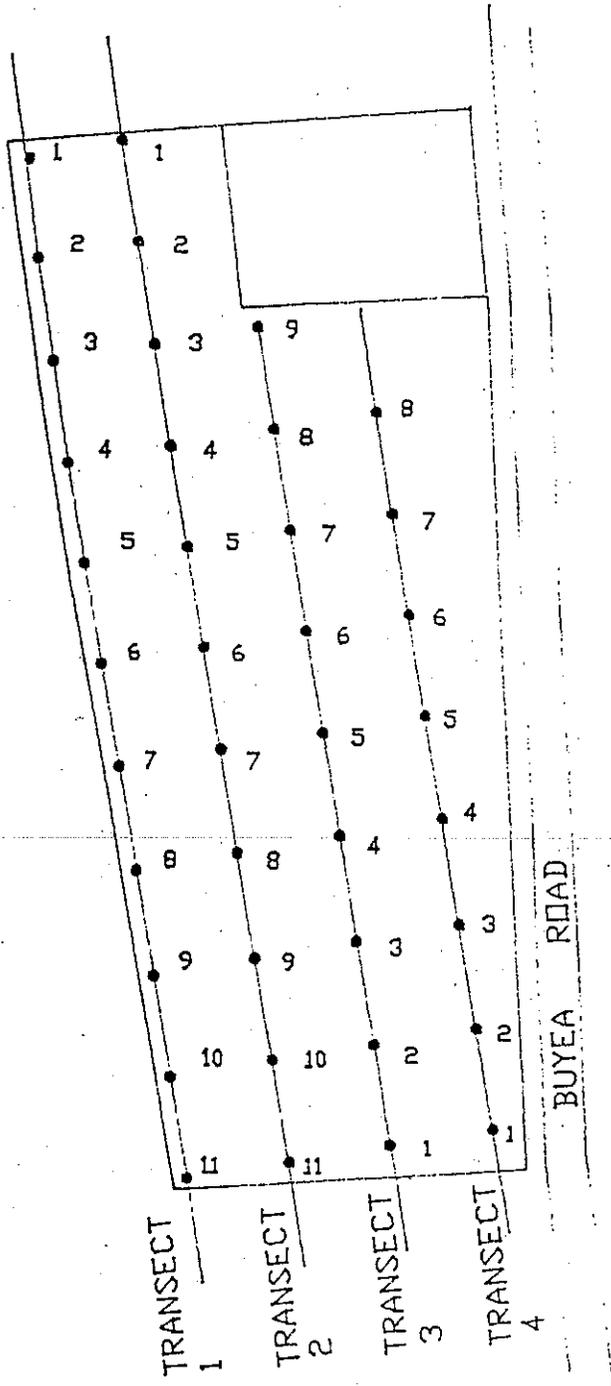
DATUM IS MEAN SEA LEVEL



PREHISTORIC SITE

THIS MAP COMPLES WITH NATIONAL MAP ACCURACY STANDARDS

11 1/2°
TRUE NORTH
MAGNETIC NORTH
APPROXIMATE MEAN
DECLINATION, 1955



EXISTING
LANDFILL

MADISON COUNTY
RECYCLING FACILITY

AREAS OF
ARCHAEOLOGICAL TESTING

MAY, 1989

PRATT & PRATT

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- Beauchamp, William
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1872 History of Madison County, State of New York. Truair,
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- Office of Parks, Recreation, and Historic Preservation
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bany, New York.
- Parker, Arthur C.
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State Museum Bulletin No. 238, Albany, New York.
- Pratt, Peter P.
1976 Archaeology of the Oneida Iroquois, Vol. 1. Man in the
Northeast, Occasional Papers No. 1, George's Mills, New
Hampshire.
- 1989 Personal communication, Cazenovia, New York.
- Ritchie, William A.
1969 The Archaeology of New York State. Natural History
Press. Garden City, New York.
- Smith, James H.
1880 History of Madison County, New York. D. Mason and Com-
pany, Syracuse, New York.
- Weiskotten, Daniel H.
1989 Personal Communication, Cazenovia, New York.

TRANSECT: 1

LOCATION: NW corner heading south

DATE: 4/28/89

VEGETATION: Open grassland
evidence of disturbance
from gravel removal

TESTED BY: D. Allyn

TOPOGRAPHY: Rolling especially
from gravel removal and roadsTEST
PIT

SOIL PROFILE

- 1 0-3" sod, 3-12" medium brown sandy loam, 12" orange sandy silt.
- 2 0-1" sod, 1-16" medium brown sandy loam, 16" yellow silt.
- 3 Not Dug -
- 4 0-3" sod, 3-18" medium brown sandy loam, 18" yellow silt.
- 5 0-3" sod, 3-17" dark brown sandy loam, 17" dark tan silt.
- 6 0-3" sod, 3-15" medium brown sandy loam, 15" dark tan silt.
- 7 0-3" sod, 3-12" medium brown sandy loam, 12" dark tan silt.
- 8 0-2" sod, 2-15" medium brown sandy loam, 15" dark tan silt.

TRANSECT: 2

LOCATION: North, heading south

DATE: 4/28/89

VEGETATION: Open grassland
evidence of disturbance
from gravel removal

TESTED BY: M. Pratt

TOPOGRAPHY: Rolling especially
from gravel removal and roadsTEST
PIT

SOIL PROFILE

- 1 0-2" sod, 2-10" medium brown clay loam and gravel, 10-13" brown and gray mottled clay with heavy gravel.
- 2 0-2" sod, 2-17" medium brown clay loam and gravel with orange clay, 17-22" medium brown clay loam and gravel (extremely hard, cannot continue).
- 3 Not Dug - test pit seems to be disturbed from gravel removal.
- 4 0-2" sod, 2-16" medium brown clay loam with rocks, 16-19" tan clay with rocks.
- 5 Not Dug - Road, disturbed by gravel operation all around.
- 6 Not Dug - On top of knoll stripped for gravel.

- 7 Not Dug - Area of gravel removal.
- 8 Just south of bottom of gravel removal area, 0-2" sod, 2-12" medium brown clay loam with rocks, 12-15" yellow clay.
- 9 0-2" sod, 2-6" medium brown clay loam with rocks, 6-10" orange clay with rocks.
- 10 0-2" sod, 2-6" medium brown clay loam with rocks, 6-10" orange clay with rocks.
- 11 0-2" sod, 2-20" medium brown clay loam with rocks, 20-24" orange clay with rocks.

TRANSECT: 3

DATE: 4/28/89

LOCATION: South, heading north

VEGETATION: Open grassland
evidence of disturbance
from gravel removal

TESTED BY: M. Pratt

TOPOGRAPHY: Rolling especially
from gravel removal and roadsTEST
PIT

SOIL PROFILE

- 1 0-2" sod, 2-16" medium brown clay loam with rocks, 16-20" yellow clay with rocks.
- 2 0-2" sod, 2-14" medium brown clay loam, 14-18" yellow clay.
- 3 0-2" sod, 2-14" medium brown clay loam, 14-18" yellow clay.
- 4 0-2" sod, 2-10" medium brown clay loam with rocks, 10-12" yellow clay with rocks.
- 5 0-2" sod, 2-18" medium brown clay loam with rocks, 18-22" yellow clay with rocks.
- 6 Not Dug - Area stripped for gravel removal.
- 7 Not Dug - Road, gravel removal.
- 8 0-2" sod, 2-18" medium brown clay loam with rocks, 18-21" yellow clay with rocks.
- 9 Ends ca. 25' from property line. 0-2" sod, 2-10" medium brown clay loam with rocks, 10-14" yellow clay with rock.

TRANSECT: 4

DATE: 4/28/89

LOCATION: SW corner, heading N

VEGETATION: Open grassland
evidence of disturbance
from gravel removal

TESTED BY: D. Allyn

TOPOGRAPHY: Rolling especially
from gravel removal and roadsTEST
PIT

SOIL PROFILE

- 1 0-3" sod, 3-12" medium brown sandy loam, 12" dark tan silt.
- 2 0-3" sod, 3-16" medium brown sandy loam, 16" dark tan silt.
- 3 0-2" sod, 2-12" medium brown sandy loam, 12" dark tan silt.
- 4 0-2" sod, 2-12" medium brown sandy loam, 12" reddish tan clay.
- 5 0-2" sod, 2-10" medium brown sandy clay loam, 10" reddish tan clay.
- 6 Not Dug - Disturbed.
- 7 0-2" sod, 2-10" medium brown clay loam with rocks, 10-13" orange clay and red clay, with rocks.
- 8 0-2" sod, 2-13" medium brown sandy loam, 13" reddish tan clay.

ATLANTIC TESTING LABORATORIES, LIMITED



February 7, 1989

698 Stevens Street
Utica, N.Y. 13502
(315) 735-3309

Box 356
Cicero, N.Y. 13039
(315) 699-5281

Box 29
Canton, N.Y. 13617
(315) 386-4578

Mr. James Zecca
Madison County Department of Highways
P. O. Box 15
Wampsville, New York 13163

Re: Stage I Archaeological Survey
Proposed Eisaman Property Borrow Site
Town of Lincoln, Madison County, New York
Report No. XA077-2-1-89

Dear Mr. Zecca:

Enclosed is your copy of the report on the referenced property. As you requested a copy is also being sent to Mr. Joseph Moskewiecz of Division of Regulatory Affairs - Region VII and a copy to Ms. Lenore Kewick of the Division of Regulatory Affairs - N.Y.S.D.E.C. in Albany.

Please call this office if you need any additional copies or require further assistance.

Sincerely,

Gail L. Parks
Administrative Assistant

ARCHAEOLOGICAL SITE FILE/LITERATURE SEARCH REPORT

Prepared by: Stephen J. Oberon

Affiliation: Atlantic Testing Laboratories, Limited

Date: January 30, 1989

A. Project Information

Permit Name: Eisaman Borrow Pit

Permit No.: 70-86-0346

Permit Type: Mining and Solid Waste

Location of Proposed Action: Town of Lincoln, Madison County

Estimated Size of Impact Area (acres): 25 acres

Description of Undertaking: Removal of subsoil for use in Madison County landfill as cover material

Permit Areas (total acres): 25 acres

B. Environmental Information

Topography: Generally rolling; southern edge of the Susquehanna Hills region, just north of the Oneida Lake Plain; project area characterized by 3-8% slope

Geology: Soft shales and shaly sandstones of the Camillus formation

Soils: Honeoye silt loam

Drainage: Limestone Creek/Cowaselon Creek/Clockville Creek to Oneida Lake

Vegetation: Oat stubble and corn stubble from agricultural cultivation

Forest Zone: Northern Hardwood

Manmade Features Alterations: Land has been cleared and used for agriculture

C. Documentary Research

1. Site Files (within 1 mile radius)

a. Office of Parks, Recreation and Historic Preservation (OPRHP)

- State Inventory NONE

- State Register NONE

- National Register NONE

- National Register eligible listing NONE

- State/National Register proposed NONE

- b. State Museum
NONE
- c. Local Inventory
Buyea Site (OND-13-3)
Tuttle Site (OND-12-3)

2. References

a. Texts

- _____ Beauchamp, William
1900 Aboriginal Occupation of New York. New York State
Museum Bulletin No. 32. Albany, New York (p. ____).
- _____ Funk, Robert E.
1976 Recent contributions to Hudson Valley Prehistory.
New York State Museum Memoir 22. Albany, New York
(p. ____).
- X Parker, Arthur
1920 The Archaeological History of New York. New York
State Museum Bulletin Nos. 237, 238. Albany, New
York (pl. 186).
- X Ritchie, William, A.
1969 The Archaeology of New York State. Natural History
Press: Garden City, New York (p. 4, 5, 10, 11, 44,
45).
- X Ritchie, William A. and Robert E. Funk
1973 Aboriginal Settlement Patterns in the Northeast.
New York State Museum and Science Service Memoir
No. 20. Albany, New York (p. 4).
- _____ Other (see attached Bibliography)

b. Maps

- X Beers, F. W.
1875 County Atlas of Madison County
- _____ Burr, D. H.
1829 Atlas of New York State. Stone and Clark, New York.
- _____ Library of Congress
1981 Fire Insurance Maps in Library of Congress.
- _____ Stone and Stewart, Publishers
18__ New Topographical Atlas of _____ County.
- X Other
Evans, Gerdon
1853 Wall Map of Madison County (in possession of the
Madison County Historical Society, Oneida, N.Y.)

3. Previous Surveys

 None recorded in OPRHP files

 X Survey(s) completed for project area
Adjacent to areas informally surveyed in connection with work at the Buyea Site (across Buyea Road from the project area) by Chenango Chapter, N.Y.S.A.A. in late 1960's (Vol. 11, No. 4) with supplementary work in 1977 (Vol 17, NO. 3).

4. Sensitivity Assessment/Site Prediction

Fluted points, indicative of Palaeo-Indian activity, have been found in this area adjacent to the southern margin of the Rome Outlet of lake Iroquois, and make the project area sensitive for the presence of Palaeo-Indian remains. The location of the Late Woodland Buyea Site and the transitional Late Archaic/Early Woodland Tuttle Site within a half-mile of the project area also gives the locality a high potential for containing cultural remains pertaining later Native American occupation. For the project parcel, this potential is, however, lessened by the fact that while it is situated on the same landform as the two known archaeological sites, it lies farther from water and in a less protected location, which constitutes a less attractive microenvironment for aboriginal occupation. The likelihood of significant European-American cultural resources existing within or adjacent to the project area was considered to be low.

5. Recommendations

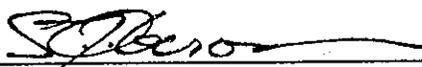
Close-interval examination of the impact area is recommended to locate and identify any aboriginal cultural material that may be present.

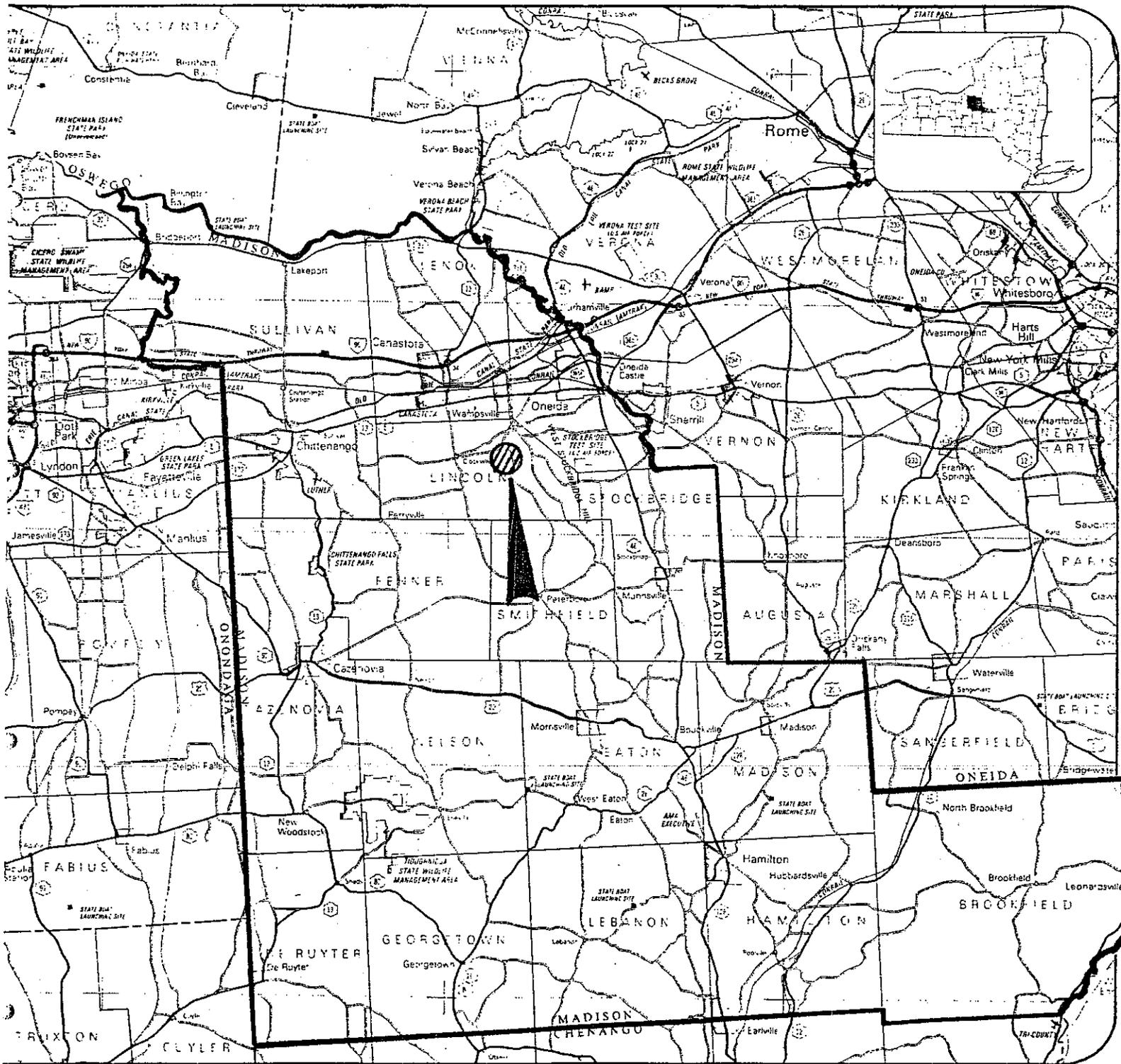
6. Attachments

 X Topographic map (Attachment A-3)
 X Project map/Site plan (Attachment A-4)
 Environmental Assessment Form
 State Museum correspondence
 Site file information
 Previous survey information
 X Other (specify)

 Parker (1920) (Attachment B)
 Evans (1953) (Attachment C-1)
 Beers (1875) (Attachment C-2)

31 JANUARY 1989
Date


Signature of preparer

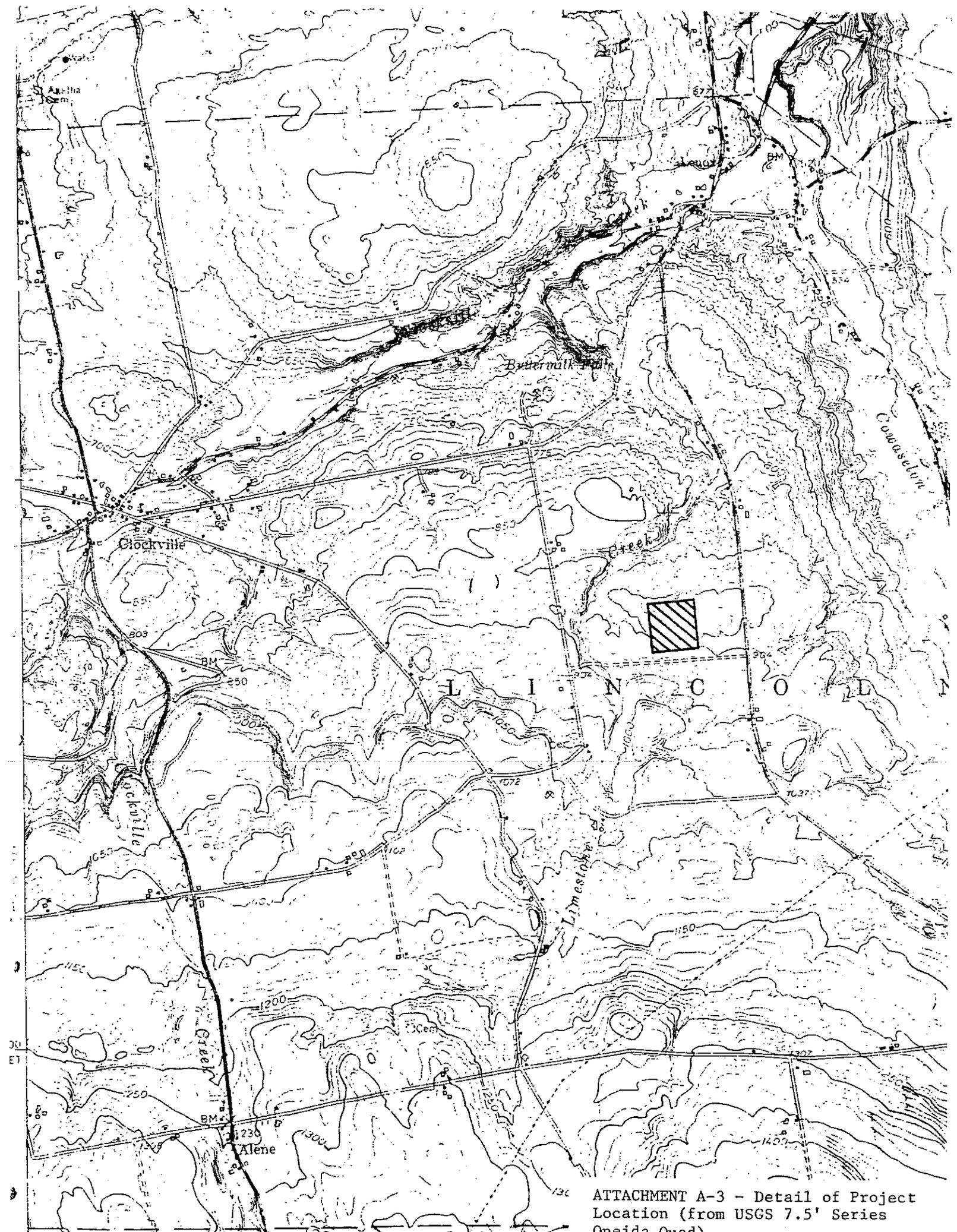


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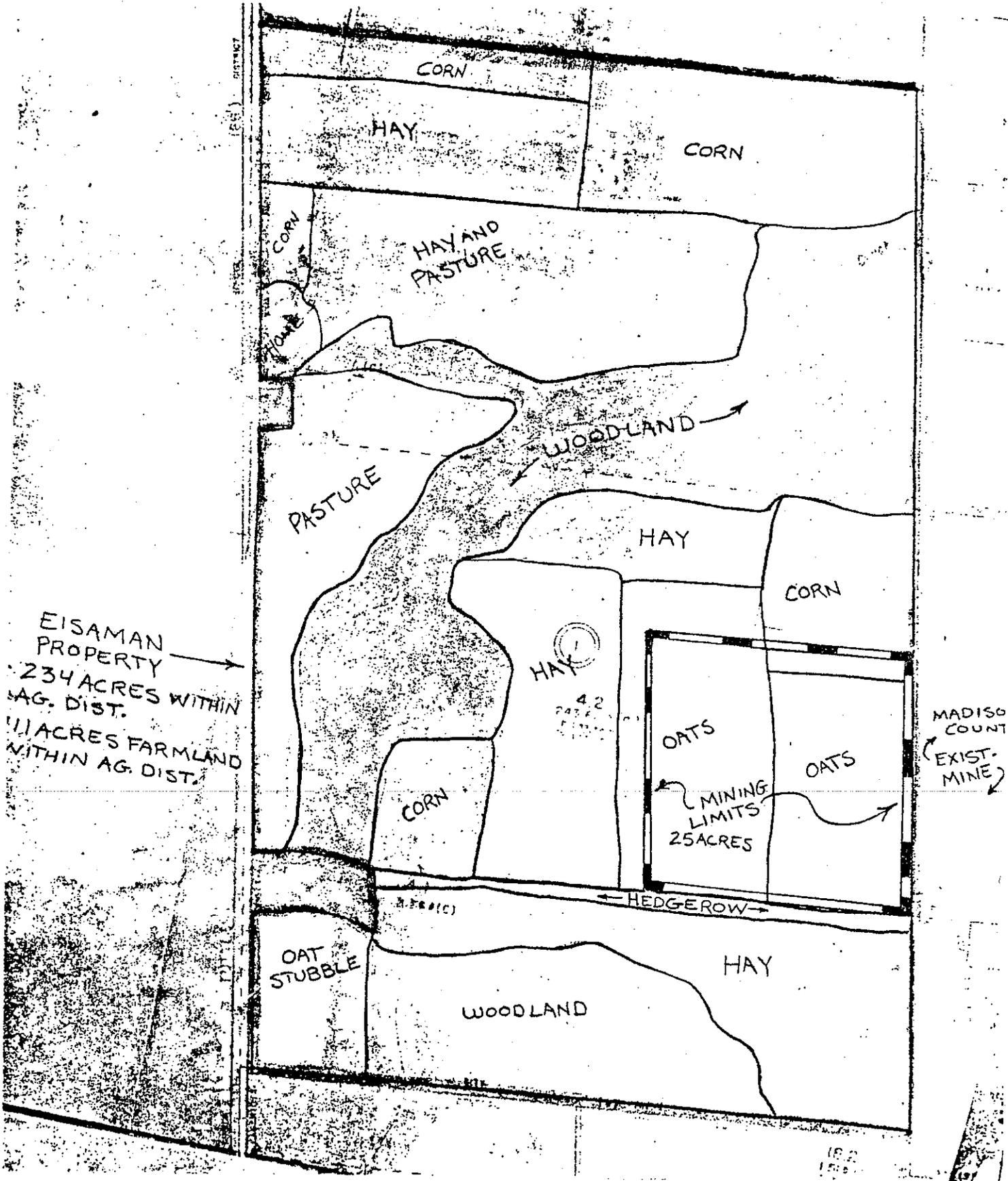
NORTH

PAGE 14

ATTACHMENT A-2 - Location of Project Area in Madison County

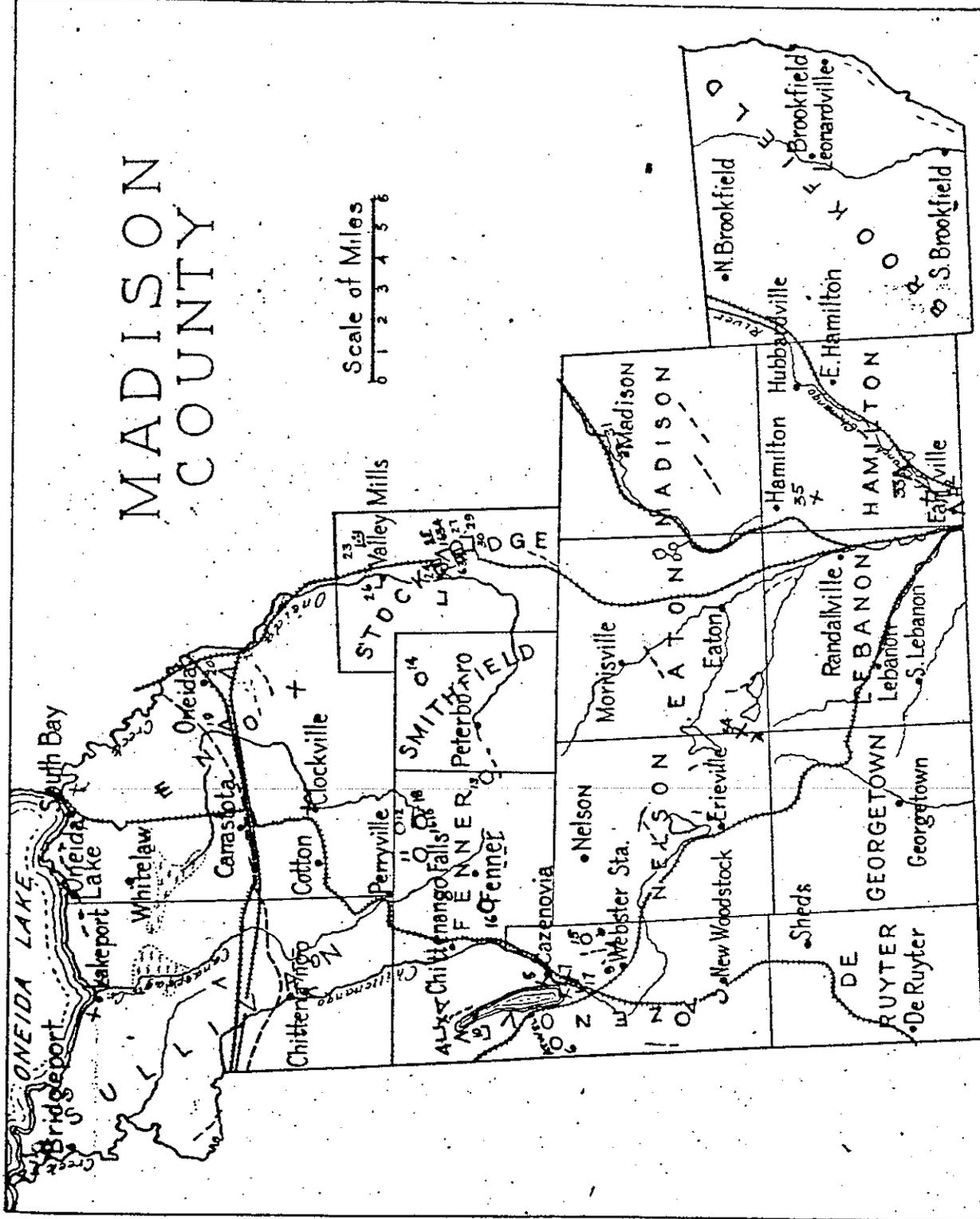


ATTACHMENT A-3 - Detail of Project Location (from USGS 7.5' Series Oneida Quad)

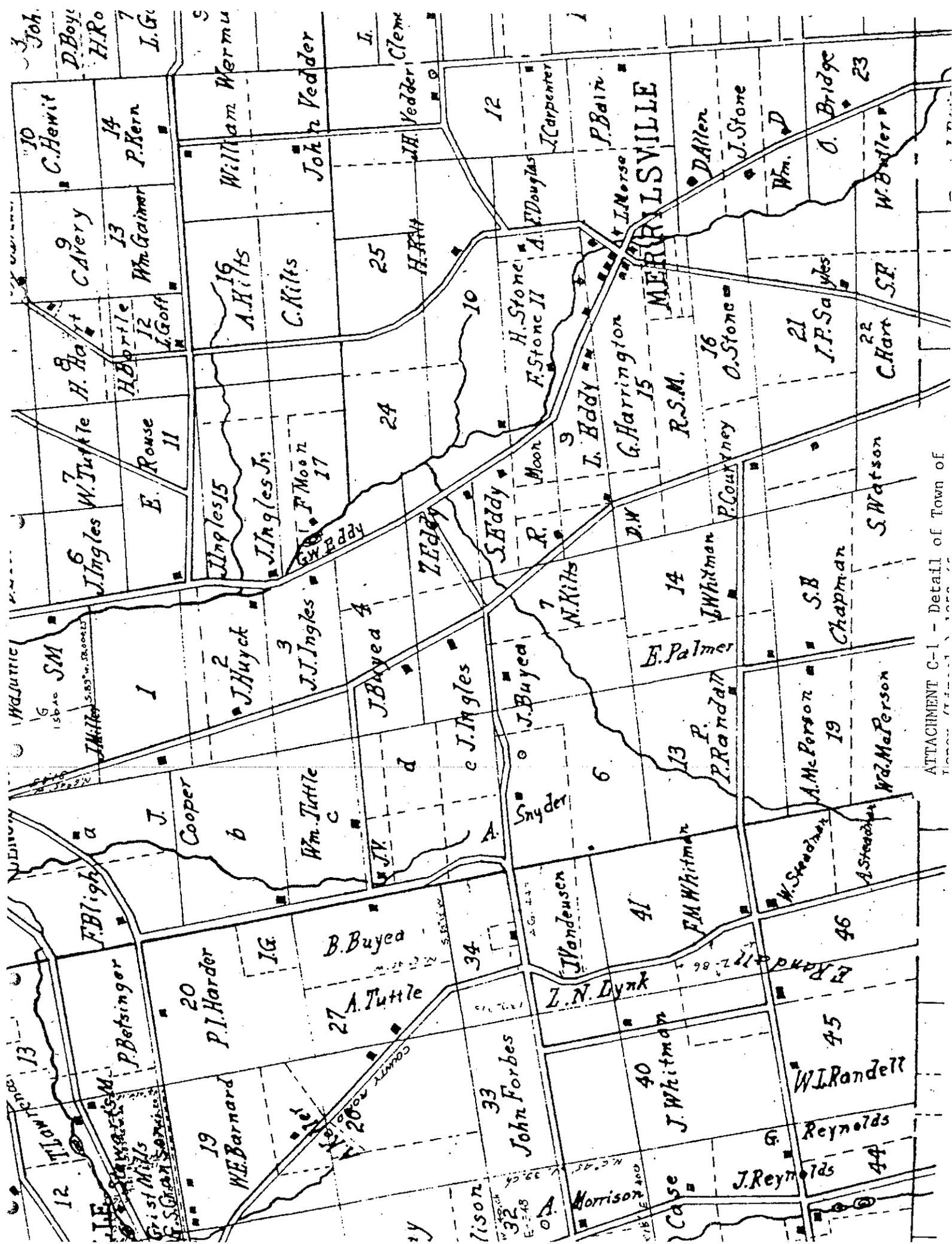


ATTACHMENT A-4 - Detail of Project Area (courtesy of Madison County Highway Department)

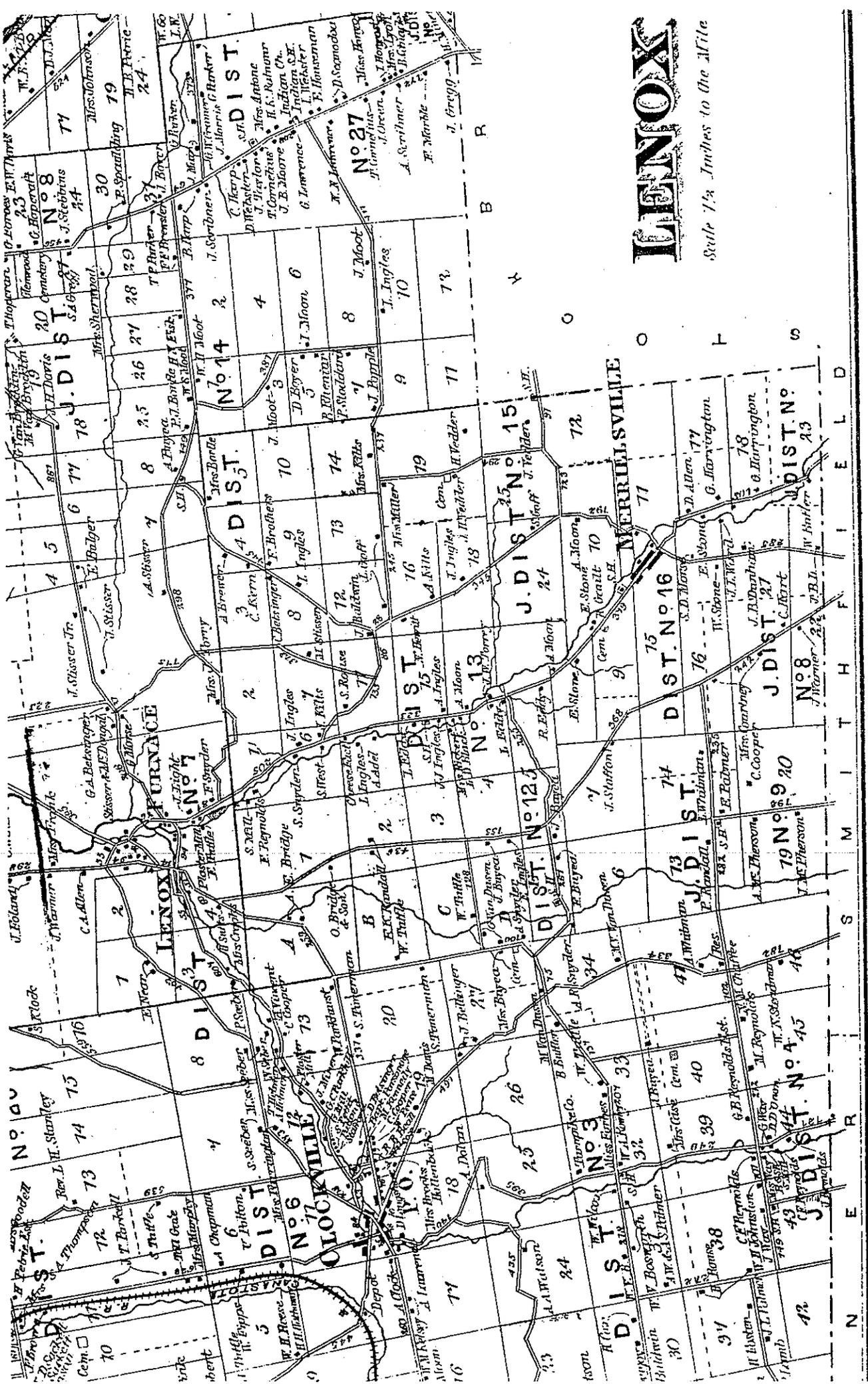
MADISON COUNTY



ATTACHMENT B - Known Native American Sites in Madison County c. 1920 (from Parker 1920)



ATTACHMENT C-1 - Detail of Town of Merrillville



LENOX

Scale 1/4 Inches to the Mile

ATTACHMENT C-2 - Detail of Town of Lenox (Lincoln) 1875 (from Beers 1875)

REPORT OF FIELD RECONNAISSANCE

Permit Applicant: Madison County Highway Department
Permit No.:
Location: Town of Lincoln Madison County, New York
Report Prepared by: Stephen J. Oberon
Affiliation: Atlantic Testing Laboratories, Limited
Date: January 30, 1989
ATL Report No.: XA077-2-1-89

Part 1: DOCUMENTARY RESEARCH ADDENDUM AND SITE IDENTIFICATION

A. Documentary Research Addendum (if needed)

1. X Local site inventory checked (specify)
Chenango Chapter, N.Y.S.A.A.
2. X Informants interviewed (name, address, specialty)
Theodore Whitney, Chenango Chapter, N.Y.S.A.A.
3. Other sources checked (specify)

Results of Documentary Research

 No sites reported

 X Sites reported (describe briefly)
Late Woodland Period Buyea Site within $\frac{1}{4}$ mile of project area.
Transitional Period Tuttle Site within $\frac{1}{4}$ mile of project area.
Palaeo-Indian fluted points (2) in general area (Ritchie 1969:4).

B. Field Investigation

1. Methodology

- a. Description of structure for survey team (number, organization).
Principal Investigator
Field Director
Archaeological Technicians (2)
- b. Date of survey and description of general surface and subsurface conditions (including season, ground visibility and relative wetness of soil).
October 20 & 21, 1988 - 85% of impact area had been harvested and the subsurface systematically exposed; ground visibility here was excellent, soil was moderately dry. Approximately ten percent of the parcel was still under corn and the remainder covered by trees and brush which form a hedgerow. The corn field was examined but surface visibility was poor to moderate.
- c. Description of general soil characteristics, including texture and depth to sterile soil.
Red-brown silt, clay and fine to coarse sand with little fine to coarse gravel; culturally sterile glacial till overlain by a plow zone topsoil 10-12 inches in depth.
- d. Outline of field testing strategy, specifying (when used): sampling techniques, surface inspection techniques transect interval, method of ground examination), subsurface techniques (type, interval and average depth of excavation unit; for screening note size of mesh), remote sensing techniques.
A series of 10-12 foot wide transects placed 50 feet apart were plowed, harrowed, and washed by at least one heavy rain, after which they were inspected by a team of archaeologists walking abreast. Additional transects were prepared and inspected around the periphery of the parcel as shown in Attachment B. The surface of the cornfield, though not harvested, was also systematically examined.
- e. Description of intensity of coverage and rationale for excluding areas from survey. Attach a map with location and type of each excavation unit: areas surface inspected. Any areas not surveyed should be clearly delineated.
One hundred percent inspection of 10-12 foot wide transects placed 50 feet apart was considered appropriate for locating the small camps considered most likely to exist in this physiographic environment, as well as for identifying portions of either the Buyea or Tuttle sites which might extend into the project impact area. The hedgerow was not sampled, as it was scarcely wider than the interval between the transects and was bounded on either side by inspection transects. The cornfield, which could not be prepared for inspection, was examined by surface walkover only.
- f. Description of problems encountered during survey which may have influenced results.
No such problems encountered.

Results of Field Investigation

 X no sites identified

 site(s) identified

Describe general nature and distribution of sites

2. Recommendations

 X no additional work

 additional investigation

 project modification to avoid sites

3. Rationale

a. Evaluate the effect of the proposed undertaking on identified cultural resources.

• If cultural resources are present but will not be impacted explain why.

• If cultural resources will be impacted, explain how each will be affected.

b. Describe possible precautions, protective measures or project modifications which would avoid or alleviate these impacts.

c. Identify sites and/or areas which require additional study. Area between the western boundary of the project area and Tuttle Road, where the Tuttle Site is located, should be avoided by heavy machinery associated with the mining operation.

d. Outline nature and extent of additional investigations(s) recommended.

END PART 1

If site evaluation is not completed at this time, proceed to PART 3.

PART 3: SUPPORTIVE DATA

Reports should include the items listed below. Bracketed information is optional. Put a check mark next to each item appended.

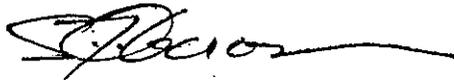
PLEASE NOTE: Most attachments listed below often provide precise locational and compositional data on archaeological sites. This information is confidential to protect the resource from vandalism. All attachments with site specific information should be omitted from report copies which will be available to the general public.

- qualifications of principal investigator(s) (Attachment C)
- topographic map with project area noted (Attachment A)
- map(s) of test locations, field inspection, and areas of cultural material; (map(s) must have title, legend, bar scale and directional arrow) (Attachment B)
- site inventory forms (mark "Confidential: For Agency Use Only.")
- artifact catalog
- record of soil stratigraphy in each test unit
- [copies of relevant, supplemental historic maps]
- continuation sheets for preceding questions where the space available was insufficient for a complete response.
- project area map with site boundaries delineated (mark "Confidential: For Agency Use Only.").
- soil profiles
- photographs, as appropriate, characterizing project area and documenting salient cultural remains
- recommendations

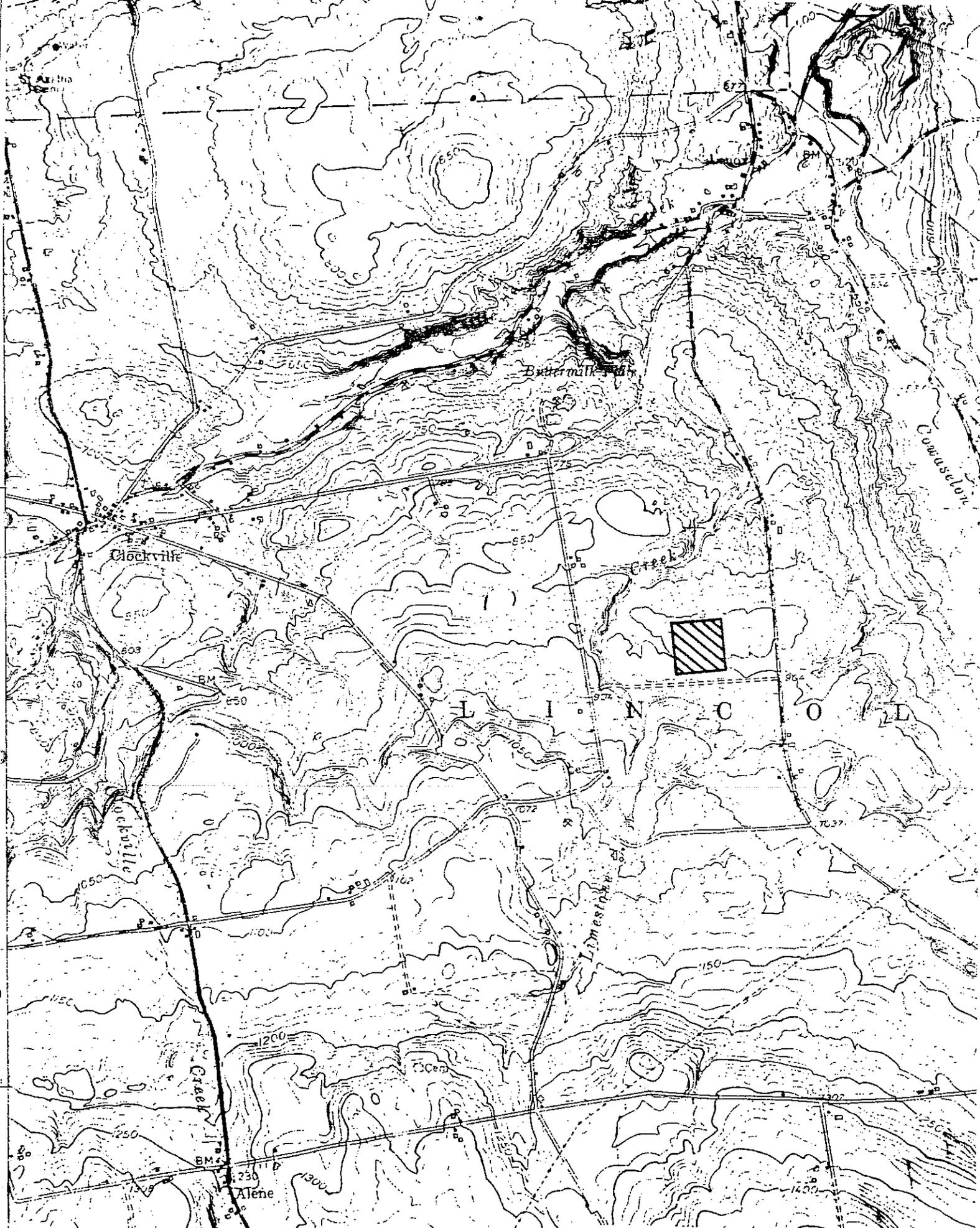
Certification: I certify that I directed the cultural resource investigation reported here, that my observations and methods are fully reported and that this report is complete and accurate to the best of my knowledge.

31 JANUARY 1989

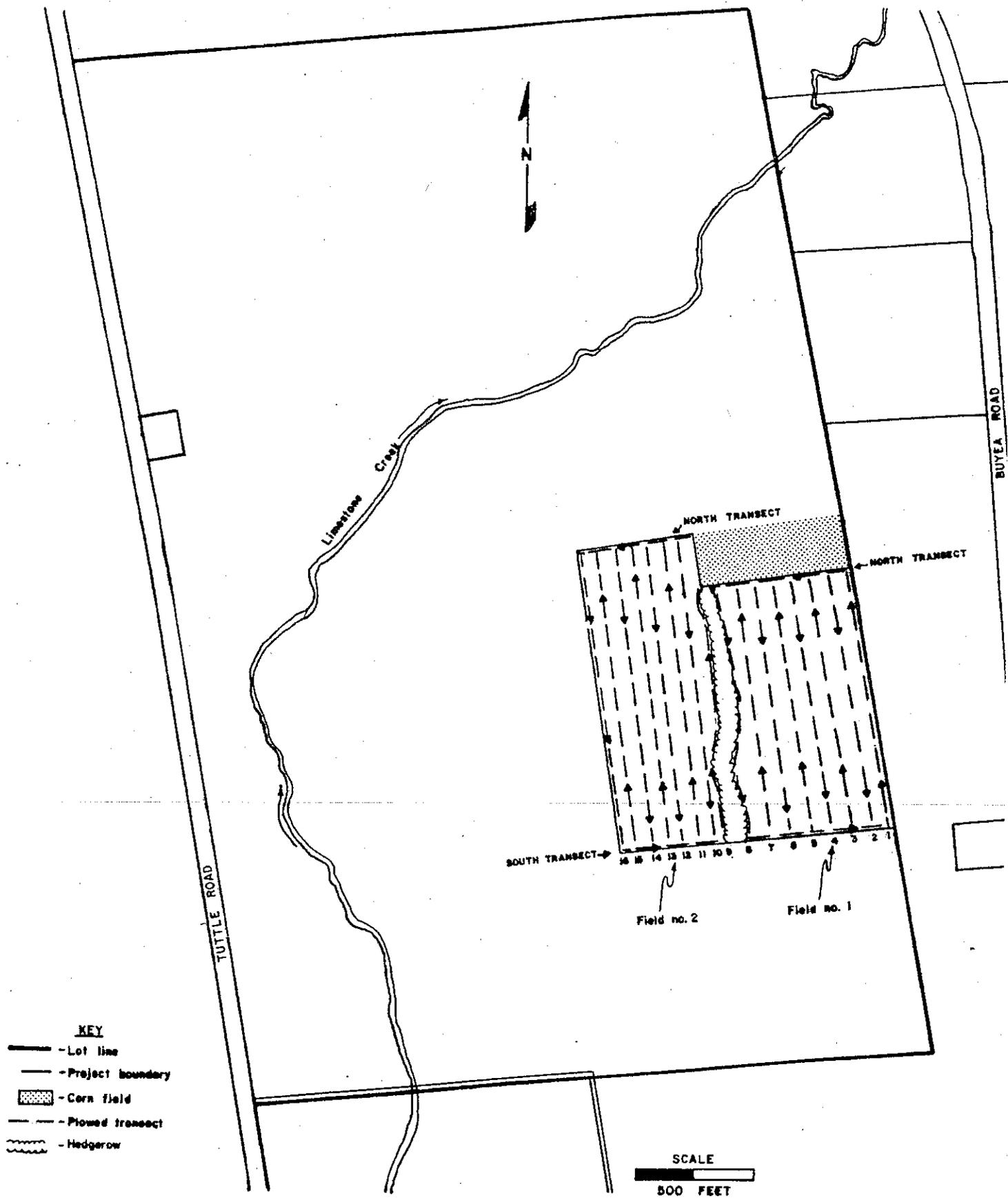
DATE



SIGNATURE OF PREPARER



ATTACHMENT A - Detail of Project Area Location



ATTACHMENT B - Detail of Parcel
and Archaeological Inspection

ATTACHMENT C - INVESTIGATOR QUALIFICATIONS

Principal Investigator Stephen J. Oberon, Atlantic Testing Laboratories' Chief Archaeologist, holds a bachelor's degree in History from Colgate University master's degrees in Archaeology and Anthropology from Trent and Cornell Universities and is currently a doctoral candidate in Anthropology at Cornell. His thirteen years of archaeological field experience include supervision of projects in Peru, Switzerland, New Mexico, Ontario and the northeastern United States, dealing with a wide range of cultures and time periods. His professional memberships include the Society for American Archaeology, the Society for Historical Archaeology, the New York Archaeological Council, the Vermont Archaeological Society, the Conference on New England Archaeology, the Ontario Archaeological Society, the Preservation League of New York State and the Northeastern Anthropological Association and the Society of Archaeological Historians. Over the past six years, he has served as Principal Investigator for some 80 cultural resource surveys of all types across New York State, in Pennsylvania and New England.

#103

04PR0503

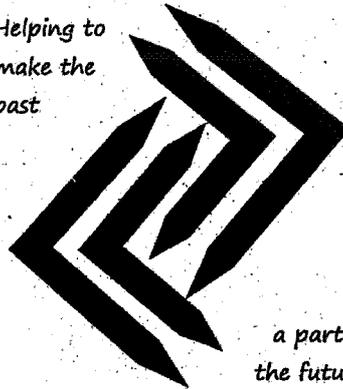
Phase IA Archaeological Background and Literature Review
and Phase IB Archaeological Field Reconnaissance Report of the
Proposed 130-acre Soil Borrow/Development Project Area
within the Proposed Madison County Landfill Expansion
Project in the Town of Lincoln, Madison County, New York

(OPRHP Project Review Number 04PR00503)

Report prepared by:

Alliance Archaeological Services

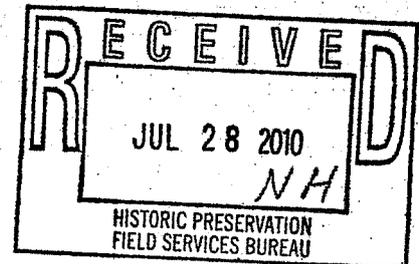
Helping to
make the
past



a part of
the future.

Report date:

July 26, 2010



Reports of Investigations 09FR02

201 Audubon Road
Fayetteville, New York 13066

Office: (315) 329-6587
Mobile: (315) 632-8283

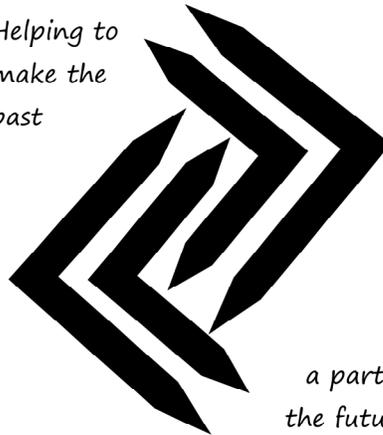
*Phase IA Archaeological Background and Literature Review
and Phase IB Archaeological Field Reconnaissance Report of the
Proposed 130-acre Soil Borrow/Development Project Area
within the Proposed Madison County Landfill Expansion
Project in the Town of Lincoln, Madison County, New York*

(OPRHP Project Review Number 04PR00503)

Report prepared by:

Alliance Archaeological Services

*Helping to
make the
past*



*a part of
the future.*

Report date:

July 26, 2010

Reports of Investigations 09FRO2

Phase IA Archaeological Background and Literature Review and Phase IB Archaeological Field Reconnaissance
Report of the Proposed 130-acre Soil Borrow/Development Project Area within the Proposed Madison County
Landfill Expansion Project in the Town of Lincoln, Madison County, New York

(OPRHP Project Review Number 04PR00503)

Report prepared by:
Nikki A. Waters, M.A.
Principal Investigator

Report submitted by:
Alliance Archaeological Services
201 Audubon Road
Fayetteville, New York 13066
(315) 632-8283
(315) 329-6587

Report submitted to:
Barton & Loguidice, P.C.
Consulting Engineers
290 Elwood Davis Road
P.O. Box 3107
Syracuse, New York 13220

July 26th, 2010

Reports of Investigations 09FR02

Management Summary

OPRHP Project Review Number: 04PR00503

Involved State and Federal Agencies: Madison County Planning Board; Department of Environmental Conservation

Phase of Survey: Phase IA and IB

Survey Size: 130 acres (53 hectares)

Location Information:

Location: The landfill expansion project area is located to the north, west and south of the existing Madison County Landfill on the west side of Buyea Road in the Town of Lincoln, Madison County, New York. This area is bordered to the west by Limestone Creek. The 85-acre soil borrow area is located to the northwest of the existing landfill between Tuttle Road on the west and Limestone Creek on the east. The 130-acre soil borrow/development area is located to the northeast of the existing landfill along the east side of Buyea Road. The current project calls for the expansion of the existing landfill within 92 acres of adjacent land over the course of approximately one century. Soil related to the expansion and use of the landfill will also potentially be borrowed from one 85-acre area to the northwest of the existing landfill, and one 130-acre area to the northeast of the existing landfill. However, the 130-acre soil borrow area may also be opened for commercial development.

Minor Civil Division: Town of Lincoln

County: Madison

U.S.G.S. 7.5' Quadrangle Map: 1955 Oneida, New York, photo-revised 1993, Copyright 2006, Maptech, Inc.

09FR02 Archaeological Survey Overview:

Number & Interval of Shovel Tests: 47 (15 meter/50 foot intervals) and 48 (90 meter/300 foot intervals)

Number & Size of Units: not applicable

Width of Plowed Strips: not applicable; all accessible areas plowed and disced

Surface Survey Transect Interval: 1 to 3 meters (3 to 10 feet)

Results of the 09FR02 Archaeological Survey:

Number & name of pre-contact sites identified: 0

Number & name of historic sites identified: 0

Number & name of sites recommended for Phase II/Avoidance: 0

Results of the Architectural Survey:

Number of buildings/structures/cemeteries within the project area: 0

Number of buildings/structures/cemeteries adjacent the project area: 0

Number of previously determined NR listed or eligible buildings/structures/cemeteries/districts: 0

Number of identified eligible buildings/structures/cemeteries/districts: 0

Recommendations: Cultural resource clearance for the proposed 130-acre soil borrow A.P.E. is recommended. However, should the project A.P.E. boundaries change, additional archaeological investigations, especially deep subsurface testing of the Cowaselon Creek floodplain, are recommended.

Report Author: Nikki A. Waters, M.A., Principal Investigator

Report Affiliation: Alliance Archaeological Services, 201 Audubon Road, Fayetteville, New York, 13066.

Date of Final Report: July 26th, 2010

Table of Contents

Management Summary	i
Introduction	1
Project Description	1
Project Location	1
Background Research	5
Environmental Setting	5
Past and Present Land Use and Current Conditions	5
Soils	5
Drainage	6
Site File Search	6
Previously Recorded Archaeological Sites	7
Tuttle Site	7
Buyea Site	7
Ingal Site	8
Moon Site	9
Bronck Site	9
Goff-Putnam Site	9
Previous Professional Archaeological Investigations	9
Pre-contact Sensitivity Assessment	10
National Register Listed and Eligible Properties	10
Map-documented Historic Structures	10
Historic Settlement Patterns	18
Historic Sensitivity Assessment	18
Archaeological Survey Methodology	19
Surface Inspection	19
Non-Systematic	19
Systematic	19
Subsurface Inspection	20
Additional Excavation	20
Archaeological Phase I Survey Results	20
Summary of the Background and Literature Review	20
Summary of the Surface Inspection	21
Non-Systematic	21
Systematic	23
Cultural Material Analysis	26
Site Summary and Recommendations	29
Summary of the Subsurface Inspection	30
Summary of the Subsurface Inspection within the Surface-Inspected Areas	30
Summary of the Subsurface Inspection within the Existing Houselot	30
Conclusions and Recommendations	32
References Cited	34

Appendix A. Photographs of the Project Area

Appendix B. Shovel Test Pit Summary and Soil Profile Analysis

List of Tables

Table 1. Soils Within the 130-acre Soil Borrow/Development Project Area	5
Table 2. Pre-recorded Archaeological Sites Reported Within One Mile of the Overall Project Areas	7
Table 3. Artifacts Recovered During the 2004 Surface Inspection of the 130-acre A.P.E.	23
Table 4. Artifacts Recovered During the 2009 Surface Inspection of the 130-acre A.P.E.	25

List of Figures

Figure 1. General location of the project areas within New York State	2
Figure 2. Location of the project areas as shown on a portion of the 1955 Oneida, New York 7.5' quadrangle, photo-revised 1993, Copyright 2006, Maptech, Inc.....	3
Figure 3. Soils within the project areas as shown on a portion of soil map sheets #14 and 19, Soil Survey of Madison County, New York	4
Figure 4. Location of the project areas as shown on a portion of the 1853 Byles' Map of Madison County, New York.....	11
Figure 5. Location of the project areas as shown on a detail portion of the 1853 Byles' Map of Madison County, New York.....	12
Figure 6. Location of the project areas as shown on a portion of the 1859 Gillette's Map of Madison County, New York.....	13
Figure 7. Location of the project areas as shown on a portion of the 1875 Beers' Map of Madison County, New York.....	14
Figure 8. Location of the project areas as shown on a portion of the 1895 Oneida, New York quadrangle map.....	15
Figure 9. Location of the project areas as shown on a portion of the 1946 Oneida, New York 15' quadrangle map.....	16
Figure 10. Location of all supplemental subsurface testing, as well as the location and orientation of all 2009 photographs, within the 130-acre soil borrow/development project area.....	22
Figure 11. Location of all identified cultural materials within the 130-acre A.P.E.	24
Figure 12. Representative illustrations of all cultural materials recovered during the 2004 survey within the 130-acre soil borrow/development project area.	27
Figure 13. Representative illustrations of all cultural materials recovered during the 2009 survey within the 130-acre soil borrow/development project area.	28
Figure 14. Location of all subsurface testing within the existing houseslot of the 130-acre A.P.E	31

Introduction

In response to a request from Barton & Loguidice, P.C., Consulting Engineers, Alliance Archaeological Services has completed a phase IA archaeological background and literature review and a phase IB archaeological field reconnaissance of the proposed 130-acre soil borrow/development area within the overall Madison County Landfill expansion and soil borrow project area in the Town of Lincoln, Madison County, New York (OPRHP Project Review Number 04PR00503). Only the results of the phase I investigation within the 130-acre soil project area are provided in this report. For a full discussion of the phase IA and IB results from the 92-acre landfill expansion and 85-acre soil borrow project areas, the reader is referred to the original reports (Waters 2005, 2010a, 2010b).

The purpose of a phase IA archaeological background and literature review is to identify and describe all previously recorded pre-EuroAmerican contact and historic archaeological sites and resources within and around the boundaries of a proposed project area. This information is then combined with a review of the natural setting of the project area in order to develop a regionally specific pre-contact and historic context. This context is then used to evaluate the project area's sensitivity to contain additional pre-contact and/or historic archaeological sites. The results of the phase IA evaluation are then used to evaluate the necessity of any additional archaeological investigations, and if necessary, formulate a project-specific phase IB archaeological field reconnaissance methodology. The results of both investigations are then used to evaluate the eligibility of any archaeological sites within the project area for nomination to the State and/or National Registers of Historic Places. All aspects of the phase I archaeological survey conducted for this project conform to the New York Archaeological Council's (NYAC) *Standards for Cultural Resource Investigations* (1994) as adopted and required by the New York State Office of Parks, Recreation and Historic Preservation (OPRHP), as well as to the *Phase I Archaeological Report Format Requirements* as published and required by the OPRHP (2005).

The following report details the results of the phase IA background and literature review and phase IB field reconnaissance within the proposed 130-acre soil borrow/development project area, and presents Alliance Archaeological Services' conclusions and recommendations concerning the necessity of any additional archaeological investigations.

Project Description

The overall project plan calls for the expansion of the existing landfill within 92 acres of adjacent land over the course of approximately one century. Soil related to the expansion and use of the landfill will also be borrowed from one 85-acre area to the northwest, and one 130-acre area to the northeast of the existing landfill. However, this 130-acre area may also be opened up to commercial development. The current work scope was therefore defined as a phase IA archaeological background and literature review of all three project areas, and a phase IB archaeological field reconnaissance of all current A.P.E.s. Complete results for the 92-acre expansion area and the 85-acre soil borrow area have been provided in the original reports (Waters 2005, 2010a, 2010b). All portions of the 130-acre area of potential effect (A.P.E.) which were not contained within excessive slope and/or severely eroded soils were fully evaluated during the 2009 phase IB field investigation. However, as all wooded and eastern portions of this overall 130-acre project area were not scheduled for any kind of ground disturbance at the time of the current investigation, only a non-systematic pedestrian survey was conducted within these remaining areas. All portions of this project area are discussed in full detail in the *Results* section. Representative photographs of the 130-acre project area are provided in Appendix A. Photographs of the remaining 92-acre and 85-acre project areas are provided in the original reports.

Project Location

The proposed landfill expansion and soil borrow project areas are located in the Town of Lincoln, Madison County in central New York state to the southeast of Lake Ontario (Figure 1). Figure 2 shows the location of all three project areas on a portion of the 1955 Oneida, New York 7.5' quadrangle, photo-revised 1993, copyright 2001, Maptech, Inc. Figure 3 shows the location of the proposed project areas on portions of soil map sheets #14 and 19 (Hanna 1981). Historic maps of the project areas are provided as figures 4 through 9. Figures 10 through 14 show the location of all phase IB archaeological testing, the location and orientation of all project photographs, and provide examples of all identified cultural materials within the 130-acre project area. Appendix A provides representative views of the 130-acre project area at the time of the 2009 phase IB field investigations.

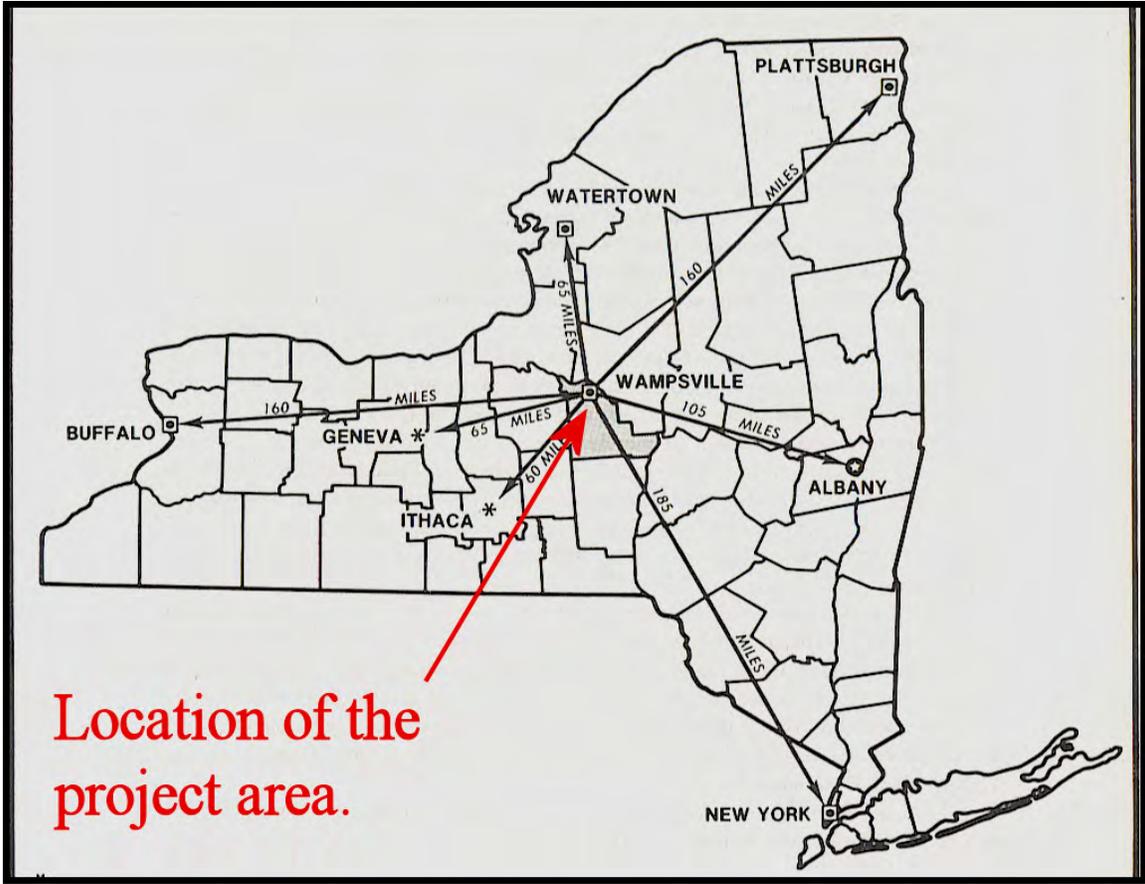


Figure 1. General location of the project areas within New York state (Adapted from Hanna 1981).

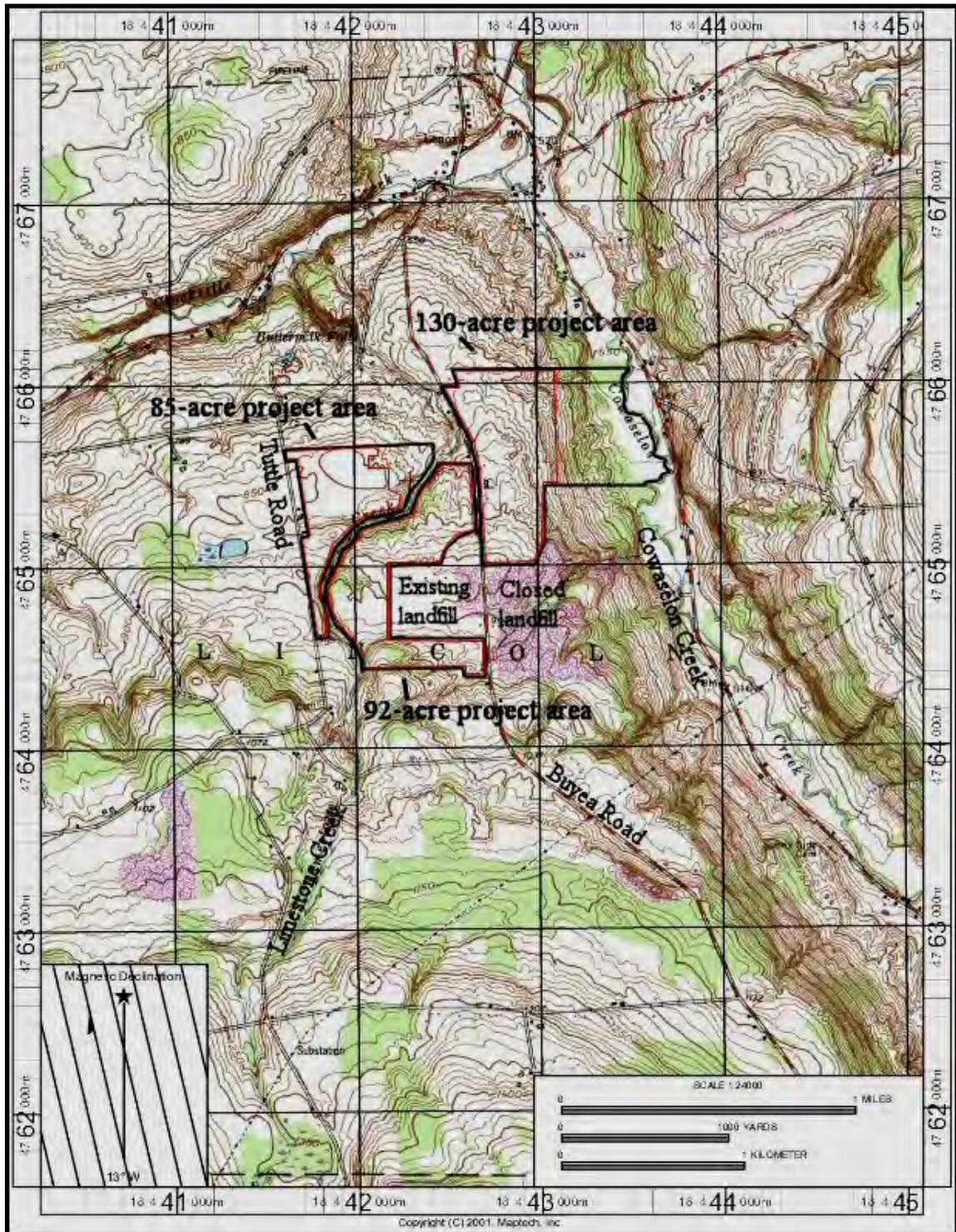


Figure 2. Location of the project areas as shown on a portion of the 1955 Oneida, New York 7.5' quadrangle, photo-revised 1993, Copyright 2006, Maptech, Inc. (Scale in UTM's.). The overall project boundaries are shown in black. The A.P.E. boundaries are shown in red.

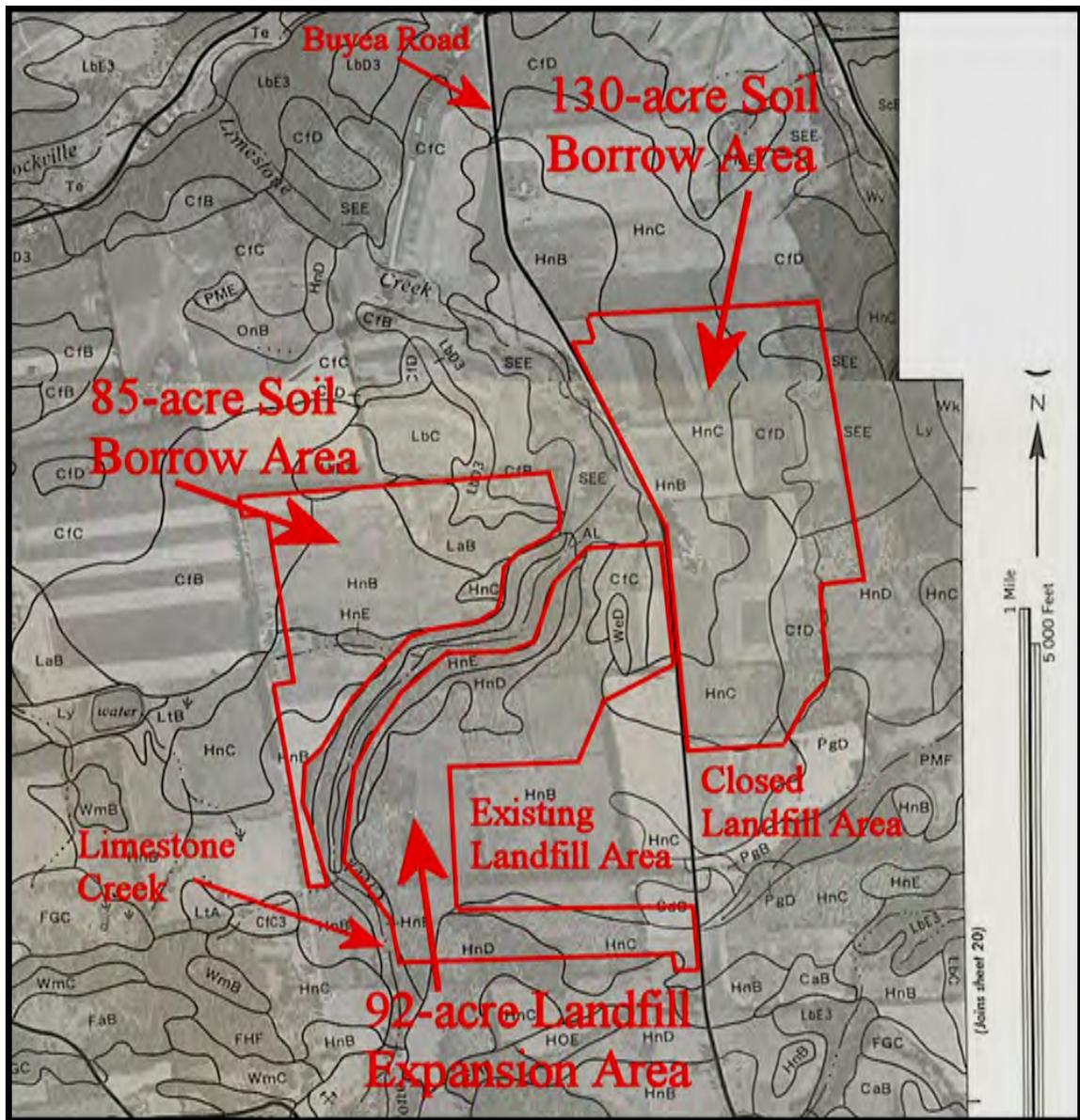


Figure 3. Soils within the project areas as shown on a portion of soil map sheets #14 and 19, Soil Survey of Madison County, New York (Hanna 1981).

Background Research

Environmental Setting

The following represents a brief synthesis of the available information regarding the physical and environmental setting of the 130-acre project area. For a complete discussion of the remaining project areas, the reader is referred to the original reports (Waters 2005, 2010a, 2010b). This information is provided in order to place the 130-acre project area within a context conducive to assessing its potential to contain significant archaeological resources.

Past and Present Land Use and Current Conditions

The 130-acre soil borrow/development project area was in a mix of active and fallow agricultural land, secondary growth woodland and maintained grass lawns. With the exception of those areas in association with the existing residential structures directly along the eastern side of Buyea Road, no widespread areas of significant previous disturbance were identified. However, those portions of this project area containing excessive slopes were found to be severely eroded. Representative photographs of the 130-acre project area have been provided in Appendix A.

Soils

Only the 130-acre project area is discussed below. For a complete discussion of the soils within the remaining project areas, please see the original reports.

The 130-acre soil borrow/development project area (Figure 3) is within the Cazenovia, Honeoye and Schoharie series soil associations. Cazenovia Series soils consist of deep, well to moderately well drained soils which formed in glacial till consisting primarily of limestone, red shale and re-glaciated lacustrine sediment. They are gently sloping to steep and are found on island-like areas within old lake plains and low upland plateaus (Hanna 1981: 32-33). Honeoye Series soils consist of deep, well drained soils which formed in glacial till consisting primarily of limestone and shale. They are also gently sloping to steep and are found on upland plateaus and dissected valley sides (Hanna 1981: 51). Schoharie Series soils consist of deep, moderately well to well drained soils which formed in reddish, glaciolacustrine deposits consisting primarily of clay and silt. They are gently sloping to steep and are found on lake plains and within valleys which were formerly glacial lakes (Hanna 1981: 81-82).

The specific soils within the 130-acre soil borrow/development project area are Cazenovia silt loam, 15 to 25% slopes (CfD); Honeoye silt loam, 3 to 8% slopes (HnB); Honeoye silt loam, 8 to 15% slopes (HnC); and Schoharie-Cazenovia complex, steep, 25 to 50% slopes (SEE); (Hanna 1981: Soil Map Sheets #14, 19 and 20, pp.32-34, 51-52 and 81-83; Figure 3). The key properties of these soils are illustrated in Table 1 below.

Table 1: Soils Within the 130-acre Soil Borrow/Development Project Area						
Name	Soil Horizon Depth (cm/in)	Color	Texture, Inclusions	Slope %	Drainage	Landform
Cazenovia silt loam, (CfD)	A _p : 0-23 cm (0-9 in) A2: 23-28 cm (9-11 in) BA: 28-38 cm (11-15 in) B1 _t : 38-61 cm (15-24 in) B2 _t : 61-74 cm (24-29 in) C: 74-132 cm (29-52 in)	DkBrn Brn RdBrn RdBrn RdBrn Brn	SiLo SiLo LtSiCILo SiCILo GrvSiCILo GrvHSiLo	15-25	WD to MWD	valley sides
Comments: this soil has a profile described as representative of the series, except the substratum is shallower and mottles are absent. Erosion is a severe hazard once the original vegetative cover has been removed.						
Honeoye silt loam, (HnB)	A _p : 0-23 cm (0-9 in) A2: 23-36 cm (9-14 in) BA: 36-48 cm (14-19 in) B2 _t : 48-74 cm (19-29 in) C: 74-158 cm (29-62 in)	VDkGrBrn Brn Brn DkBrn DkGrBrn	SiLo SiLo SiLo GrvHSiLo GrvSiLo	3-8	WD	upland plateaus & dissected valley sides

Comments: this soil has a profile described as representative of the series. Erosion can be a hazard once the original vegetative cover has been removed.						
Honeoye silt loam, (HnC)	A _p : 0-23 cm (0-9 in) A2: 23-36 cm (9-14 in) BA: 36-48 cm (14-19 in) B2: 48-74 cm (19-29 in) C: 74-158 cm (29-62 in)	VDkGrBrn Brn Brn DkBrn DkGrBrn	SiLo SiLo SiLo GrvHSiLo GrvSiLo	8-15	WD	upland plateaus & dissected valley sides
Comments: this soil has a profile described as representative of the series, except that the surface layer and subsoil are slightly thinner. Erosion is a severe hazard once the original vegetative cover has been removed.						
Schoharie-C azenovia complex, steep, (SEE)	A _p : 0-18 cm (0-7 in) BA: 18-36 cm (7-14 in) B2: 36-64 cm (14-25 in) C1: 64-97 cm (25-38 in) C2: 97-152 cm (38-60 in)	DkBrn RdBrn RdBrn RdBrn WRd	SiLo SiClLo SiCl SiCl SiCl	25-50	MWD to WD	lake plains, valleys and valley sides
Comments: these soils have a profile described as representative of their respective series, except the surface layer of the Schoharie soils is predominantly silty clay loam. Severe erosion of the surface has also caused significant mixing with the finer-textured subsoil. Continued erosion is a very severe hazard once the original vegetative cover has been removed. The above soil profile description is for the Schoharie Series.						

KEY: Brn-Brown cm-centimeters Cl-Clay Dk-Dark Gr-Grayish Grv-Gravelly
H-Heavy in-inches Lo-Loam Lt-Light MWD-Moderately
Rd-Reddish Si-Silt V-Very W-Weak WD-Well Drained

The 130-acre soil borrow/development A.P.E. (Figure 3) is primarily mapped within Honeoye silt loams which have slopes ranging from 3 to 15%. However, the eastern portion of this area is mapped within extremely steep, moderately to severely eroded soils with slopes ranging from 15 to 50%. As a result, cultural materials, if present within the lesser sloped, western portions of the project area are expected to be restricted to the upper portions of the soil profile: i.e. less than 30 cm (12 in) below the original ground surface. However, given the extreme slope and previous significant erosion within the eastern portion of this area, the potential for intact and/or potentially significant cultural materials to still be present is considered to be negligible. A comparison of the results of the phase IB soil evaluation with the published soil information is provided in the *Results* section.

Drainage

The proposed 130-acre soil borrow area is drained by Limestone Creek which lies less than 60 meters (200 feet) to the west of the western border of this area at its closest point, and by Cowaselon Creek which marks the overall eastern project border (Figure 2). The majority of the small, unnamed tributaries within this 130-acre area drain to the east to Cowaselon Creek. A large tract of wetland is shown roughly two miles to the southwest (Figure 2). At the time of the phase IB field evaluations, no areas of standing water or saturated soils were identified.

Site File Search

An initial site file search was conducted by the author in July of 2004 in order to identify the locations of all previously recorded archaeological sites within a one mile radius of all proposed project areas. Additional information on the Late Woodland Tuttle Site (located within the 92-acre landfill expansion project area) was provided by Dr. Nancy Herter of the OPRHP, and supplemental archaeological and historic information was provided by Croshier Archaeological Research. Evaluated files included the New York State Museum (NYSM) site file records, the OPRHP site file records, and the OPRHP previous archaeological survey report files. Available National Register of Historic Places Building Inventories were also evaluated to identify both National Register Listed (NRL) and National Register Eligible (NRE) structures within or adjacent to the proposed project areas. Historic map evaluation included the 1853 Byles map of Madison County, the 1859 French map of Madison County, the 1875 Beers Map of Madison County, the 1895 Oneida quadrangle, and the 1946 Oneida quadrangle. The file search also included pre-EuroAmerican contact sites documented by early investigators of the region, such as Beauchamp (1900) and Parker (1922).

These data were then combined with the results of the natural and environmental setting review in order to construct a regionally specific archaeological sensitivity assessment for each of the proposed project areas. The results of this file search are presented below.

Previously Recorded Archaeological Sites

A search of the available site files revealed that two previously reported pre-contact archaeological sites are recorded within (one within the 92-acre project area and one within the overall 130-acre project area), and at least four previously reported pre-contact archaeological sites are recorded within approximately one mile, of all three proposed project areas. However, no historic archaeological sites have been previously reported within the same interval. In addition, the early 20th century literature (Beauchamp 1900; Parker 1922) does not show any additional archaeological resources within or adjacent to the proposed project areas. Likewise, no additional descriptions of the pre-recorded sites were provided in either Beauchamp (1900) or Parker (1922). All of the previously reported pre-contact archaeological sites date to the Late Woodland (c.1000-1600 A.D.) period and are summarized in Table 2 and discussed in more detail below.

Table 2: Pre-recorded Archaeological Sites Reported Within One Mile of the Project Areas				
NYS OPRHP Site #	Additional Site #s and/or Names	Dist/Direction (meters/feet)*	Time Period	Site Type
A053.10.0005	NYSM #655; Tuttle Site	within the 92-acre landfill expansion A.P.E.	Late Woodland Chance Phase; c. 1400-1425 A.D.?	village
A053.10.0006	NYSM #654; Buyea/Buyer Site	within the closed portion of the Madison County Landfill	Late Woodland Chance Phase; c. 1425-1475 A.D.?	village
---	NYSM #8018; Ingal Site	potentially within or adjacent the 130-acre A.P.E.	indeterminate Late Woodland	village
A053.10.0007	NYSM #659; Moon Site	789 m; 2,588 ft; E	Late Woodland Chance Phase; c. 1425-1475 A.D.?	village
A053.10.0009	NYSM #657; Bronk/Bronck Site	edge of the 1 mile evaluation interval; SE	Late Woodland Chance Phase; c. 1425-1475 A.D.?	village
---	NYSM #658; Goff-Putnam Site	edge of the 1 mile evaluation interval; SE	Late Woodland Chance Phase; c. 1425-1475 A.D.?	village

*minimum distance as shown on the OPRHP site file maps.

The Tuttle Site

The Tuttle site is a Late Woodland, Chance Phase Oneida village recorded on a ridge just to the east of Limestone Creek within the central portion of the proposed landfill expansion project area. Proposed dates of occupation for the site range from c.1350-1400 A.D. to c.1400-1425 A.D. Pratt (1976:95-96) initially described the site as encompassing no more than 3/4 of an acre with pottery similar to that recovered from the Buyea (see below) and Nichols Pond sites. Although Pratt did not believe that much of the site remained intact, Gibson (1986) suggested that settlement pattern data were still present. Although no systematic investigations of the site have ever been published, Anthony Wonderley did include the Tuttle site in his *Inventory of Oneida Archaeological Sites* (2004). This site was re-identified during the 2004-2005 phase IB field investigation of the proposed landfill expansion A.P.E., and these data are presented in their entirety in the 2005 and 2010a reports.

The Buyea Site

The Buyea site (also recorded as the Buyer site) is also a Late Woodland, Chance Phase Oneida village; however, the reported date range (c.1425-1475 A.D.) is slightly later than that of Tuttle, suggesting that it may have been occupied following the occupation of the Tuttle site. This site is recorded to the east of Buyea Road above Cowaselon Creek.

The Buyea site was initially investigated by Peter Pratt from 1956 to 1957 (Pratt 1976:96-98). Ted Whitney (1970) conducted additional excavations during the late 1960s, revealing the outline of a longhouse approximately 5 meters wide and 37 meters long (17.5 feet wide and 120 feet long). These excavations suggested that no more than four of these structures were present. Although a palisade was also identified in at least two areas, Whitney (1970) indicated that the recovered evidence suggested that the palisade was fairly ephemeral. Some of the recovered pottery was also reported to exhibit effigy face decoration underlying the rim castellations.

The Buyea site was reported as destroyed by the closed landfill to the east of Buyea Road and immediately to the south of the 130-acre soil borrow/development project area, and all identified publications show this site as lying within the disturbed portions of the closed landfill. Although the 130-acre A.P.E. was extensively evaluated during the 2009 field season, no data which could be potentially associated with this site were identified. As a result, no portions of the Buyea Site appear to be either within or directly adjacent to this project area.

The Ingal Site

The Ingal site is a Late Woodland Oneida village of currently indeterminate affiliation recorded to the north of the Buyea site on the east-tending slopes of a steep ridge overlooking Cowaselon Creek. Although this site was reported in the NYSM files as identified by Dean and Snow in 1993, very little published information is available and neither Beauchamp (1900) nor Parker (1922) show a site within or adjacent this area. As a result, the full nature and extent of the Ingal site remains largely unknown. Although this site is reported within the OPRHP site files as being located within the east-central portion of the proposed 130-acre soil borrow/development area, this recorded location is not topographically suitable for such a large village site. For example, this mapped location contains steep, eastward facing slopes ranging from 25 to 50% and is severely eroded. As no information regarding the location and placement of this site is available on the OPRHP records, and no reports of any previous field evaluations could be identified, it is considered highly likely that the location provided for this site in the current records is a transcription error. In addition, the 2009 re-evaluation of the burned soil feature identified during an informal walk-over of the eastern border of the 130-acre A.P.E. in 2004 indicated that this anomaly represents either a natural phenomenon or the removal and burning of a tree in modern times. For example, despite a less than 0.5 meter (1.6 foot) surface survey interval with greater than 90% ground surface visibility within and surrounding this area, no cultural materials were visible on the surface, and the single, small (less than 0.5 cm) piece of red ochre recorded on the surface in 2004 was in 2009 determined to be consistent with glacial surface remains identified throughout the plowed portions of this A.P.E. As this feature was also identified within the base of a small but steep swale, it is highly likely that the ochre represents an intrusive deposit washed down from the adjacent ridgetops. Hand-excavation of this feature in 2009 also revealed that it was shallow (restricted entirely to the plowzone) and contained only natural glacial till inclusions. No cultural materials or indications of a cultural feature were identified and the anomaly was subsequently determined to have a highly amorphous and irregular shape. All of these data therefore support the conclusion that this burned feature was either a natural or recent phenomenon.

Further evaluation of the modern topographic map, as well as a 2009 visual survey of the surrounding landforms, strongly suggests that the more logical locations for this site are either further to the north and west along the relatively flat crest of a ridge overlooking the confluence of both Limestone and Cowaselon creeks, or further to the east within the low floodplain lying directly to the west of Cowaselon Creek (Figure 2). This northern ridge location would have offered excellent defensive capabilities and is also the only relatively large portion of level land within this overall area. This location would also be consistent with the known location of the roughly contemporaneous Tuttle Site (discussed above) which was identified less than 1,158 meters (3,800 feet) to the west on the flat crest of a ridge overlooking Limestone Creek. However, as this northern ridge area was largely outside the 130-acre overall project boundaries, and was also in mature beans with a zero percent ground surface visibility, no field evaluations of this hypothesis were conducted. The low floodplain to the east would also have offered a wide, moderately well drained and flat area suitable for a village habitation. Although this area is included within the overall 130-acre project boundaries, and was therefore also included in the non-systematic surface evaluation, it is well outside the current project A.P.E. As a result, this floodplain was not the subject of any intensive phase IB archaeological field investigations. During the 2009 field season this floodplain area was found to be within fallow crops which provided a ground surface visibility of only 10 to 50%. Therefore, although no cultural materials or features which could indicate the presence of the Ingal Site were identified at this location, the 2009 survey conditions were insufficient to eliminate this possibility entirely. In addition, as this area is contained within recent alluvium (Hanna 1981; Soil Map Sheet #20, pp. 96-97), further evaluation of this hypothesis was beyond the current work scope.

However, it is also possible that the Ingal site was simply recorded slightly too far to the east within the OPRHP records and is actually within the dissected ridge-swale landforms to the immediate west of the recorded site location. As this potential site area (as well as the southern edge of the ridge discussed above) were within the 130-acre A.P.E., full field investigations of these areas were conducted during the 2009 field season.

The Moon Site

The Moon site is yet another Late Woodland, Chance Phase Oneida village recorded within this overall area. This site is shown within the OPRHP records as lying to the east of the Buyea site along the western edge of a ridge overlooking the east bank of Cowaselon Creek. Proposed dates of occupation for this site range from c.1425-1475 A.D, which makes the site occupation contemporaneous with that of Buyea. The NYSM files indicate that the site was first identified by Pratt; however, no data concerning this initial evaluation were available. The Moon site is also listed in Wonderley's *Inventory of Oneida Archaeological Sites* (2004). However, no indications of any professional field evaluations could be identified. Nevertheless, as this site is well outside the areas of proposed project impacts, no further archaeological investigations related to the current project were conducted.

The Bronck Site

The Bronck site (also recorded as the Bronk site) is also a Late Woodland, Chance Phase Oneida village and is recorded within the OPRHP files to the southeast of the Moon Site along the western edge of the same ridge overlooking the eastern bank of Cowaselon Creek. The proposed dates of occupation for this site are the same as for the Moon site. The NYSM files also indicate that Bronck was first evaluated by Pratt; however, no further information on the site was available. The Bronck site is also listed in Wonderley (2004). However, no indications of any professional field evaluations could be identified. Nevertheless, as this site is also well outside the areas of proposed project impacts, no further archaeological investigations related to the current project were conducted.

The Goff-Putnam Site

The Goff-Putnam site is another Late Woodland, Chance Phase Oneida village and is recorded in the OPRHP records just to the northeast of the Bronck site. The proposed dates of occupation for this site are the same as for Bronck and Moon. The NYSM files again indicate that this site was first evaluated by Pratt; however, no additional information was available. Wonderley (2004) lists a Goff site, which may be the site in question. However, as this site is also well outside the areas of proposed project impacts, no further archaeological investigations related to the current project were conducted.

Previous Professional Archaeological Investigations

A review of the available survey files indicated that although the specific project areas have never been the subject of full scale, professional archaeological investigations (prior to the current investigations), at least three professional phase I archaeological surveys have been conducted within one mile. The first survey was a stage I archaeological investigation of the proposed Eisaman soil borrow site conducted by Atlantic Testing Laboratories Limited in 1989 (Oberon 1989). This survey covered a total of 25 acres adjacent to the current landfill expansion project area on its east-central border. Although the Buyea site was recorded to the east within the general project vicinity, and the Tuttle site was recorded almost immediately to the west, no cultural materials related to these sites were identified. This project area is within the current footprint of the existing landfill and was therefore not evaluated further during the current investigation.

The second survey was a phase I investigation of 7 acres along Buyea Road conducted by Pratt and Pratt Archaeological Consultants, Inc. in 1989 (Pratt and Pratt 1989). This area was southeast of the parcel investigated by Oberon, and is also within the current footprint of the existing landfill. Although the Buyea site is recorded directly to the north and east, no cultural materials or features were identified. This project area is directly north of the southern portion of the proposed landfill expansion area which was evaluated during the current investigation.

The final survey was a phase I archaeological investigation of 9 acres related to a proposed wetland reserve program easement conducted by Powers & Teremy, LLC (2004). This survey was conducted to the northeast of the 130-acre soil borrow area at the edge of the one mile interval. Although several Late Woodland village sites are

located less than one mile to the south, no archaeological resources were identified. As a result, these surveys suggest that even though fairly intensive Late Woodland occupation took place within the overall area, the materials related to these occupations would appear to be contained within fairly discrete loci of immediate site occupation and use. This settlement and cultural material identification pattern is consistent with the occupation and use of semi-sedentary, often fortified villages where everyday activity areas were most often contained within and/or directly adjacent to, the fortified boundaries of the site.

Pre-contact Sensitivity Assessment

A review of the archaeological and cultural history for the region indicates that this overall area was highly suitable for human utilization throughout the known pre-contact period, particularly during the Late Woodland. The well drained terrace soils, lying above the fairly wide floodplains of both Limestone and Cowaselon creeks, indicates that this area would have been well suited to a wide variety of pre-contact uses: from opportunistic hunting and gathering to semi-sedentary horticulture. A wide variety of lithic raw materials for stone tool manufacture would also have been readily available from the numerous glacial till deposits. Given this diversity of environments, a wide variety of wild floral and faunal resources would also have been present within the overall region for exploitation throughout the pre-contact period. As a result, no significant factors beyond acute variations in the local topography were identified which would have restricted pre-contact settlement and/or use of the area.

The current evidence for pre-contact utilization of this area is strongest for the Late Woodland period, particularly the 15th century A.D. At least six sites which date to this time period have been recorded within one mile, one of which is known to be within the area of direct landfill expansion project impacts (the Buyea Site) and one which is potentially within the area of soil borrow/development project impacts (the Ingal Site). Although no sites from other pre-contact time periods have yet been recorded within one mile, only three relatively small scale professional archaeological surveys have been conducted within this same interval. As a result, the full archaeological potential of this area has not yet been exhausted. In addition, the review of the natural and environmental setting indicated that the overall project areas would have been highly suitable for human utilization throughout the known pre-contact period. Therefore, given that 1) no systematic archaeological surveys specifically designed to address the pre-contact potential of this overall area have yet been conducted, 2) at least six Late Woodland village sites have already been recorded within one mile, one of which is known to be within and one of which may be within the areas of direct project impacts, and 3) the natural and environmental setting review did not identify any factors which would have eliminated these areas as suitable for pre-contact exploitation, the current project areas are considered to have a high potential to contain both previously undocumented pre-contact sites, as well as additional site information related to the Late Woodland period.

National Register Listed and Eligible Properties

A review of the available National Register of Historic Places Building Inventories was also undertaken to identify both National Register Listed (NRL) and National Register Eligible (NRE) structures in or adjacent to the proposed project areas. Although no NRL or NRE structures have been recorded within one mile, the available inventories did identify one listed property within the general project vicinity. The listed property is recorded as the Lincoln Town Hall, formerly the Lenox District Schoolhouse #4, constructed between 1854 and 1857. The structure was constructed in the Greek Revival style. At the time of the original inventory assessment, the Town Hall was a clapboard, wood frame building with interlocking joints. The structure was in good condition with original site integrity. This structure is recorded well to the north of the current project area in Clockville. As a result, any archaeological deposits associated with this structure will not be impacted by the proposed project.

Map-Documented Historic Structures

The review of available historic maps of the proposed project areas (figures 4, 5, 6, 7, 8 and 9) indicates that numerous historic resources are recorded within and/or around each of the three proposed project areas. However, only those resources pertaining to the 130-acre project area are discussed below. For a discussion of the map-documented structures (MDS) within the remaining 92 and 85 acre project areas, please refer to the original reports (Waters 2005, 2010a, 2010b).

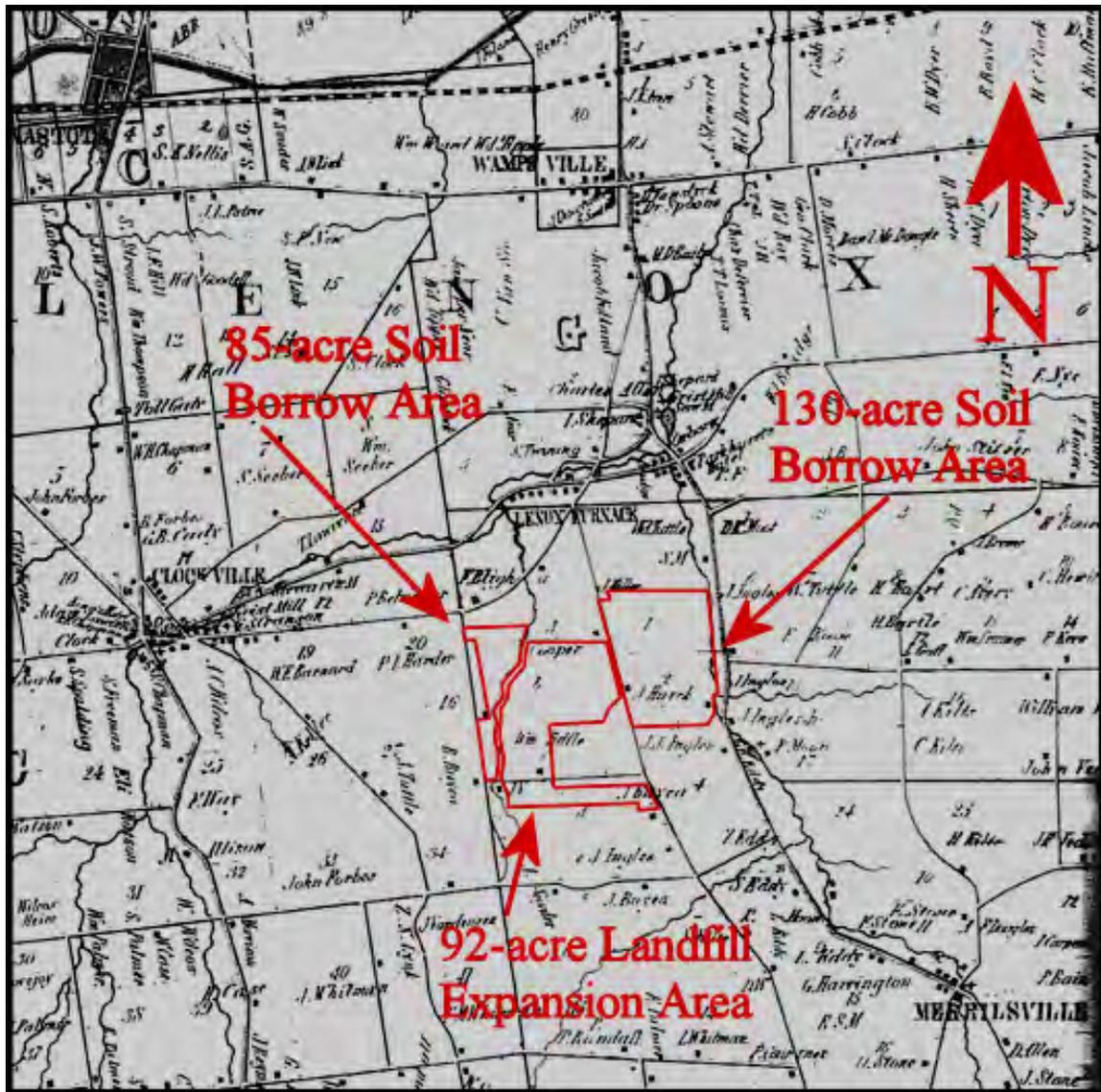


Figure 4. Location of the project areas as shown on a portion of the 1853 Byles' Map of Madison County, New York.

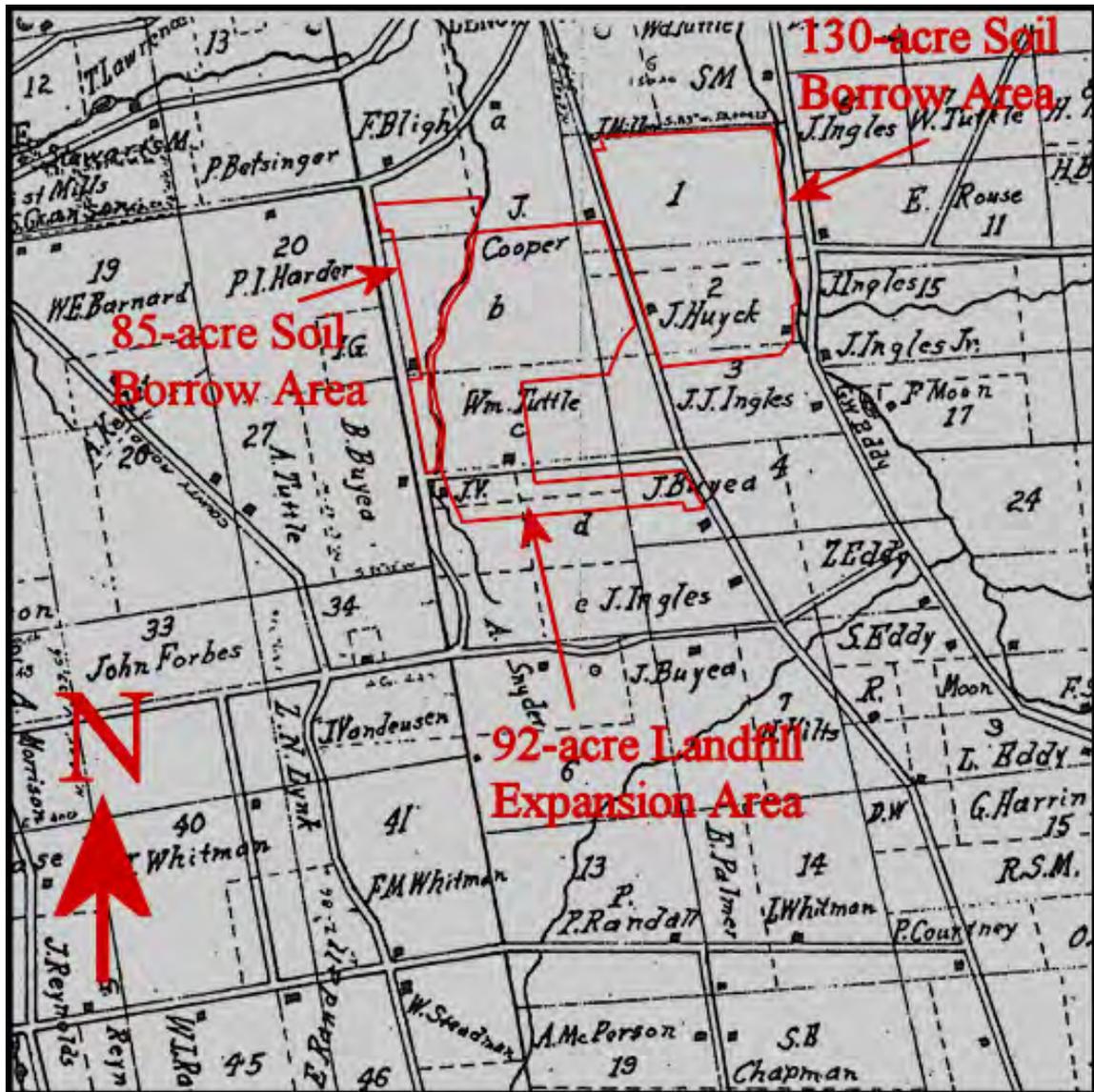


Figure 5. Location of the project areas as shown on a detail portion of the 1853 Byles' Map of Madison County, New York.

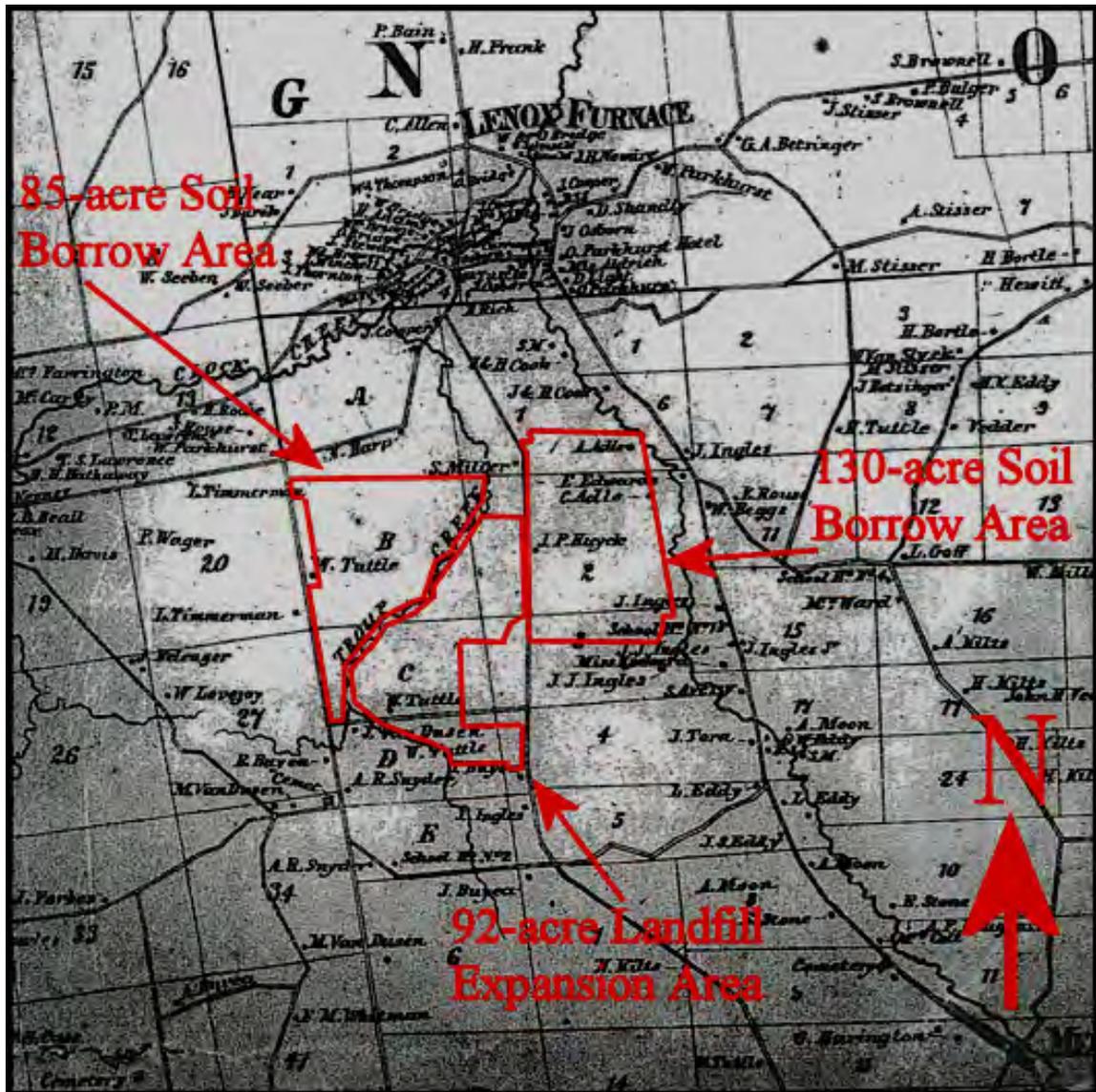


Figure 6. Location of the project areas as shown on a portion of the 1859 Gillette's Map of Madison County, New York.



Figure 7. Location of the project areas as shown on a portion of the 1875 Beers' Map of Madison County, New York.

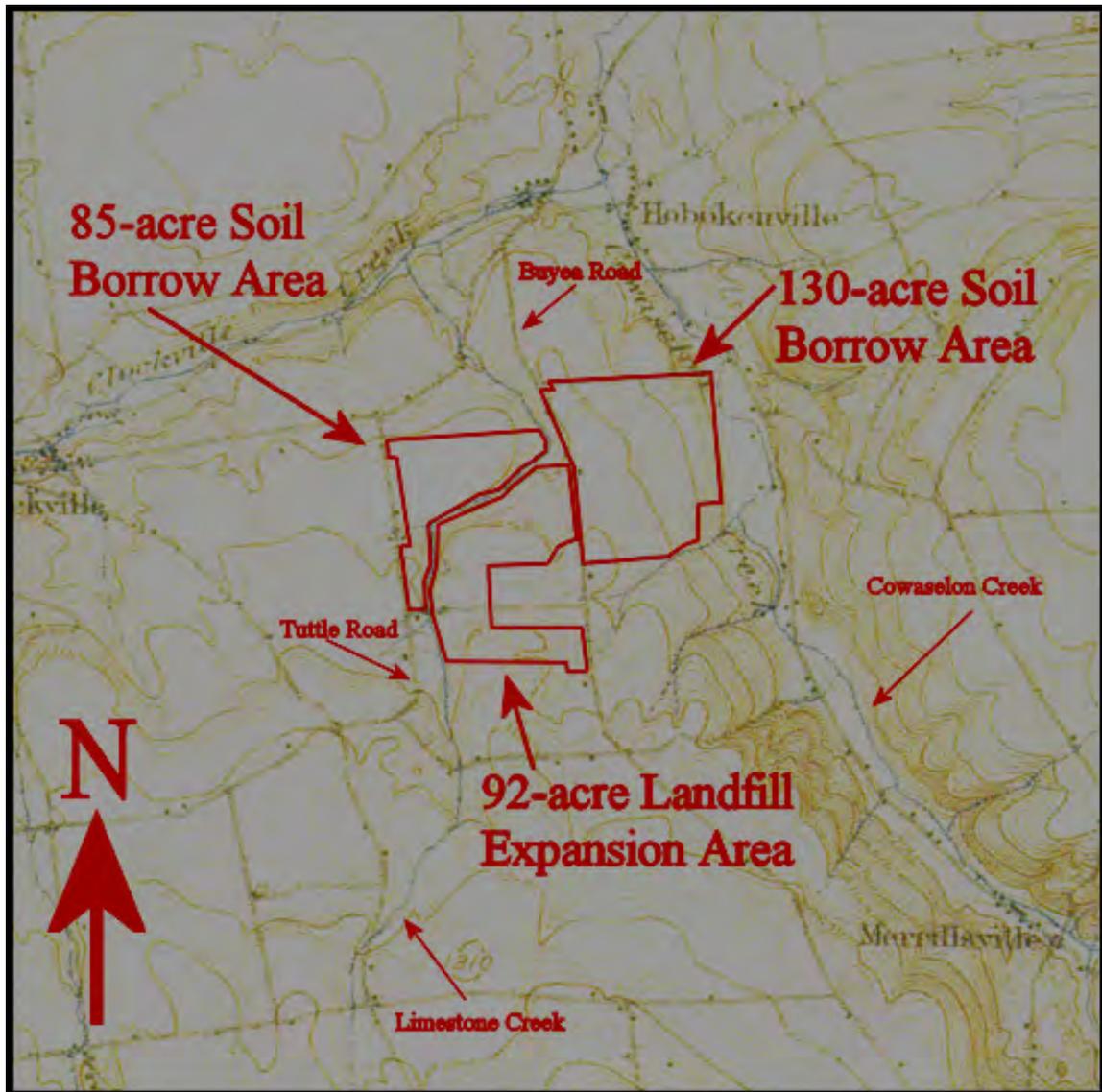


Figure 8. Location of the project areas as shown on a portion of the 1895 Oneida, New York quadrangle map.

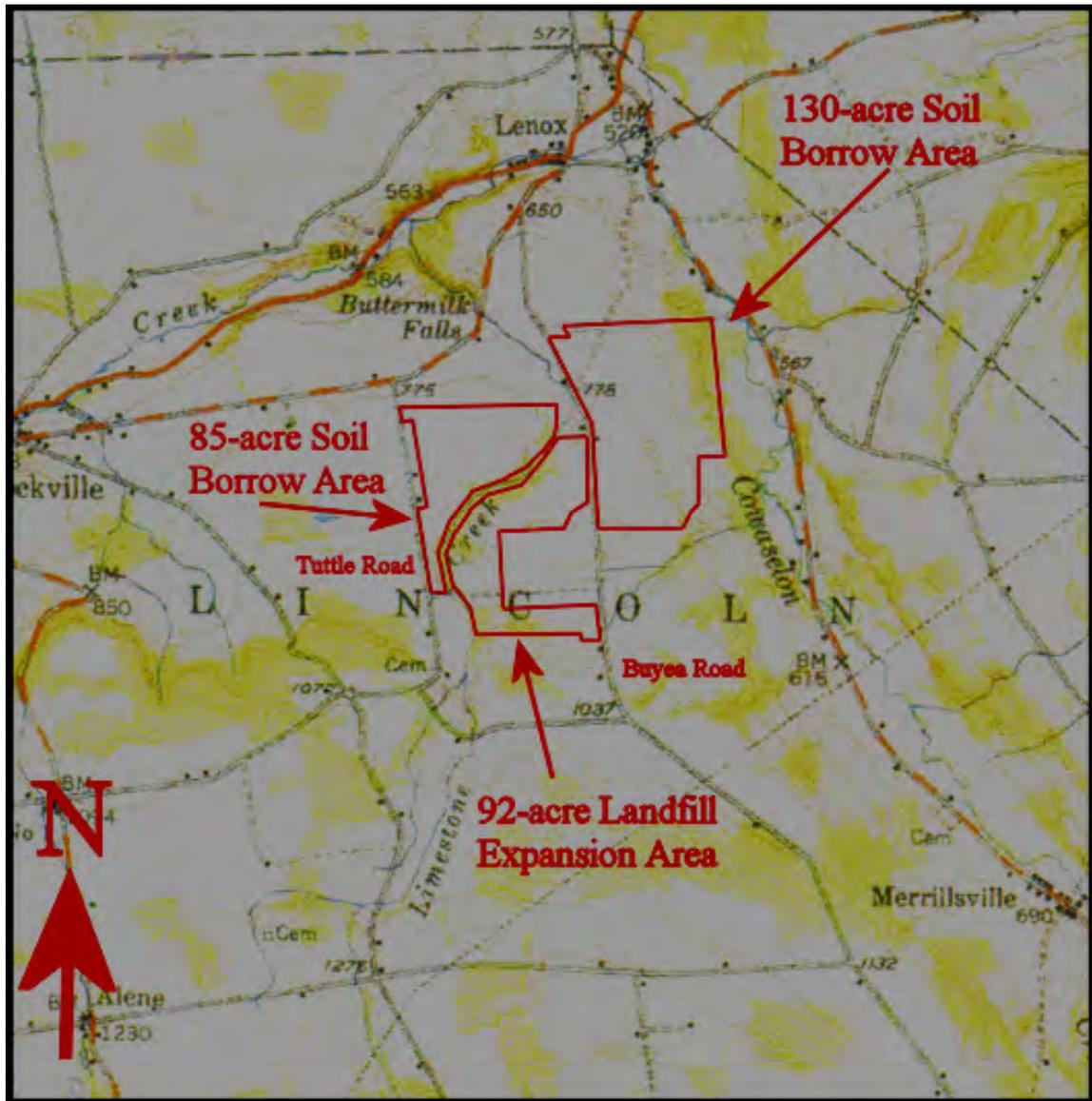


Figure 9. Location of the project areas as shown on a portion of the 1946 Oneida, New York 15' quadrangle map.

A review of historic maps from 1853, 1859, 1875, 1895 and 1946 indicates that although five structures are shown within the overall 130-acre soil borrow/development project area, only one of these structures is actually within the current A.P.E. At least five additional structures are also shown as roughly adjacent along the west of bank of Cowaselon Creek. Each of these properties is discussed in more detail below.

The 1853 Byles Map of Madison County (figures 4 and 5) shows one structure within the proposed 130-acre A.P.E. and one structure within the overall project area. Both of these structures are on the J. Huyck property. The first Huyck structure is recorded on the east side of Buyea Road slightly to the north and east of the Wm Tuttle (north) house within the current A.P.E. boundaries. The 1859 map (Figure 6) identifies this structure as the J.P. Huyck house, and the 1875 map identifies it as the easternmost E.K. Randall house (Figure 7). A structure is still shown at this location on the 1895, 1946 and 1955 quadrangles (figures 8, 9 and 2), and several outbuildings were still present at this location at the time of the 2009 investigation. However, this area also contains a modern house and several associated garages and barns, and considerable development of the surrounding landscape has since taken place. Nevertheless, further evaluation of this structure was completed during the 2009 field season. The results of these investigations have been provided in the *Results* section. The second Huyck structure on the 1853 map (figures 4 and 5) is shown to the southeast on the west side of the Cowaselon Creek; however, this structure is missing from the 1859 and subsequent maps (figures 6 through 9). Although this location is within the overall 130-acre project boundaries, this area is neither within nor adjacent the current A.P.E. As a result, no further archaeological evaluations related to the current investigation were conducted.

The 1859 map (Figure 6) shows two additional structures within the overall 130-acre soil borrow area, but well outside the current A.P.E. boundaries. The first of these structures is the C. Adle house, shown to the northeast of the westernmost (1853) J.P. Huyck house to the west of Cowaselon Creek. This structure is shown as the L. Ingles house on the 1875 map (Figure 7), but is either missing from the 1895 map (Figure 8) or is one of the structures now shown within the Cowaselon Creek floodplain. Irregardless, this area is outside the current project A.P.E.. The second structure is the A. Adle house shown to the north of the C. Adle house near the northern border of the project area along the west bank of Cowaselon Creek (Figure 6). However, no structures are shown at this location on any of the subsequent maps (figures 7 through 9). However, as all of these structures are well outside the current A.P.E, no further archaeological evaluations related to the current investigation were conducted.

The 1875 map (Figure 7) shows one additional structure within the overall 130-acre project area, but again well outside the current A.P.E. boundaries. This structure is identified as the A. Adle house, to the south of the C.Adle/L.Ingles house along the west bank of Cowaselon Creek. Although this structure shares the name with the 1859 A. Adle structure (Figure 6), it is shown considerably further to the south, roughly parallel with the eastern-most E.K. Randall house. As a result, this would appear to be a distinct structure. However, the 1895 quadrangle (Figure 8) shows two structures roughly matching the location of the A. Adle (1875, Figure 7) and C. Adle/L. Ingles houses outside the 130-acre project boundaries within the Cowaselon Creek floodplain. These structures are shown as roughly adjacent the creek on the previous maps. As a result, it is highly possible that both of these latter structures are actually outside of the overall project boundaries.

The remaining five roughly adjacent structures are all shown to the west of Cowaselon Creek on the historic maps (figures 4 through 9). The 1853 map (figures 4 and 5) identifies two of these structures as the J.J. Ingles house and the J. Miller house. The Ingles house is shown to the south of the southern project boundary. This structure is shown on the 1859 and 1875 maps (figures 6 and 7), but is no longer shown by 1895 (Figure 8). The Miller house is shown to the west of Buyea Road, and is also roughly adjacent the northern border of the 92-acre project area. The 1859 map (Figure 6) shows the structure as the S. Miller house, while the 1875 map shows the structure as the property of O. Bridge & Son. However, the nature of this business was not provided. A structure is still shown at this location on the 1895, 1946 and 1955 quadrangles (figures 8, 9 and 2). However, as this area was not included in the proposed 92-acre landfill expansion project area, no further evaluation was conducted.

The third roughly adjacent structure is the E.K. Randall (west) house, shown along the western border of Buyea Road in 1875 (Figure 7). However, by 1895 (Figure 8), this structure is no longer shown. The mapped location of this structure is within the existing landfill footprint, and therefore outside the current project boundaries. As a result, no further archaeological evaluations were conducted. The final two roughly adjacent structures are only shown on the 1895 and 1946 quadrangles (figures 8 and 9). As a result, no property owner names were available. The first of these structures is shown to the south of the 130-acre project boundaries, just to the east of Buyea Road. However, this structure is missing by 1946 (Figure 9). The final structure is shown to the west of Buyea Road, just to

the north of the 92-acre project area (figures 9 and 2). At the time of the phase IB field evaluations, a structure was still extant at this location (Appendix A). However, as this area was outside the project boundaries, no further evaluations were conducted.

The review of the available historic maps also indicated that more than seven dozen additional residential structures are shown within one mile of the proposed 130-acre soil borrow project area. However, with the exception of the structures shown along the east bank of Cowaselon Creek, none of these additional residential structures are in close proximity. In addition, this review also indicated that at least two dozen non-residential historic resources and/or businesses are also present within the same one mile interval. Although none of these resources are shown within, or adjacent to, the proposed 130-acre project area, they still help to illustrate the economic and industrial growth of the overall area, and are therefore an important factor in assessing the area's historic potential.

Historic Settlement Patterns

Although the site file search identified no historic archaeological sites or National Register Listed or Eligible properties, one listed property is within the general project vicinity. The listed property is recorded as the Lincoln Town Hall, formerly the Lenox District Schoolhouse #4, constructed between 1854 and 1857. The structure was constructed in the Greek Revival style. At the time of the original inventory assessment, the Hall was a clapboard, wood frame building with interlocking joints. The structure was in good condition with original site integrity. This structure is recorded well to the north of the current project area in Clockville. As a result, any archaeological deposits associated with this structure will not be impacted by the proposed project.

The review of the region's historic development indicates that this area was highly active in the 19th century development of Madison County. For example, a review of the historic maps shows that at least one dozen historic residences are shown as either within or adjacent to these three project areas from 1853 onward. At least five of these MDS are potentially shown as within the overall 130-acre project area. Although one map-documented structure is within the 130-acre A.P.E., and was therefore evaluated during the 2009 field season, none of the remaining four structures are within or adjacent to the current A.P.E. As a result, these latter four structures will still need to be evaluated if and when the 130-acre A.P.E. is expanded.

Overall, these maps indicate fairly intensive historic use of the region surrounding the current project area from the mid-19th century onwards, and document increasingly intensive Euro-American settlement of the region from the 18th century onwards.

Historic Sensitivity Assessment

The evidence for historic utilization of the proposed project areas is provided by map-documented structures and 19th century histories. Although no historic archaeological sites, National Register Listed or National Register Eligible properties which can be related to these data have yet been identified, these specific areas have never been the subject of professional archaeological investigations. In addition, at least two map documented historic structures are shown as potentially within the 92-acre and 130-acre A.P.E.s, respectively, and at least four additional map-documented structures are shown as potentially within the remaining portions of the overall 130-acre project area. Therefore, given the long documented historic occupation of the region, the current project area is considered to have a high potential to contain previously undocumented historic resources, especially as related to the map documented structures discussed above.

In addition, two potential sources of non-structure related historic archaeological materials were also identified. First, as portions of all three project areas lie adjacent to (and in some cases are intersected by) historic roads and farmlanes, there is a potential for materials discarded along these roadsides to be present. Although interpretation of the significance of such materials can be highly problematic, their presence can provide basic information on socioeconomics. Secondly, as nearly all portions of the 130-acre A.P.E. were used for historic agriculture, there is a potential for historic middens established within this area to be present. Although definitive association with a specific farmstead can be problematic, investigation of such deposits is critical to expanding our understanding of local lifeways, and given the general proximity of the mapped historic residences, any identified midden deposits will most likely be related to these occupations. Therefore, the potential for previously unidentified, non-structure related historic archaeological sites to be present within the current A.P.E. was also considered to be high.

Archaeological Survey Methodology

The 2004 field investigations of the 92 and 85 acre project areas were completed by Nikki Waters, Mary Trudeau, Jeannelle Trudeau and Joseph Trudeau, with occasional supplementary work provided by Jeffery Shaner. Primary fieldwork was completed during August and September of 2004 under the direct supervision of Nikki A. Waters, M.A. However, supplemental surface inspection of the Tuttle site was completed by the author during November and December of 2004. Additional project photographs were also taken in the spring and summer of 2005. The full report of these investigations has been provided in the original reports (Waters 2005, 2010a). The full report of the machine trenching completed within the 85-acre project area has been provided in Waters 2010b. The 2009 field investigations within the 130-acre project area were completed by Nikki Waters with some limited volunteer assistance by Tamra Reece. Fieldwork was completed between May and September of 2009. The combined results of all field seasons are provided in Waters (2010a).

All aspects of these evaluations were conducted in accordance with the New York Archaeological Council's *Standards for Cultural Resource Investigations* (1994) as adopted and required by the New York State Office of Parks, Recreation and Historic Preservation (OPRHP), as well as to the *Phase I Archaeological Report Format Requirements* as published and required by the OPRHP (2005). The specific methodology employed within the 130-acre project area is discussed in detail below.

Surface Inspection

Non-Systematic

A preliminary non-systematic pedestrian survey of the proposed 130-acre soil borrow project area was conducted by the author on September 10, 2004. However, as only a very small portion of this area was scheduled for a phase IB field reconnaissance during the 2004-2005 investigation (approximately 28 acres), a visual inspection of the entire area was not conducted. As a result, the 2004 evaluation concentrated on identifying only those areas suitable "as is" for subsequent visual pedestrian reconnaissance. A full investigation of the remaining portions of the 130-acre A.P.E. was completed in 2009. The 2009 non-systematic pedestrian survey was completed on June 8th in order to gather data relevant to assessing the nature and extent of any previous disturbance, gather data relevant to formulating a subsurface testing strategy, and identify any obvious surface indications of pre-contact and/or historic archaeological materials prior to the initiation of the systematic evaluations.

Systematic

During the 2004 field season, the majority of this A.P.E. was determined to be active agricultural land. However, in order to minimize crop damage, only those portions within newly planted, unsprouted winter wheat were surface evaluated. These areas occurred as alternating strips of varying width between strips of standing hay. The remaining agricultural areas were not investigated. Those portions of the project area within active pasture land, as well as those areas surrounding the existing structures, were also determined to be unsuitable for the 2004-2005 pedestrian reconnaissance. However, during the 2009 field season, all agricultural portions of the A.P.E. with slopes of less than 25% were plowed and disced following removal of the standing hay crop.

As mentioned above, only those strip areas within newly planted winter wheat were suitable for a visual pedestrian reconnaissance during the 2004-2005 field season. However, all agricultural portions of the A.P.E. with slopes of less than 25% were plowed, disced and rainwashed for the 2009 field season. Ground surface visibility was visually estimated at between 90 and 95 percent. All areas were initially investigated at 3 meter (10 foot) intervals; however, when cultural materials were identified, or if an area was determined to be potentially sensitive, this interval was reduced to 1 meter (3 feet) or less until the horizontal extent of the scatter had been established or the entirety of the sensitivity area had been evaluated. All artifact locations were pin flagged, recorded by GPS, and then collected by pin flag coordinates. Although no shovel test probes were excavated within this area in 2004 in order to avoid crop damage, a full shovel test survey was completed within this A.P.E. in 2009. The specific shovel test methodology employed is described in detail in the next section.

Subsurface Inspection

In accordance with the results of the background and literature search, and surface inspection, a systematic shovel test evaluation of all portions of the 130-acre A.P.E. with slopes of less than 25% was completed between June and September of 2009 (Appendix B). Although shovel probes were attempted within the excessively sloped areas within the extreme eastern portion of the A.P.E., all areas were found to contain soils which had been previously severely eroded. For example, all areas were found to contain B₁C soils on the surface. As a result, these areas were visually assessed by the author to verify their unsuitability for cultural materials and/or features, but no systematic evaluations were conducted. These failed probe locations were not included in the overall shovel probe count.

The pedestrian survey of the 130-acre A.P.E. indicated that the ground surface visibility within the plowed and disced areas was between 90 and 95%, while ground surface visibility within the lawn areas was zero. Within the excessively sloped areas along the A.P.E.'s eastern border fallow crops and tall scrub grasses resulted in a ground surface visibility which varied between 10 and 60%. As a result, the phase IB reconnaissance of this A.P.E. involved the hand excavation of shovel tests at no greater than 90 meter (300 foot) intervals within the surface-inspected portions of the A.P.E. and no greater than 15 meter (50 foot) intervals within the lawn portions of the A.P.E. All shovel probes were a minimum of 30 cm (12 in) in diameter, excavated a minimum of one cubic foot of soil, and were continued into undisturbed or non-artifact bearing subsoil. All excavated soils were then screened through 6 mm (1/4 inch) mesh hardware cloth. The exposed soil profile was then visually examined to aid in the identification of cultural features, deposits and/or buried cultural horizons. If cultural materials had been identified, the recovered artifacts would have been recorded by shovel probe location, and depth below surface, if applicable. Radial shovel probes would then have been excavated in each of the cardinal directions at either 1 or 7.5 meter (3 to 25 ft) intervals, depending upon the nature of the cultural find. If indications of cultural features had been noted, the relevant portion of the shovel probe would have been profiled, the exposed feature described and documented, and then covered with plastic prior to backfilling. Radial shovel tests would then have been excavated in each of the cardinal directions at either 3 and/or 7.5 meter (10 to 25 ft) intervals, depending upon the nature of the cultural find. All positive shovel test locations would then have been photographed and plotted accordingly. A detailed soil profile, including Munsell color and soil texture analyses, was obtained for each probe. Upon completion of these investigations, all shovel probes were backfilled and their location recorded on the appropriate project map (figures 10 and 14). All 130-acre project area photographs are included in their entirety in Appendix A.

Additional Excavation

No areas of alluvial, colluvial or deep eolian deposits, and no areas of deep historic fill, were identified within the proposed 130-acre soil borrow/development A.P.E. during the phase IA or phase IB evaluation. As a result, no supplemental excavations were conducted. Although the moderately well drained floodplain of Cowaselon Creek does lie within the extreme eastern portion of the overall 130-acre project area, neither the creek nor its associated floodplain were planned for any ground disturbance or earth-moving activities at the time of the phase I evaluation. As a result, no systematic evaluations of these areas were conducted. However, given that suitably drained, recent alluvium is present within this area, there is a potential for deeply buried archaeological deposits, perhaps related to the Ingal site, to be present. Further archaeological evaluations, including deep subsurface testing, are therefore recommended should earth-moving or ground disturbing activities be planned for this area in the future.

Archaeological Phase I Survey Results

Summary of the Background and Literature Review

The phase IA background and literature review of the proposed Madison County Landfill expansion area, and two related soil borrow areas, in the Town of Lincoln, Madison County, New York (OPRHP Project Review Number 04PR00503) indicated that all three project areas were highly suitable to contain previously undocumented precontact archaeological resources and/or additional data related to two pre-recorded Late Woodland archaeological sites. This review also indicated that at least four additional Late Woodland sites have already been recorded within one mile, the location of one of which is underneath the closed landfill grounds to the immediate east of Buyea Road. Therefore, given that the natural and environmental setting review indicated that the overall project areas would have been suitable for human exploitation throughout the known precontact period, and only three relatively small scale professional archaeological surveys have yet been conducted within one mile, the presence of additional, previously undocumented precontact archaeological resources within these areas was considered highly likely.

The evidence for historic utilization of the proposed project areas is provided by map-documented structures and 19th century histories. Although no historic archaeological sites, National Register Listed or National Register Eligible properties which can be related to these data have yet been identified, these specific areas have never been the subject of professional archaeological investigations. In addition, at least two map documented historic structures are shown as potentially within the 92-acre and 130-acre A.P.E.s, respectively, and at least four additional map-documented structures are shown as potentially within the remaining portions of the overall 130-acre project area. Therefore, given the long documented historic occupation of the region, the current project areas are considered to have a high potential to contain previously undocumented historic resources, especially as related to the map documented structures discussed above.

In addition, two potential sources of non-structure related historic archaeological materials were also identified. First, as portions of all three project areas lie adjacent to (and in some cases are intersected by) historic roads and farmlanes, there is a potential for materials discarded along these roadsides to be present. Although interpretation of the significance of such materials can be highly problematic, their presence can provide basic information on socioeconomics. Secondly, as nearly all portions of the 130-acre A.P.E. were used for historic agriculture, there is a potential for historic middens established within this area to be present. Although definitive association with a specific farmstead can be problematic, investigation of such deposits is critical to expanding our understanding of local lifeways, and given the general proximity of the mapped historic residences, any identified midden deposits will most likely be related to these occupations. Therefore, the potential for previously unidentified, non-structure related historic archaeological sites to be present within the current A.P.E. was also considered to be high.

Summary of the Surface Inspection

Non-Systematic

The non-systematic visual inspection indicated that the overall 130-acre soil borrow project area is rolling ridge-swale topography that is terminated along its eastern border by an extremely steep ridge overlooking Cowaselon Creek (figures 2 and 10). The visual inspection also indicated that the 130-acre project area is bordered to the west by Buyea Road, to the north by existing agricultural fields, and to the south by portions of the closed county landfill. The northwestern border of the project area also retracts around an existing homestead.

The visual inspection indicated that nearly all of the project A.P.E. is active agricultural land (Figure 10). In 2004 these areas were split between standing hay and newly planted winter wheat, while in 2009 these areas were entirely within standing hay. However, in order to minimize crop damage during the 2004-2005 field season, only those areas within winter wheat suitable "as is" for a visual pedestrian survey (approximately 28 acres) were evaluated. All remaining agricultural portions of the A.P.E. were evaluated in 2009; however, in order to eliminate the possibility of inadequate coverage, the strip areas evaluated in 2004 were also re-surveyed. For example, following removal of the hay crop in 2009, all agricultural portions of the A.P.E. were plowed, disced and thoroughly rain-washed prior to initiation of the visual inspection. These areas were prepared as the hay crop was removed and as the farming schedule allowed. As a result, the 2009 pedestrian survey was initiated in the southern portion of the A.P.E. in June and progressed north as additional areas were plowed and disced. The final portions of the surface inspection were completed in September of 2009.

The visual inspection also indicated that the non-agricultural portions of the 130-acre A.P.E. are divided between existing pastureland and a modern extant farmstead with associated outbuildings and lawn (Figure 10). These areas were determined to be predominantly suitable for a shovel probe evaluation, and systematic subsurface testing within these areas was completed during the 2009 field season. In 2004, ground surface visibility within the newly-planted winter wheat was between 90 and 95%. In 2009, ground surface visibility within the plowed, disced and rainwashed areas was also between 90 and 95%. Representative photographs taken during both field seasons have been provided in Appendix A.

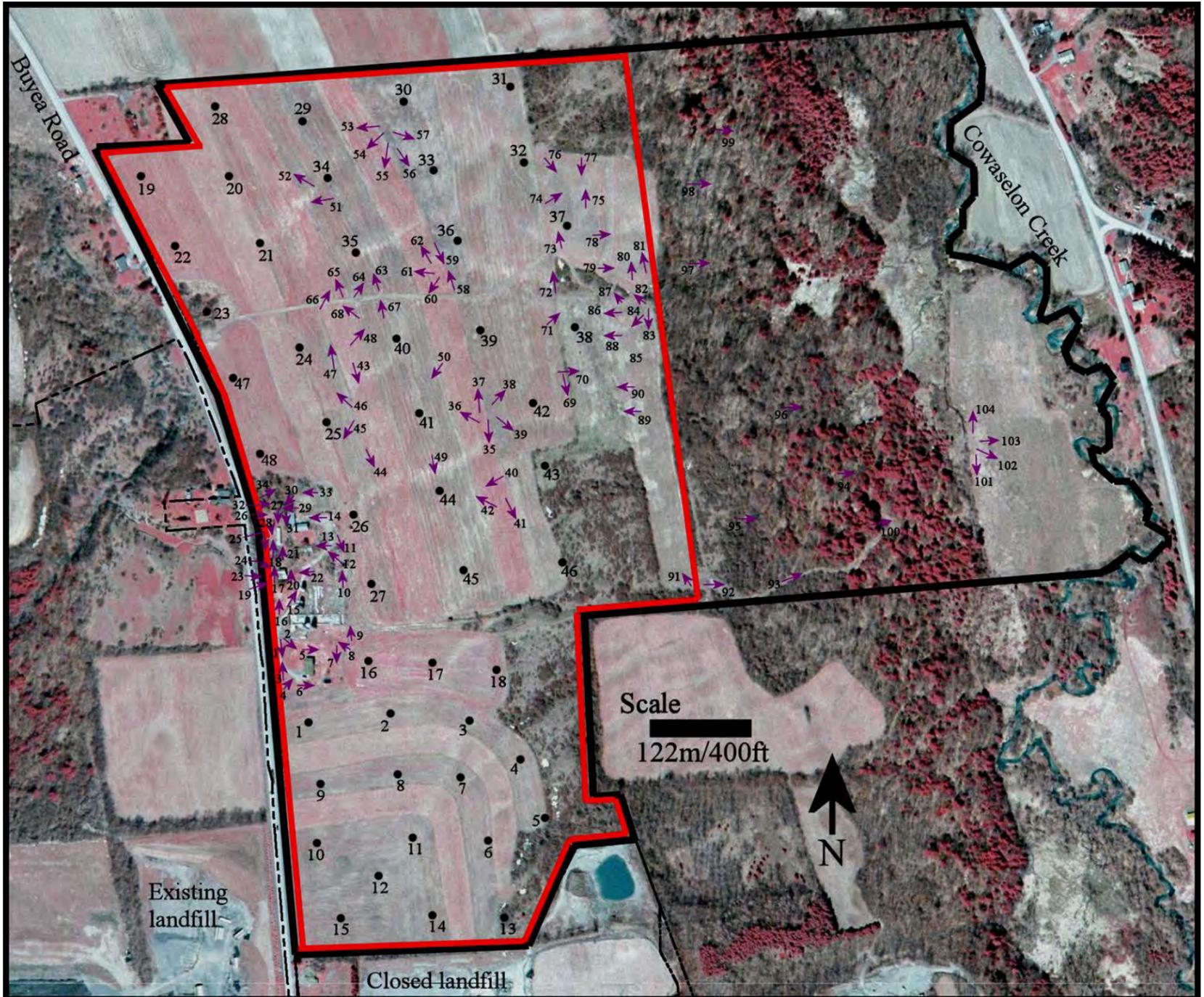


Figure 10. Location of all supplemental subsurface testing, as well as the location and orientation of all 2009 photographs, within the 130-acre soil borrow/development project area. The overall project borders are shown in black. The A.P.E. boundaries are shown in red (Adapted from a basemap provided by Barton & Loguidice, P.C.)

Systematic

During the 2004 field season, a total of 25 cultural materials were identified at 24 field site (FS) locations (Table 3) within the investigated portions of the 130-acre A.P.E. (approximately 28 non-contiguous linear acres). In 2009, 35 additional cultural materials were also identified at 24 additional FS locations (Table 4). A total of 60 cultural materials were recovered from the 130-acre A.P.E. in total. The distribution of all of these materials is provided in Figure 11 and representative examples of these materials are provided in figures 12 and 13. Once combined, these data provide a cultural material density of 1 artifact per 279,322 square meters (3,006,597 square feet). All of these materials were historic in origin and consistent with a mid 19th to mid 20th century date of manufacture. However, although at least five historic structures are potentially shown within this overall area on the available historic maps, only one of these structures is within the project A.P.E. However, none of the identified cultural materials were recovered in direct or close association with any of the map documented structures. This is consistent with the virtual lack of any architectural debris. All of the cultural materials recovered from the 130-acre A.P.E. are listed in tables 3 and 4 below.

**Table 3:
Artifacts Recovered During the 2004 Surface Inspection of the 130-acre A.P.E.**

FS#	Identification	# of Sherds	# of Vessels	Decoration	Color	Production Range/Median Date (A.D.)
100a	flat plastic sherd	1	1	undecorated	clear	20 th century
100b	flat plastic sherd	1	1	undecorated	clear	20 th century
100c	flat plastic sherd	1	1	undecorated	clear	20 th century
100d	flat plastic sherd	1	1	undecorated	clear	20 th century
100e	flat glass sherd	1	NA	NA	aqua	1800-1900+
101a	container glass rim and neck	1	1	undecorated	ame-thyst	1889-1918/1899
101b	container glass body sherd	1	1	molded raised scallop design	clear	19 th to 20 th century
102a	flat glass sherd	2	NA	NA	aqua	1800-1900+
102b	flat glass sherd	1	NA	NA	aqua	1800-1900+
103a	ironstone body sherd	1	1	undecorated	white	1813-1900/1870
104b	2-hole metal button	1	NA	painted exterior/interior	blue	19 th to 20 th century
105a	porcelain insulator	1	1	undecorated	white	19 th to 20 th century
105b	porcelain insulator	1	1	undecorated	white	19 th to 20 th century
106a	ceramic knob	1	1	glazed	brown	19 th to 20 th century
106b	container glass body sherd	1	1	raised molded geometric design	clear	19 th to 20 th century
106c	container milk glass body sherd	1	1	undecorated	light blue	1869 to present
106d	whiteware rim sherd	1	1	dark blue bands	white	1815-1860/1845
107a	container glass body sherd	1	1	undecorated	ame-thyst	1880-1918/1899
108a	porcelain insulator	1	1	undecorated	white	19 th to 20 th century
109a	flat glass sherd	1	NA	NA	aqua	1800-1900+
110a	lamp glass body sherd	1	1	undecorated	clear	19 th to 20 th century
111	container glass shoulder sherd	1	1	undecorated	clear	19 th to 20 th century
112a	flat metal ring	1	NA	corroded	NA	19 th to 20 th century
113a	container glass body sherd	1	1	undecorated	clear	19 th to 20 th century
Total Ceramic Sherd Count			2			
Maximum Ceramic Vessel Count			2			
Mean Ceramic Date (sherds/vessels)			1858/1858			
Total Artifact Count for 2004						25

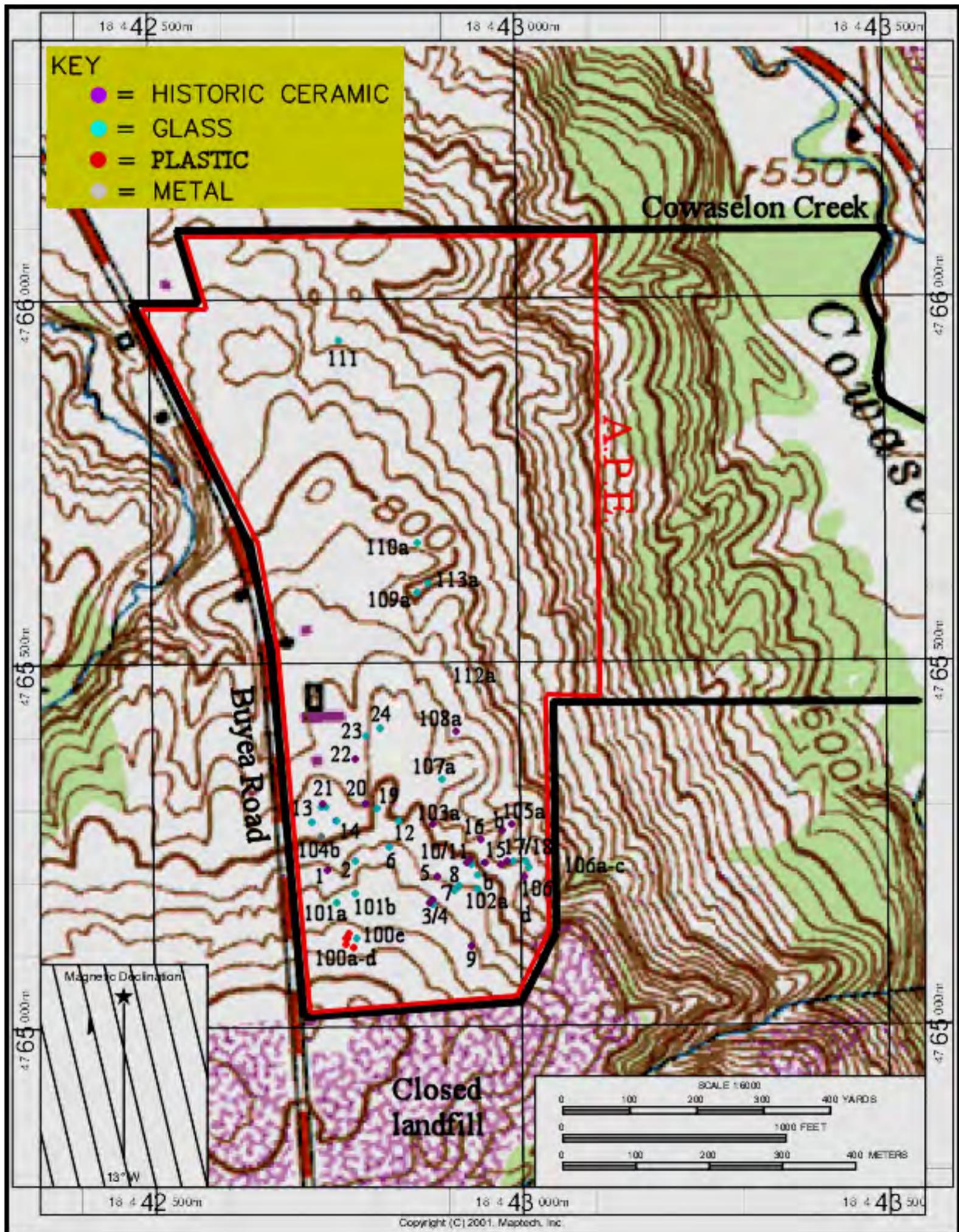


Figure 11. Location of all identified cultural materials within the 130-acre A.P.E. The overall project borders are shown in black. The A.P.E. boundaries are shown in red (Adapted from a basemap provided by Barton & Loguidice, P.C.)

**Table 4:
Artifacts Recovered During the 2009 Surface Inspection of the 130-acre A.P.E.**

FS#	Identification	# of Sherds	# of Vessels	Decoration	Color	Production Range/Median Date (A.D.)
09-1	whiteware basal sherd	1	1	undecorated	white	1820-1900+/1860
09-2	container glass body sherd	1	1	molded raised geometric design	clear	19 th to 20 th century
09-3	whiteware basal sherd	1	1	possible illegible blue maker's mark	white	1820-1900+/1860
09-3	container glass body sherd	1	1	undecorated	clear	19 th to 20 th century
09-4	whiteware basal sherd	1	1	undecorated	white	1820-1900+/1860
09-5	ironstone rim sherd	1	1	undecorated	white	1813-1900/1870
09-6	flat glass sherd	2	NA	NA	aqua	1800-1900+
09-7	flat glass sherd	1	NA	NA	clear	1800-1900+
09-8	container glass body sherd	1	1	undecorated	clear	19 th to 20 th century
09-8	container glass rim sherd	1	1	undecorated	clear	19 th to 20 th century
09-9	ironstone body sherd	2	1	undecorated	white	1813-1900/1870
09-10	ironstone neck sherd	1	1	undecorated	white	1813-1900/1870
09-10	container glass body sherd	1	1	undecorated	clear	19 th to 20 th century
09-11	whiteware body sherd	2	1	undecorated	white	1820-1900+/1860
09-11	whiteware basal sherd	1	1	illegible green maker's mark	white	1820-1900+/1860
09-12	container glass shoulder sherd	1	1	undecorated	clear	19 th to 20 th century
09-13	container glass body sherd	1	1	undecorated	clear	19 th to 20 th century
09-14	container glass shoulder sherd	1	1	undecorated	clear	19 th to 20 th century
09-14	container glass rim and neck sherd	1	1	undecorated	clear	19 th to 20 th century
09-15	whiteware neck sherd	1	1	undecorated	white	1820-1900+/1860
09-16	whiteware basal sherd	1	1	undecorated	white	1820-1900+/1860
09-17	container glass body sherd	1	1	undecorated	clear	19 th to 20 th century
09-17	flat glass sherd	1	NA	NA	clear	1800-1900+
09-18	whiteware body sherd	1	1	undecorated but burnt	white	1820-1900+/1860
09-19	container glass neck sherd	1	1	undecorated	clear	19 th to 20 th century
09-20	whiteware basal sherd	1	1	undecorated	white	1820-1900+/1860
09-21	container glass body sherd	1	1	undecorated	aqua	19 th to 20 th century
09-21	flat glass sherd	1	NA	NA	aqua	1800-1900+

09-21	whiteware body sherd	1	1	undecorated	white	1820-1900+/1860
09-22	whiteware body sherd	1	1	undecorated	white	1820-1900+/1860
09-23	flat glass sherd	1	NA	NA	clear	1800-1900+
09-24	flat glass sherd	1	NA	NA	aqua	1800-1900+
Total Ceramic Sherd Count		16				
Maximum Ceramic Vessel Count		14				
Mean Ceramic Date (sherds/vessels)		1863/1862				
Total Artifact Count for 2009					35	
Total Artifact Count for Entire Assemblage					60	
Mean Ceramic Date for Entire Ceramic Assemblage (sherds/vessels)					1862/1862	

Cultural Material Analysis

A total of 60 artifacts (tables 3 and 4) were recovered from an approximately 895 x 312 meter (2,939 x 1,023 foot) area, giving a cultural material density of 1 artifact per 279,322 square meters (3,006,597 square feet). However, the distribution of these materials along the lower portions of moderate to steep slopes and within low wash areas strongly suggests that this pattern is the result of natural taphonomic processes. Although the majority of these materials were identified within the southern portion of the A.P.E. to the south of the existing homestead, a very light scattering of materials was identified further to the north (Figure 11). However, as these northern materials were also recovered from low wash areas, all of the materials identified within the 130-acre A.P.E. were determined to be in secondary context. All of these materials were also recovered from the surface of an A_p horizon within moderately to severely eroded soils.

All cultural materials were recovered from the surface of the plowzone, which averaged 16 cm (6 inches) in depth throughout this area and consisted of a brown to dark brown to dark yellowish brown silt loam to firm silt loam. Representative examples of these materials are provided in figures 12 and 13. The recovered materials consisted of 4 clear, flat plastic sherds, 9 aqua flat glass sherds, 3 clear flat glass sherds, 14 clear container glass sherds (2 neck, 3 shoulder, 7 body, 1 rim, 1 rim and neck), 1 aqua container glass body sherd, 1 clear container glass body sherd with a molded raised geometric design, 1 clear lamp glass body sherd, 1 clear pressed glass container body sherd, 1 amethyst glass container body sherd, 1 milk glass container body sherd, 5 undecorated ironstone sherds (3 body, 1 rim, 1 neck), 10 undecorated whiteware sherds (5 body [1 burnt], 1 neck, 4 basal), 1 undecorated whiteware basal sherd with portions of a possible maker's mark in blue, 1 undecorated whiteware basal sherd with portions of a possible maker's mark in green, 1 whiteware rim sherd with blue and white stripes, 1 ceramic knob with a brown and gold glaze, 3 white ceramic insulators (2 with attached metal wire fragments), 1 2-hole metal button with a blue painted exterior and 1 flat metal ring. The clear flat plastic sherds are consistent with safety window fragments from agricultural equipment. The flat metal ring is also consistent with agricultural use-loss, while the ceramic insulators could represent the widely scattered remains of an old fence. The remainder of these materials are all consistent with the well documented 19th century occupation of the overall area. The relative lack of any architectural materials also supports the map documented evidence that no historic structures were present within these specific areas. None of the recovered materials were diagnostic. Overall, these materials were consistent with random historic discard, perhaps as a result of agricultural activities.

Plain, undecorated whitewares became common after 1820 and represented the cheapest form of tableware available at the time. As a result, it was present in the majority of households by 1840. However, as it had an extended period of production and was still being manufactured as late as 1930, its use as a temporal diagnostic is somewhat limited. Nevertheless, undecorated whitewares are generally assigned a production range from 1820 until after 1900, with a median date of 1860. Likewise, unmolded and undecorated ironstone was both popular and readily available throughout its production period of between 1813 and 1900. Therefore, although undecorated ironstone has a median date of 1870, given this wide use span, they are also not particularly diagnostic. Annular banded whitewares were produced from 1815 through 1860 with a median production date of 1845. Amethyst glass was produced from 1880 to 1918 with a median production date of 1899. Milk glass was produced from 1869 onward, up through the 20th century. As a result, all of these materials are consistent with an historic occupation from the mid 19th century onward.



Figure 12. Representative illustrations of all cultural materials recovered during the 2004 survey within the 130-acre soil borrow/development project area.

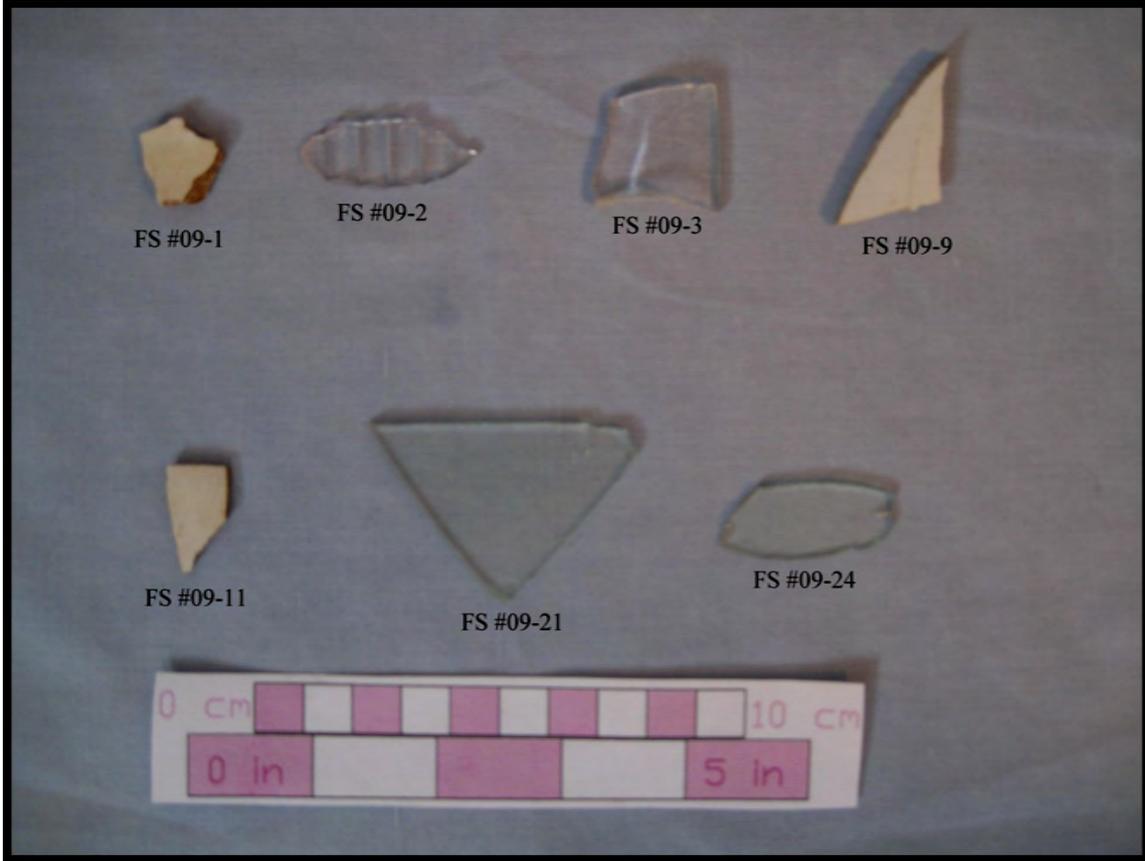


Figure 13. Representative illustrations of all cultural materials recovered during the 2009 survey within the 130-acre soil borrow/development project area.

Although the ceramic assemblage from the site is again extremely limited (n = 18 sherds) with a maximum vessel count of 16, mean ceramic dating (MCD) was still applied in order to refine the potential chronological placement of the site. Both the sherd and vessel count for the entire assemblage produced a MCD of 1862, suggesting that this site is most likely associated with the occupation of the J. Huyck/E.K. Randall homestead shown within the shovel-tested portion of the 130-acre A.P.E. from 1853 onward (figures 4 through 9). However, given the extremely low sample number, these dates may also represent data bias. Either way, they do suggest that this midden is contemporaneous with at least one discrete period of residential occupation.

Site Summary and Recommendations

As a result, this collection is most consistent with an extremely low density of kitchen and tableware materials and small, scattered architectural and fencing debris, which was discarded by the residents of the nearby homesteads onto the field where they were subsequently fragmented (or further fragmented) and spread about by agricultural activities. The metal pieces recovered are also consistent with use-loss from agricultural equipment. However, the extremely low density and diversity of these materials also suggests that disposal was neither widespread nor sustained. As a result, these materials do not appear to be a part of a larger sheet midden, and no indications of subplowzone deposits or associated features were identified. If intact middens are associated with the nearby map documented structures, they are not located within this field. Although some architectural debris was identified, the recovered flat glass sherds were widely scattered and had most likely been re-deposited by erosion. As no map documented structures were recorded within the surface-inspected area, and no indications of a foundation of any other kind of subsurface feature were noted, this low cultural material density and diversity is consistent with the interpretation of ephemeral historic discard. If larger middens are associated with the nearby map documented structures, they are not located in or near this location.

Therefore, although the materials recovered during the current phase I investigation are most likely related to the historic occupation of the J. Huyck/E.K. Randall homestead, the potential for this specific site to provide additional information significant and unique to our understanding of this occupation is considered to be extremely low. For example, in order for this site to be eligible for nomination to the National Register under Criterion D it must contain important, unique information necessary for furthering our understanding of the history of the area. In other words, the site must have the potential to answer, either in whole or in part, specific research questions related to the early history of the area and/or the historic occupation of the nearby homesteads. The site should therefore have characteristics which suggest a high probability that it contains configurations of artifacts, soil strata, structural remains, or other natural and/or cultural features which would make it possible to test either new or existing hypotheses, and/or refine the local cultural-temporal sequence.

However, all cultural materials associated with this site were recovered from a plowzone which had formed within moderately to severely eroded soils, and no indications of subplowzone cultural materials and/or features were identified. Likewise, all identified cultural materials were most likely recovered from their current locations as a result of natural taphonomic processes such as erosion. Given the shallow nature of the identified A_p horizon (averaging only 16 cm or 6 inches below the current ground surface), the integrity of this site appears to have been compromised beyond the limits acceptable for a National Register nomination. For example, given that all recovered materials were mixed and restricted to the plowzone, no data concerning specific assemblages which can be related to specific occupations of the J. Huyck/E.K. Randall homestead remain within the site. The lack of a primary context for any of the recovered cultural materials also significantly undermines the site's integrity. Although the MCD for the recovered ceramics does suggest the site components themselves date primarily to the mid 19th century, this only provides the earliest possible date for their deposition within the midden. It is equally likely that the few vessels represented within the collection were heirloom pieces maintained by later residences of the homestead and only discarded well after their median production date would suggest. As a result, the potential for research questions addressing discrete temporal occupations to be supported by data from this site is considered to be extremely low.

The low density and diversity of the recovered cultural materials versus the high ground surface visibility also suggests that additional archaeological investigations are unlikely to produce either a variant artifact pattern/assemblage, or a significant change in the suggested dates of occupation. The artifact density for this site is also so low that it is unlikely to be able to provide statistically relevant answers to specific or detailed research questions. If phase I level clearance is granted, direct project impacts will include the loss of this site. However, as this site does not contain any plowzone or subplowzone integrity, and all phase I investigations revealed a very low density and diversity of cultural material remains, the potential for this site to produce additional information

significant to our understanding of the history of the region was considered to be negligible. The phase I investigation of the historic materials recovered from the surface inspection of the 130-acre A.P.E. therefore strongly suggest that data redundancy has been achieved. This site does not therefore appear eligible for nomination to the State and/or National Registers of Historic Places and no further archaeological investigations are recommended.

Summary of the Subsurface Inspection

In accordance with the results of the background and literature search, and surface phase I investigations, a systematic shovel probe evaluation of all portions of the 130-acre A.P.E. (figures 10 and 14) was conducted between June and September of 2009 (Appendix B). The ground surface visibility within the plowed areas was between 90 and 95%, while the ground surface visibility surrounding the existing house was zero due to low vegetation and grass. The only exceptions to this survey were areas of previous significant disturbance, areas of severe erosion, and areas with slopes in excess of 25%. These areas were instead visually assessed by the author and spot shovel probed as needed in order to verify their unsuitability for cultural materials and/or features. However, these failed probe locations were not included in the final shovel test count. Each of these areas is discussed in detail below.

Summary of the Subsurface Inspection within the Surface-Inspected Areas

A total of 48 shovel tests (Figure 10) were excavated at 90 meter (300 foot) intervals throughout the surface-inspected portions of the 130-acre A.P.E. The results are provided in Appendix B and representative photographs of this area have been provided in Appendix A. However, as no cultural materials or indications of buried cultural features and/or soil horizons were identified, and all shovel probes produced evidence of moderate to severe erosion, no radial shovel probes were excavated. In addition, although systematic shovel testing was attempted within all unplowed areas along the steep eastern border of the A.P.E. (Figure 10), all of these areas were found to contain sloped soils which had been severely impacted by previous significant erosion. Therefore, as B₁C soils were identified on the surface throughout these areas, the potential for intact cultural materials and/or features to be present was determined to be negligible and no further archaeological investigations within these areas were conducted. These failed probe locations were not included in the phase IB shovel test total.

Within the plowed portions of the A.P.E. (Figure 10; STP #s 1 through 48), all excavated soils revealed moderately to severely eroded profiles that were consistent with the mapped profiles of the region. The only exception was STP #23 which was excavated within an area of previous significant disturbance. As a result, additional shovel or auger probes were not considered necessary to evaluate any areas of deep fill, soil anomalies or potential cultural material or feature concentrations. A typical profile consisted of a brown to dark brown to dark yellowish brown silt loam to firm silt loam A_p-horizon that ranged in depth from 2 to 32 cm (0.8 to 13 in) below surface. The average depth was 16 cm (6 in) below surface. The shallowest and/or most severely eroded soils were identified along the eastern border of the surface-inspected area where the slopes were greatest. The B-horizon soils consisted of a brown to reddish brown, firm to very firm silt loam. Depth of excavation within the subsoil ranged from 12 to 48 cm (5 to 19 in) below surface. All excavated subsoils were consistent with the B₁C horizon and supported the visual evidence for previous severe erosion throughout this area. Therefore, although NYSM Site #8018 (the Ingal Site) is shown on the OPRHP records as lying within the steeply sloped region within and to the immediate east of the 130-acre A.P.E., no archaeological materials, features or indications of buried soil horizons were identified. As this site was recorded as a Late Woodland village, and sites of this type typically produce both a high density and diversity of cultural material remains, the complete lack of any archaeological materials within this portion of the A.P.E. supports the hypothesis that this site is not located within the current A.P.E. borders. As a result, the supplemental shovel test evaluation was also considered to be valid negative evidence of past, significant cultural use of the current project A.P.E., and no further archaeological investigations were conducted.

Summary of the Subsurface Inspection within the Existing Houselot

An additional 47 shovel tests (figures 10 and 14) were excavated were possible at 15 meter (50 foot) intervals throughout those portions of the 130-acre A.P.E. surrounding the existing house and associated outbuildings. The results are provided in Appendix B and representative photographs of this area have been provided in Appendix A. However, as no cultural materials or indications of buried cultural features and/or soil horizons were identified, and all shovel probes produced evidence of moderate to significant previous disturbance, no radial shovel probes were excavated. In addition, many portions of this area were so significantly disturbed that evaluation by shovel proved impossible. These areas were visually evaluated but no shovel probes were mapped or counted for these locations.

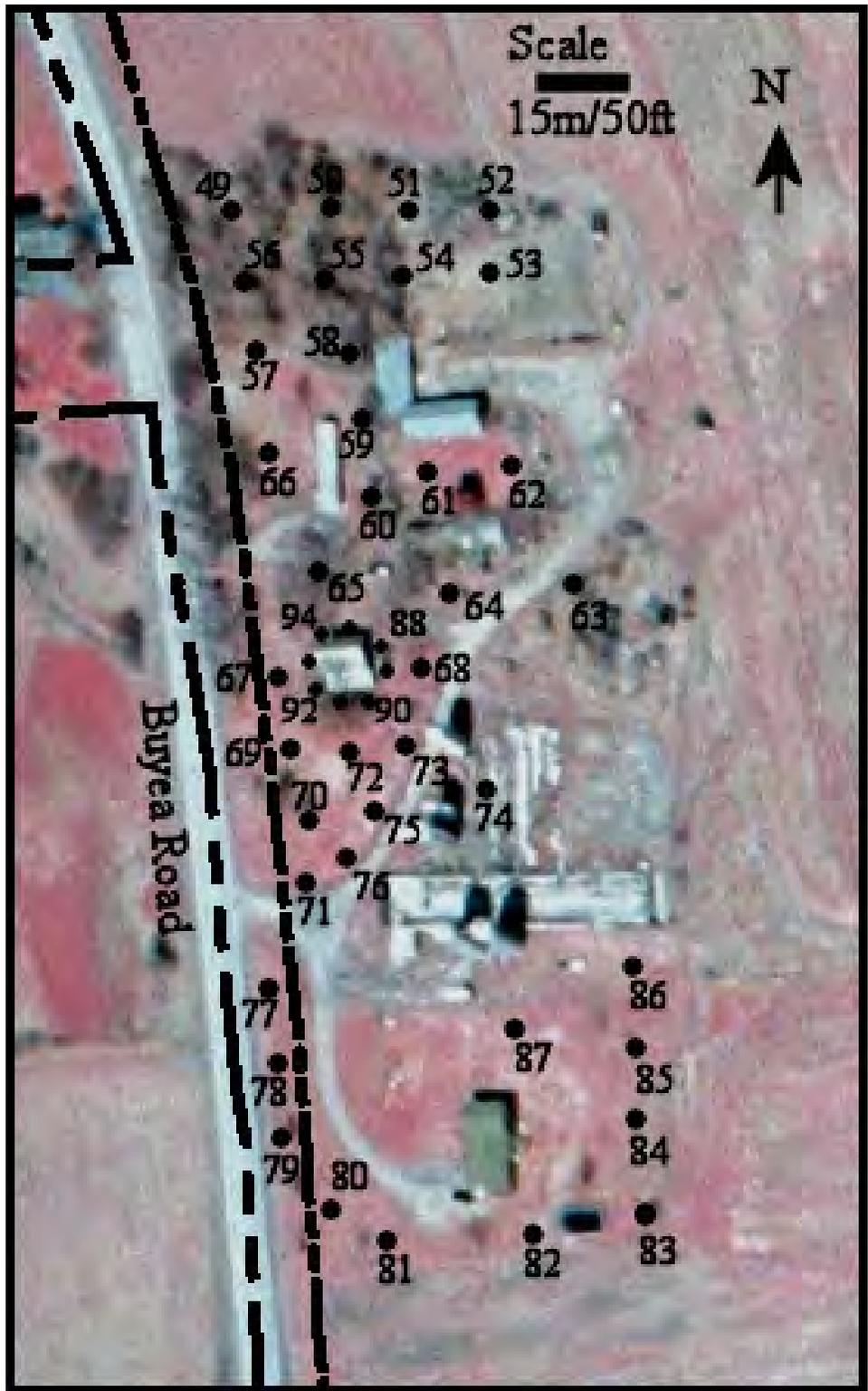


Figure 14. Location of all subsurface testing within the existing houselot of the 130-acre A.P.E. The large, rectangular barn is no longer extant. (Adapted from a basemap provided by Barton & Loguidice, P.C.)

Within those portions of the A.P.E. surrounding the existing house and associated outbuildings (Figure 14; STP #s 49 through 95), all excavated soils revealed profiles with varying degrees of disturbance which were generally still consistent with the mapped profiles of the region. As a result, additional shovel or auger probes were not considered necessary to evaluate any areas of deep fill or other soil anomalies. A typical profile consisted of a brown to dark yellowish brown, silt loam to firm silt loam A-horizon that ranged in depth from 0.5 to 22 cm (0.2 to 9 in) below surface. The average depth was 7 cm (3 in) below surface. The B-horizon soils consisted of a brown to strong brown, firm to very firm silt loam. Depth of excavation within the subsoil ranged from 8 to 29 cm (3 to 11 in) below surface. All probes revealed previous excavation down into the B₁C horizon with subsequent mixing between any remaining portions of the A-horizon. Interviews with the landowner subsequently revealed that heavy machinery had been used to recontour all of these lawn areas on more than one occasion over the past several decades, and that the large rectangular barn shown on the aerial of this area (figures 10 and 14) had been removed by bulldozer. Installation of a concrete pad to hold a trailer as well as installation and removal of an above-ground swimming pool had also taken place. Therefore, although at least one map-documented structure was shown to be within this area, the lack of any archaeological materials and/or features which could be associated with this structure was not considered anomalous. The phase IB survey indicated that if archaeological materials or features once related to this occupation had been present within this portion of the A.P.E., they had since been removed and/or destroyed. In addition, although close interval probes were excavated within one meter of the foundation surrounding the only outbuilding which could potentially be historically related to this occupation (STP #s 88 through 95, Figure 14; Appendix B), all soils within and around this area were found to contain B₁C deposits just below the surface. No cultural materials of any kind or indications of cultural features were noted. As a result, the systematic shovel test evaluation was considered to be valid evidence of previous significant disturbance throughout this area, and no further archaeological investigations were conducted.

Conclusions and Recommendations

In response to a request from Barton & Loguidice, P.C., Consulting Engineers, Alliance Archaeological Services has completed a phase IA archaeological background and literature review and phase IB archaeological field reconnaissance of the proposed 130-acre soil borrow/development project area and A.P.E. for the Madison County Landfill expansion project in the Town of Lincoln, Madison County, New York (OPRHP Project Review Number 04PR00503).

Although the natural and cultural background review suggested a high potential for the 130-acre soil borrow project area and current A.P.E. to contain information significant to our understanding of both the precontact and early historic development and settlement of Madison County, despite extensive field investigations of this A.P.E. during both the 2004-2005 and 2009 field seasons, no data directly relating the 130-acre A.P.E. to the precontact or early historic periods were identified. For example, although the Late Woodland Ingal site is shown as potentially within the extreme eastern portion of the 130-acre A.P.E., this recorded location was found to topographically unsuitable for such a large village site. For example, this mapped location contains steep, eastward facing slopes ranging from 25 to 50% and is severely eroded. As no information regarding the location and placement of this site was available on the OPRHP records, and no reports of any previous field evaluations could be identified, it was considered highly likely that the location provided for this site in the current records was a transcription error. In addition, the 2009 re-evaluation of the burned soil feature identified during an informal walk-over of the eastern border of the 130-acre A.P.E. in 2004 indicated that this anomaly represents either a natural phenomenon or the removal and burning of a tree in modern times. For example, despite a less than 0.5 meter (1.6 foot) surface survey interval with greater than 90% ground surface visibility within and surrounding this area, no cultural materials were visible on the surface, and the single, small (less than 0.5 cm) piece of red ochre recorded on the surface in 2004 was in 2009 determined to be consistent with glacial surface remains identified throughout the plowed portions of this A.P.E. As this feature was also identified within the base of a small but steep swale, it is highly likely that the ochre represents an intrusive deposit washed down from the adjacent ridgetops. Hand-excavation of this feature in 2009 also revealed that it was shallow (restricted entirely to the plowzone) and contained only natural glacial till inclusions. No cultural materials or indications of a cultural feature were identified and the anomaly was subsequently determined to have a highly amorphous and irregular shape. All of these data therefore support the conclusion that this burned feature was either a natural or recent phenomenon.

Further evaluation of the modern topographic map, as well as a 2009 visual survey of the surrounding landforms, strongly suggested that the more logical locations for this site were either further to the north and west along the relatively flat crest of a ridge overlooking the confluence of both Limestone and Cowaselon creeks, or further to the

east within the low floodplain lying directly to the west of Cowaselon Creek (Figure 2). This northern ridge location would have offered excellent defensive capabilities and is also the only relatively large portion of level land within this overall area. This location would also be consistent with the known location of the roughly contemporaneous Tuttle Site which was identified less than 1,158 meters (3,800 feet) to the west on the flat crest of a ridge overlooking Limestone Creek. However, as this northern ridge area was largely outside the 130-acre overall project boundaries, and was also in mature beans with a zero percent ground surface visibility, no field evaluations of this hypothesis were conducted. The low floodplain to the east would also have offered a wide, moderately well drained and flat area suitable for a village habitation. Although this area is included within the overall 130-acre project boundaries, and was therefore also included in the non-systematic surface evaluation, it is well outside the current project A.P.E. As a result, this floodplain was not the subject of any intensive phase IB archaeological field investigations. During the 2009 field season this floodplain area was found to be within fallow crops which provided a ground surface visibility of only 10 to 50%. Therefore, although no cultural materials or features which could indicate the presence of the Ingal Site were identified at this location, the 2009 survey conditions were insufficient to eliminate this possibility entirely. In addition, as this area is contained within recent alluvium (Hanna 1981; Soil Map Sheet #20, pp. 96-97), further evaluation of this hypothesis was beyond the current work scope.

Although it was also considered possible that the Ingal site was simply recorded slightly too far to the east within the OPRHP records and was actually within the dissected ridge-swale landforms to the immediate west of the recorded site location, no indications of this site were identified. Instead the phase I surface and subsurface investigations revealed that all soils within and surrounding this area had been moderately to severely eroded with the plowzone forming within a mixture of upper and lower B-horizon deposits. Although a very diffuse scattering of historic cultural materials was identified along the bases of the slopes and low wash areas within the eastern and central portion of the 130-acre A.P.E. (indicating that if present, cultural materials would still be visible), no precontact cultural materials of any kind were identified. Given the high ground surface visibility (between 90 and 95%) and the low surface survey interval employed throughout this region (less than 1 meter) the potential for the Ingal site to be present within the 130-acre A.P.E. was determined to be negligible and no further archaeological investigations of this potential are recommended. However, given that there remains a potential for this site to be located within the low Cowaselon Creek floodplain within the extreme eastern portion of the overall 130-acre project area (Figure 10), further archaeological investigations of the remainder of this project area are still recommended should these areas be planned for ground disturbance in the future. Given the presence of moderately well drained, recent alluvium, these investigations should also include some form of deep subsurface testing, the plan for which should be designed in consultation with the OPRHP and the Oneida Nation.

Although the background review also indicated that at least five historic structures are potentially shown within the overall 130-acre project area on the available historic maps, only one structure was subsequently shown to be potentially within the current A.P.E. However, no indications of any intact archaeological materials or features which could be related to the J.P. Huyck/E.K. Randall house were identified. In addition, all shovel probes excavated within and around this former homestead area produced evidence of previous significant disturbance and landscape recontouring. Although a very light scattering of temporally relevant historic cultural materials were recovered during the surface inspection further to the east and south, all of these materials were recovered from a plowzone which had formed within moderately to severely eroded soils, and no indications of subplowzone cultural materials and/or features were identified. Likewise, all identified cultural materials were most likely recovered from their current locations as a result of natural taphonomic processes such as erosion. The low density and diversity of the recovered cultural materials verses the high ground surface visibility also suggested that additional archaeological investigations would be unlikely to produce either a variant artifact pattern/assemblage, or a significant change in the suggested dates of occupation.

As a result, the potential for the 130-acre A.P.E. to provide additional information relevant to our understanding of the precontact and early history of the region has been determined to be very low and cultural resource clearance for the 130-acre A.P.E. is recommended. This recommendation is with the understanding that if the A.P.E. boundaries should change, additional archaeological investigations may be required. As such, this recommendation is only valid for the investigated 130-acre A.P.E. boundaries as documented in this report (Figure 10). This recommendation of cultural resource clearance is also with the understanding that if any archaeological materials or human remains are uncovered during construction or earth-moving activities, work within the area will cease, and the OPRHP will be notified.

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Appendix A. Photographs of the Project Area

List of Photographs

Photograph 1. Looking south along the edge of the lawn and driveway within the existing houselot	1
Photograph 2. Looking southeast along the gravel driveway within the existing houselot	1
Photograph 3. Looking north along the edge of the lawn within the existing houselot	2
Photograph 4. Looking northeast across the lawn within the existing houselot	2
Photograph 5. Looking east across the northern portion of the lawn within the existing houselot.....	3
Photograph 6. Looking east across the southern portion of the lawn within the existing houselot	3
Photograph 7. Looking south across the eastern portion of the lawn within the existing houselot	4
Photograph 8. Looking northwest across the former location of the rectangular barn	4
Photograph 9. Looking north across the former location of the rectangular barn.....	5
Photograph 10. Looking north across the disturbed area to the east of the existing outbuildings	5
Photograph 11. Looking south across the disturbed area to the east of the existing outbuildings	6
Photograph 12. Looking northwest across the disturbed area between the existing outbuildings	6
Photograph 13. Looking west across the disturbed area between the existing outbuildings	7
Photograph 14. Looking west across the disturbed area surrounding an existing outbuilding	7
Photograph 15. Looking northeast along the gravel driveway across the disturbed area between the existing outbuildings.....	8
Photograph 16. Looking north across the disturbed lawn area between the existing outbuildings.....	8
Photograph 17. Looking north across the disturbed lawn area between the existing outbuildings.....	9
Photograph 18. Looking north across the disturbed lawn area between the existing outbuildings.....	9
Photograph 19. Looking northeast across the disturbed lawn area towards the outbuilding evaluated by STP #s 88 through 95.....	10
Photograph 20. Looking north across the disturbed lawn area along the eastern edge of the outbuilding evaluated by STP #s 88 through 95	10
Photograph 21. Looking north across the disturbed lawn area between the existing outbuildings.....	11
Photograph 22. Looking west across the disturbed lawn area towards the outbuilding evaluated by STP #s 88 through 95.....	11
Photograph 23. Looking east across the disturbed lawn area toward the outbuilding evaluated by STP #s 88 through 95.....	12
Photograph 24. Looking southeast across the disturbed lawn area between the existing outbuildings	12
Photograph 25. Looking south across the disturbed lawn area between the existing outbuildings	13
Photograph 26. Looking east across the disturbed lawn area between the existing outbuildings.....	13
Photograph 27. Looking south across the disturbed lawn area between the existing outbuildings	14
Photograph 28. Looking south across the disturbed lawn area between the existing outbuildings	14
Photograph 29. Looking west across the disturbed lawn area between the existing outbuildings.....	15
Photograph 30. Looking southwest across the disturbed lawn area between the existing outbuildings	15
Photograph 31. Looking south across the disturbed lawn area between the existing outbuildings	16
Photograph 32. Looking east across the disturbed lawn area between the existing outbuildings.....	16
Photograph 33. Looking west across the disturbed lawn area between the existing outbuildings.....	17
Photograph 34. Looking northeast across the disturbed lawn area between the existing outbuildings	17
Photograph 35. Looking south across the surface-inspected area from the central portion.....	18
Photograph 36. Looking northwest across the surface-inspected area from the central portion.....	18
Photograph 37. Looking north across the surface-inspected area from the central portion	19
Photograph 38. Looking northeast across the surface-inspected area from the central portion.....	19
Photograph 39. Looking southeast across the surface-inspected area from the central portion.....	20
Photograph 40. Looking southwest across the surface-inspected area from the central portion.....	20
Photograph 41. Looking south across the surface-inspected area from the central portion.....	21
Photograph 42. Looking northwest across the surface-inspected area from the central portion.....	21
Photograph 43. Looking south across the surface-inspected area from the central portion.....	22
Photograph 44. Looking southeast across the surface-inspected area from the central portion.....	22
Photograph 45. Looking southwest across the surface-inspected area from the central portion.....	23
Photograph 46. Looking northwest across the surface-inspected area from the central portion.....	23
Photograph 47. Looking north across the surface-inspected area from the central portion	24
Photograph 48. Looking northeast across the surface-inspected area from the central portion.....	24
Photograph 49. Looking south across the surface-inspected area from the central portion.....	25
Photograph 50. Looking southwest across the surface-inspected area towards the existing houselot	

from the central portion	25
Photograph 51. Looking west across the surface-inspected area from the northern portion.	26
Photograph 52. Looking northwest across the surface-inspected area from the northern portion.	26
Photograph 53. Looking west across the surface-inspected area from the northern portion.	27
Photograph 54. Looking southwest across the surface-inspected area from the northern portion.	27
Photograph 55. Looking southwest across the surface-inspected area from the northern portion.	28
Photograph 56. Looking south across the surface-inspected area from the northern portion.	28
Photograph 57. Looking southeast across the surface-inspected area from the northern portion.	29
Photograph 58. Looking north across the surface-inspected area from the northern portion.	29
Photograph 59. Looking south across the surface-inspected area from the northern portion.	30
Photograph 60. Looking southwest across the surface-inspected area from the northern portion.	30
Photograph 61. Looking west across the surface-inspected area from the northern portion.	31
Photograph 62. Looking north across the surface-inspected area from the northern portion.	31
Photograph 63. Looking north across the surface-inspected area from the northern portion.	32
Photograph 64. Looking northeast across the surface-inspected area from the northern portion.	32
Photograph 65. Looking north across the surface-inspected area from the northern portion.	33
Photograph 66. Looking northeast across the surface-inspected area from the northern portion.	33
Photograph 67. Looking north across the surface-inspected area from the northern portion.	34
Photograph 68. Looking northwest across the surface-inspected area from the northern portion.	34
Photograph 69. Looking south across the edge of the surface-inspected area from the central portion.	35
Photograph 70. Looking east across the steeply sloped and eroded portion of the A.P.E.	35
Photograph 71. Looking northeast across the steeply sloped and eroded portion of the A.P.E.	36
Photograph 72. Looking north across the steeply sloped and eroded portion of the A.P.E.	36
Photograph 73. Looking north across the steeply sloped and eroded portion of the A.P.E.	37
Photograph 74. Looking northeast across the steeply sloped and eroded portion of the A.P.E.	37
Photograph 75. Looking north across the steeply sloped and eroded portion of the A.P.E.	38
Photograph 76. Looking southeast across the steeply sloped and eroded portion of the A.P.E.	38
Photograph 77. Looking south across the steeply sloped and eroded portion of the A.P.E.	39
Photograph 78. Looking east across the steeply sloped and eroded portion of the A.P.E.	39
Photograph 79. Looking east across the steeply sloped and eroded portion of the A.P.E.	40
Photograph 80. Looking north across the steeply sloped and eroded portion of the A.P.E.	40
Photograph 81. Looking north across the steeply sloped and eroded portion of the A.P.E.	41
Photograph 82. Looking northwest across the steeply sloped and eroded portion of the A.P.E.	41
Photograph 83. Looking south across the steeply sloped and eroded portion of the A.P.E.	42
Photograph 84. Looking southwest across the steeply sloped and eroded portion of the A.P.E.	42
Photograph 85. Looking at an example of the B,C plowzone within the steeply sloped and eroded portion of the A.P.E.	43
Photograph 86. Looking west across the steeply sloped and eroded portion of the A.P.E.	43
Photograph 87. Looking northwest across the steeply sloped and eroded portion of the A.P.E.	44
Photograph 88. Looking west across the steeply sloped and eroded portion of the A.P.E.	44
Photograph 89. Looking west across the steeply sloped and eroded portion of the A.P.E.	45
Photograph 90. Looking west across the steeply sloped and eroded portion of the A.P.E.	45
Photograph 91. Looking northwest across the steeply sloped and eroded portion of the A.P.E.	46
Photograph 92. Looking east across the steeply sloped, eroded and wooded portion of the overall project area.	46
Photograph 93. Looking east across the steeply sloped and wooded portion of the overall project area.	47
Photograph 94. Looking east across the steeply sloped and wooded portion of the overall project area.	47
Photograph 95. Looking east across the steeply sloped and wooded portion of the overall project area.	48
Photograph 96. Looking east across the steeply sloped and wooded portion of the overall project area.	48
Photograph 97. Looking east across the steeply sloped and wooded portion of the overall project area.	49
Photograph 98. Looking east across the steeply sloped and wooded portion of the overall project area.	49
Photograph 99. Looking east across the steeply sloped and wooded portion of the overall project area.	50
Photograph 100. Looking east across the steeply sloped and wooded portion of the overall project area.	50
Photograph 101. Looking east across the floodplain of Cowaselon Creek within the overall project area.	51
Photograph 102. Looking southeast across the floodplain of Cowaselon Creek within the overall project area.	51
Photograph 103. Looking northeast across the floodplain of Cowaselon Creek within the overall project area.	51
Photograph 104. Looking north across the floodplain of Cowaselon Creek within the overall project area.	51



Photograph 1. Looking south along the edge of the lawn and driveway within the existing houselot.



Photograph 2. Looking southeast along the gravel driveway within the existing houselot.



Photograph 3. Looking north along the edge of the lawn within the existing houselot. The grassy area in the upper right is the former location of the rectangular barn.



Photograph 4. Looking northeast across the lawn within the existing houselot.



Photograph 5. Looking east across the northern portion of the lawn within the existing houselot.



Photograph 6. Looking east across the southern portion of the lawn within the existing houselot.



Photograph 7. Looking south across the eastern portion of the lawn within the existing houselot.



Photograph 8. Looking northwest across the former location of the rectangular barn. The outbuilding evaluated through STP #s 88 through 95 is in the background.



Photograph 9. Looking north across the former location of the rectangular barn.



Photograph 10. Looking north across the disturbed area to the east of the existing outbuildings.



Photograph 11. Looking south across the disturbed area to the east of the existing outbuildings.



Photograph 12. Looking northwest across the disturbed area between the existing outbuildings. The concrete trailer pad is in the background.



Photograph 13. Looking west across the disturbed area between the existing outbuildings. The concrete trailer pad is in the background.



Photograph 14. Looking west across the disturbed area surrounding an existing outbuilding.



Photograph 15. Looking northeast along the gravel driveway across the disturbed area between the existing outbuildings.



Photograph 16. Looking north across the disturbed lawn area between the existing outbuildings.



Photograph 17. Looking north across the disturbed lawn area between the existing outbuildings.



Photograph 18. Looking north across the disturbed lawn area between the existing outbuildings. Note the excavated drain channel running perpendicular to Buyea Road.



Photograph 19. Looking northeast across the disturbed lawn area towards the outbuilding evaluated by STP #s 88 through 95.



Photograph 20. Looking north across the disturbed lawn area along the eastern edge of the outbuilding evaluated by STP #s 88 through 95.



Photograph 21. Looking north across the disturbed lawn area between the existing outbuildings. Note the concrete trailer slab in the background.



Photograph 22. Looking west across the disturbed lawn area towards the outbuilding evaluated by STP #s 88 through 95.



Photograph 23. Looking east across the disturbed lawn area toward the outbuilding evaluated by STP #s 88 through 95.



Photograph 24. Looking southeast across the disturbed lawn area between the existing outbuildings.



Photograph 25. Looking south across the disturbed lawn area between the existing outbuildings. The outbuilding evaluated by STP #s 88 through 95 is in the background.



Photograph 26. Looking east across the disturbed lawn area between the existing outbuildings. The concrete trailer pad is on the right.



Photograph 27. Looking south across the disturbed lawn area between the existing outbuildings.



Photograph 28. Looking south across the disturbed lawn area between the existing outbuildings.



Photograph 29. Looking west across the disturbed lawn area between the existing outbuildings.



Photograph 30. Looking southwest across the disturbed lawn area between the existing outbuildings.



Photograph 31. Looking south across the disturbed lawn area between the existing outbuildings.



Photograph 32. Looking east across the disturbed lawn area between the existing outbuildings.



Photograph 33. Looking west across the disturbed lawn area between the existing outbuildings.



Photograph 34. Looking northeast across the disturbed lawn area between the existing outbuildings.



Photograph 35. Looking south across the surface-inspected area from the central portion.



Photograph 36. Looking northwest across the surface-inspected area from the central portion. Note the reddish brown B₁C soils on the surface.



Photograph 37. Looking north across the surface-inspected area from the central portion. Note the reddish brown B_tC soils on the surface.



Photograph 38. Looking northeast across the surface-inspected area from the central portion. Note the reddish brown B_tC soils on the surface.



Photograph 39. Looking southeast across the surface-inspected area from the central portion.



Photograph 40. Looking southwest across the surface-inspected area from the central portion.



Photograph 41. Looking south across the surface-inspected area from the central portion.



Photograph 42. Looking northwest across the surface-inspected area from the central portion.



Photograph 43. Looking south across the surface-inspected area from the central portion.



Photograph 44. Looking southeast across the surface-inspected area from the central portion. The existing houselot is in the background.



Photograph 45. Looking southwest across the surface-inspected area from the central portion.



Photograph 46. Looking northwest across the surface-inspected area from the central portion. Note the reddish brown B₁C soils on the surface.



Photograph 47. Looking north across the surface-inspected area from the central portion. Note the reddish brown B₁C soils on the surface.



Photograph 48. Looking northeast across the surface-inspected area from the central portion. Note the reddish brown B₁C soils on the surface.



Photograph 49. Looking south across the surface-inspected area from the central portion.



Photograph 50. Looking southwest across the surface-inspected area towards the existing houselot from the central portion.



Photograph 51. Looking west across the surface-inspected area from the northern portion. Note the reddish brown B_tC soils on the surface.



Photograph 52. Looking northwest across the surface-inspected area from the northern portion.



Photograph 53. Looking west across the surface-inspected area from the northern portion.



Photograph 54. Looking southwest across the surface-inspected area from the northern portion.



Photograph 55. Looking southwest across the surface-inspected area from the northern portion.



Photograph 56. Looking south across the surface-inspected area from the northern portion.



Photograph 57. Looking southeast across the surface-inspected area from the northern portion.



Photograph 58. Looking north across the surface-inspected area from the northern portion. Note the reddish brown B₁C soils on the surface.



Photograph 59. Looking south across the surface-inspected area from the northern portion.



Photograph 60. Looking southwest across the surface-inspected area from the northern portion.



Photograph 61. Looking west across the surface-inspected area from the northern portion.



Photograph 62. Looking north across the surface-inspected area from the northern portion.



Photograph 63. Looking north across the surface-inspected area from the northern portion. Note the reddish brown B_tC soils on the surface.



Photograph 64. Looking northeast across the surface-inspected area from the northern portion. Note the reddish brown B_tC soils on the surface.



Photograph 65. Looking north across the surface-inspected area from the northern portion. Note the reddish brown B_tC soils on the surface.



Photograph 66. Looking northeast across the surface-inspected area from the northern portion. Note the reddish brown B_tC soils on the surface.



Photograph 67. Looking north across the surface-inspected area from the northern portion. Note the reddish brown B₁C soils on the surface.



Photograph 68. Looking northwest across the surface-inspected area from the northern portion. Note the reddish brown B₁C soils on the surface.



Photograph 69. Looking south across the edge of the surface-inspected area from the central portion.



Photograph 70. Looking east across the steeply sloped and eroded portion of the A.P.E.



Photograph 71. Looking northeast across the steeply sloped and eroded portion of the A.P.E.



Photograph 72. Looking north across the steeply sloped and eroded portion of the A.P.E.



Photograph 73. Looking north across the steeply sloped and eroded portion of the A.P.E.



Photograph 74. Looking northeast across the steeply sloped and eroded portion of the A.P.E.



Photograph 75. Looking north across the steeply sloped and eroded portion of the A.P.E.



Photograph 76. Looking southeast across the steeply sloped and eroded portion of the A.P.E.



Photograph 77. Looking south across the steeply sloped and eroded portion of the A.P.E.



Photograph 78. Looking east across the steeply sloped and eroded portion of the A.P.E.



Photograph 79. Looking east across the steeply sloped and eroded portion of the A.P.E.



Photograph 80. Looking north across the steeply sloped and eroded portion of the A.P.E.



Photograph 81. Looking north across the steeply sloped and eroded portion of the A.P.E.



Photograph 82. Looking northwest across the steeply sloped and eroded portion of the A.P.E.



Photograph 83. Looking south across the steeply sloped and eroded portion of the A.P.E.



Photograph 84. Looking southwest across the steeply sloped and eroded portion of the A.P.E.



Photograph 85. Looking at an example of the B₁C plowzone within the steeply sloped and eroded portion of the A.P.E.



Photograph 86. Looking west across the steeply sloped and eroded portion of the A.P.E.



Photograph 87. Looking northwest across the steeply sloped and eroded portion of the A.P.E.



Photograph 88. Looking west across the steeply sloped and eroded portion of the A.P.E.



Photograph 89. Looking west across the steeply sloped and eroded portion of the A.P.E.



Photograph 90. Looking west across the steeply sloped and eroded portion of the A.P.E.



Photograph 91. Looking northwest across the steeply sloped and eroded portion of the A.P.E.



Photograph 92. Looking east across the steeply sloped, eroded and wooded portion of the overall project area.



Photograph 93. Looking east across the steeply sloped and wooded portion of the overall project area.



Photograph 94. Looking east across the steeply sloped and wooded portion of the overall project area.



Photograph 95. Looking east across the steeply sloped and wooded portion of the overall project area.



Photograph 96. Looking east across the steeply sloped and wooded portion of the overall project area.



Photograph 97. Looking east across the steeply sloped and wooded portion of the overall project area.



Photograph 98. Looking east across the steeply sloped and wooded portion of the overall project area.



Photograph 99. Looking east across the steeply sloped and wooded portion of the overall project area.



Photograph 100. Looking east across the steeply sloped and wooded portion of the overall project area.



Photograph 101. Looking east across the floodplain of Cowaselon Creek within the overall project area.



Photograph 102. Looking southeast across the floodplain of Cowaselon Creek within the overall project area.



Photograph 103. Looking northeast across the floodplain of Cowaselon Creek within the overall project area.



Photograph 104. Looking north across the floodplain of Cowaselon Creek within the overall project area.

Appendix B. Shovel Test Pit Summary and Soil Profile Analysis

130acre_STP_Results

STP #	Depth (cm)	Soil Color	Soil Texture	Artifact Summary	Excavator(s)	Excavation Date
1	0-22	Dk.Brn (10 YR 3/3)	SiLo	---	NAW	06-24-2009
	22-32	Brn (7.5 YR 4/3)	FmSiLo	---		
2	0-32	Dk.Brn (10 YR 3/3)	SiLo	---	TR	06-24-2009
	32-48	Brn (7.5 YR 4/3)	FmSiLo	---		
3	0-23	Dk.Brn (10 YR 3/3)	SiLo	---	NAW	06-24-2009
	23-30	Brn (7.5 YR 4/4)	VFmSiLo	---		
4	0-15	Brn (7.5 YR 4/4)	VFmSiLo	---	TR	06-24-2009
	NA	NA	NA	---		
5	0-10	Dk.Brn (10 YR 3/3)	SiLo	---	NAW	06/24/2009
	10-21	Brn (7.5 YR 4/4)	FmSiLo	---		
6	0-19	Dk.Brn (10 YR 3/3)	SiLo	---	TR	06/24/2009
	19-24	Brn (7.5 YR 4/4)	FmSiLo	---		
7	0-24	Dk.Brn (10 YR 3/2)	SiLo	---	NAW	06/24/2009
	24-32	Rd.Brn (2.5 YR 4/3)	SiLo	---		
8	0-31	Dk.Brn (10 YR 3/3)	SiLo	---	TR	06/24/2009
	31-36	Brn (7.5 YR 4/3)	FmSiLo	---		
9	0-14	Dk.Brn (10 YR 3/3)	SiLo	---	NAW	06/24/2009
	14-31	Dk.Brn (7.5 YR 3/3)	FmSiLo	---		
10	0-21	Dk.Brn (10 YR 3/3)	SiLo	---	TR	06/24/2009
	21-39	Brn (7.5 YR 4/3)	FmSiLo	---		
11	0-5	Dk.Brn (10 YR 3/3)	SiLo	---	NAW	06/24/2009
	5-14	Brn (7.5 YR 4/3)	SiLo	---		
12	0-21	Dk.Brn (10 YR 3/3)	SiLo	---	TR	06/24/2009
	21-38	Brn (10 YR 4/3)	SiLo	---		
13	0-23	Dk.Brn (10 YR 3/3)	SiLo	---	NAW	06/24/2009
	23-31	Brn (7.5 YR 4/4)	FmSiLo	---		
14	0-30	Dk.Brn (10 YR 3/3)	SiLo	---	TR	06/24/2009
	30-39	Brn (7.5 YR 4/4)	FmSiLo	---		
15	0-21	Dk.Brn (10 YR 3/3)	SiLo	---	NAW	06/24/2009
	21-33	Brn (7.5 YR 4/3)	FmSiLo	---		
16	0-26	Dk.Brn (10 YR 3/3)	SiLo	---	TR	06/24/2009

130acre_STP_Results

17	26-36	Dk.Gr.Brn (10 YR 4/2)	FmSiLo	---	---	NAW	06/24/2009
	0-24	Dk.Brn (10 YR 3/3)	SiLo	---	---		
	24-32	Dk.Brn (10 YR 4/4)	SiLo	---	---		
18	0-14	V.Dk.Gr.Brn (10 YR 3/2)	SiLo	---	---	TR	06/24/2009
	14-25	Brn (7.5 YR 4/4)	FmSiLo	---	---		
19	0-19	Dk.Y.Brn (10 YR 3/4)	SiLo	---	---	NAW	06/24/2009
	19-34	Brn (10 YR 4/3)	SiLo	---	---		
20	0-16	Dk.Brn (10 YR 3/3)	SiLo	---	---	TR	06/24/2009
	16-30	Brn (7.5 YR 4/3)	SiLo	---	---		
21	0-17	Dk.Brn (10 YR 3/3)	SiLo	---	---	NAW	06/24/2009
	17-32	Brn (10 YR 4/3)	SiLo	---	---		
22	0-17	Dk.Brn (10 YR 3/3)	SiLo	---	---	TR	06/24/2009
	17-29	Brn (10 YR 4/3)	SiLo	---	---		
23	0-2	Dk.Brn (10 YR 3/3)	SiLo	---	---	NAW	06/24/2009
	2-16	Gr.Brn (10 YR 5/2)	SiLo	gravel fill	---		
24	0-17	Dk.Brn (10 YR 3/3)	SiLo	---	---	TR	06/24/2009
	17-30	Brn (10 YR 4/3)	SiLo	---	---		
25	0-15	Dk.Brn (10 YR 3/3)	SiLo	---	---	NAW	06/24/2009
	15-28	Brn (10 YR 4/3)	SiLo	---	---		
26	0-13	Dk.Brn (10 YR 3/3)	SiLo	---	---	TR	06/24/2009
	13-20	Dk.Gr.Brn (10 YR 4/2)	SiLo	---	---		
27	0-7	Dk.Brn (10 YR 3/3)	SiLo	---	---	NAW	06/24/2009
	7-26	Brn (10 YR 4/3)	SiLo	---	---		
28	0-29	Dk.Y.Brn (10 YR 4/4)	SiLo	---	---	NAW	07/15/2009
	29-35	Brn (10 YR 5/3)	FmSiLo	---	---		
29	0-25	Dk.Y.Brn (10 YR 4/4)	FmSiLo	---	---	NAW	07/15/2009
	25-33	Brn (10 YR 5/3)	VFmSiLo	---	---		
30	0-17	Dk.Y.Brn (10 YR 4/4)	FmSiLo	---	---	NAW	07/15/2009
	17-30	Brn (7.5 YR 4/3)	VFmSiLo	---	---		
31	0-22	Dk.Y.Brn (10 YR 4/4)	FmSiLo	---	---	NAW	07/15/2009
	22-26	Brn (10 YR 5/3)	FmSiLo	---	---		
32	0-12	Brn (10 YR 4/3)	SiLo	---	---	NAW	07/15/2009

130acre_STP_Results

	12-25	Dk.Y.Brn (10 YR 4/4)	FmSiLo	---		
33	0-21	Dk.Y.Brn (10 YR 4/4)	FmSiLo	---	NAW	07/15/2009
	21-26	Y.Brn (10 YR 5/4)	VFmSiLo	---		
34	0-10	Dk.Y.Brn (10 YR 4/4)	FmSiLo	---	NAW	07/15/2009
	10-22	Pa.Brn (10 YR 6/3)	VFmSiLo	---		
35	0-14	Str.Brn (7.5 YR 4/6)	FmSiLo	---	NAW	07/15/2009
	14-23	Rd.Brn (5 YR 5/4)	VFmSiLo	---		
36	0-19	Dk.Y.Brn (10 YR 4/4)	FmSiLo	---	NAW	07/15/2009
	19-25	Brn (7.5 YR 5/4)	VFmSiLo	---		
37	0-10	Dk.Y.Brn (10 YR 4/4)	VFmSiLo	---	NAW	07/15/2009
	10-20	Brn (10 YR 4/3)	VFmSiLo	---		
38	0-8	Brn (10 YR 4/3)	FmSiLo	---	NAW	08/26/2009
	8-17	Str.Brn (7.5 YR 4/6)	VFmSiLo	---		
39	0-3	Brn (10 YR 4/3)	FmSiLo	---	NAW	08/26/2009
	3-15	Str.Brn (7.5 YR 4/6)	VFmSiLo	---		
40	0-5	Brn (10 YR 4/3)	FmSiLo	---	NAW	08/26/2009
	5-14	Brn (7.5 YR 4/4)	VFmSiLo	---		
41	0-6	Brn (10 YR 4/3)	FmSiLo	---	NAW	08/26/2009
	6-12	Str.Brn (7.5 YR 4/6)	VFmSiLo	---		
42	0-24	Dk.Y.Brn (10 YR 4/4)	FmSiLo	---	NAW	08/26/2009
	24-34	Brn (7.5 YR 4/4)	VFmSiLo	---		
43	0-14	Brn (7.5 YR 4/4)	FmSiLo	---	NAW	08/26/2009
	14-35	Str.Brn (7.5 YR 4/6)	VFmSiLo	---		
44	0-7	Brn (10 YR 4/3)	FmSiLo	---	NAW	08/26/2009
	7-20	Str.Brn (7.5 YR 4/6)	VFmSiLo	---		
45	0-5	Brn (10 YR 4/3)	FmSiLo	---	NAW	08/26/2009
	5-17	Str.Brn (7.5 YR 4/6)	VFmSiLo	---		
46	0-4	Brn (10 YR 4/3)	FmSiLo	---	NAW	08/26/2009
	4-20	Str.Brn (7.5 YR 4/6)	VFmSiLo	---		
47	0-8	Dk.Brn (10 YR 3/3)	SiLo	---	NAW	08/26/2009
	8-29	Brn (10 YR 4/3)	FmSiLo	---		
48	0-6	Dk.Brn (10 YR 3/3)	SiLo	---	NAW	08/26/2009

130acre_STP_Results

	15-26	Y.Brnm (10 YR 5/4)	FmSiLo	---		
65	0-9	Brn (10 YR 4/3)	SiLo	---	NAW	09/18/2009
	9-22	Brn (10 YR 5/3)	GrvSiLo	---		
66	0-0.5	Dk.Brnm (10 YR 3/3)	SiLo	---	NAW	09/18/2009
	0.5-15	Str.Brnm (7.5 YR 4/6)	FmSiLo	---		
67	0-11	Brn (10 YR 4/3)	SiLo	---	NAW	09/18/2009
	11-23	Brn (7.5 YR 4/4)	FmSiLo	---		
68	0-22	Brn (10 YR 4/3)	SiLo	---	NAW	09/18/2009
	22-29	Y.Brnm (10 YR 5/4)	SiLo	---		
69	0-4	Brn (10 YR 4/3)	SiLo	---	NAW	09/18/2009
	4-19	Brn (7.5 YR 4/4)	GrvSiLo	---		
70	0-0.5	Dk.Brnm (10 YR 3/3)	SiLo	---	NAW	09/18/2009
	0.5-13	Str.Brnm (7.5 YR 4/6)	VFmSiLo	---		
71	0-6	Brn (10 YR 4/3)	SiLo	---	NAW	09/18/2009
	6-25	Str.Brnm (7.5 YR 4/6)	FmSiLo	---		
72	0-7	Brn (10 YR 4/3)	SiLo	---	NAW	09/18/2009
	7-24	Str.Brnm (7.5 YR 4/6)	FmSiLo	---		
73	0-15	Brn (10 YR 4/3)	FmSiLo	---	NAW	09/20/2009
	15-26	Brn (7.5 YR 4/4)	VFmSiLo	---		
74	0-14	Brn (10 YR 4/3)	SiLo	---	NAW	09/20/2009
	14-29	Brn (7.5 YR 4/4)	FmSiLo	---		
75	0-9	Brn (10 YR 4/3)	SiLo	---	NAW	09/20/2009
	9-23	Brn (7.5 YR 4/4)	FmSiLo	---		
76	0-7	Brn (10 YR 4/3)	SiLo	---	NAW	09/20/2009
	7-21	Brn (7.5 YR 4/4)	FmSiLo	---		
77	0-6	Brn (10 YR 4/3)	SiLo	---	NAW	09/20/2009
	6-20	Brn (7.5 YR 5/4)	FmSiLo	---		
78	0-9	Brn (10 YR 4/3)	SiLo	---	NAW	09/20/2009
	9-24	Brn (7.5 YR 4/4)	FmSiLo	---		
79	0-5	Brn (10 YR 4/3)	SiLo	---	NAW	09/20/2009
	5-18	Brn (7.5 YR 4/4)	FmSiLo	---		
80	0-8	Brn (10 YR 4/3)	SiLo	---	NAW	09/20/2009

130acre_STP_Results

	8-19	Brn (7.5 YR 4/4)	FmSiLo	---		
81	0-6	Brn (10 YR 4/3)	SiLo	---	NAW	09/20/2009
	6-22	Brn (7.5 YR 4/4)	FmSiLo	---		
82	0-7	Brn (10 YR 4/3)	SiLo	---	NAW	09/20/2009
	7-16	Str.Brn (7.5 YR 4/6)	FmSiLo	---		
83	0-3	Brn (10 YR 4/3)	SiLo	---	NAW	09/20/2009
	3-15	Str.Brn (7.5 YR 4/6)	FmSiLo	---		
84	0-4	Brn (10 YR 4/3)	SiLo	---	NAW	09/20/2009
	4-16	Str.Brn (7.5 YR 4/6)	FmSiLo	---		
85	0-2	Brn (10 YR 4/3)	SiLo	---	NAW	09/20/2009
	2-20	Str.Brn (7.5 YR 4/6)	FmSiLo	---		
86	0-3	Brn (10 YR 4/3)	SiLo	---	NAW	09/20/2009
	3-17	Str.Brn (7.5 YR 4/6)	FmSiLo	---		
87	0-5	Brn (10 YR 4/3)	SiLo	---	NAW	09/20/2009
	5-10	Str.Brn (7.5 YR 4/6)	FmSiLo	---		
88	0-9	Brn (10 YR 4/3)	SiLo	---	NAW	09/20/2009
	9-23	Str.Brn (7.5 YR 4/6)	FmSiLo	---		
89	0-7	Brn (10 YR 4/3)	SiLo	---	NAW	09/21/2009
	7-21	Brn (7.5 YR 4/4)	FmSiLo	---		
90	0-5	Brn (10 YR 4/3)	SiLo	---	NAW	09/21/2009
	5-20	Brn (7.5 YR 4/4)	FmSiLo	---		
91	0-6	Brn (10 YR 4/3)	SiLo	---	NAW	09/21/2009
	6-19	Brn (7.5 YR 4/4)	FmSiLo	---		
92	0-7	Brn (10 YR 4/3)	SiLo	---	NAW	09/21/2009
	7-18	Brn (7.5 YR 4/4)	FmSiLo	---		
93	0-3	Brn (10 YR 4/3)	SiLo	---	NAW	09/21/2009
	3-19	Str.Brn (7.5 YR 4/6)	FmSiLo	---		
94	0-2	Brn (10 YR 4/3)	SiLo	---	NAW	09/21/2009
	2-17	Brn (7.5 YR 4/4)	FmSiLo	---		
95	0-7	Brn (10 YR 4/3)	SiLo	---	NAW	09/21/2009
	7-17	Brn (7.5 YR 4/4)	FmSiLo	---		
KEY						

130acre_STP_Results

	Brm-Brown		Dk-Dark	Fm-Firm	
	Gr-Grayish		Grv-Gravelly	Lo-Loam	
	Lt-Light		Pa-Pale	Rd-Reddish	
	Si-Silt		Str-Strong	V-Very	
	Y-Yellowish				

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July 2nd, 2012

John J. Condino
Barton & Loguidice Consulting Engineers, P.C.
290 Elwood Davis Road, P.O. Box 3107
Syracuse, NY 13220

RE: Letter report of a supplemental phase I archaeological evaluation of two block flakes identified within Section 1A of the proposed ARE Park Project Site in the Town of Lincoln in Madison County, New York.

Dear Mr. Condino:

Alliance Archaeological Services is pleased to submit the following letter report of the supplemental phase I archaeological investigation of the above-referenced project area. This phase I investigation was completed on June 6th and June 28th, 2012, and included additional surface inspection and shovel testing. All aspects of this supplemental survey conformed to the New York Archaeological Council's (NYAC) *Standards for Cultural Resource Investigations* (1994) as adopted and required by the New York State Office of Parks, Recreation and Historic Preservation (OPRHP), as well as to the *Phase I Archaeological Report Format Requirements* as published and required by the OPRHP (2005).

The following letter report details the results of the supplemental phase IB archaeological field reconnaissance, and presents Alliance Archaeological Services' conclusions and recommendations concerning the necessity of any additional archaeological investigations.

Description of Supplemental Work

The proposed project plan calls for the development of an Agricultural Renewable Energy (ARE) Park adjacent to the active and closed portions of the Madison County Landfill. All portions of this area are owned by Madison County. All to-be-developed portions of this area have been previously investigated (Waters 2005, 2010a, 2010b, 2011). The current scope of work was defined as supplemental shovel testing and surface inspection around two block flakes identified within the northeastern portion of Section 1A in 2011 (Figure 1). Section 1A consists of 49.8 acres (20.2 hectares) to the east of Tuttle Road and to the northwest of the active landfill (Figure 1). This section is level to gently rolling and contains a mix of active agricultural fields, wetland and fallow grass. The wetland and associate stream areas will be avoided. The western, active agricultural portions of this area were thoroughly investigated in 2004 and 2010 as the North Cornfield portion of the 85-acre soil borrow area (Waters 2005, 2010a, 2010b). The remaining, fallow eastern portions of this area were investigated in 2011. For a complete discussion of the natural and cultural background, please refer to the referenced reports.

Testing Methodology

All aspects of this supplemental field evaluation were conducted by Nikki A. Waters, M.A., Principal Investigator on June 6th and June 28th, 2012. Each block flake location was re-identified by GPS. As conditions at the time of were extremely hot and muggy, fieldwork was initiated shortly after dawn and terminated by late morning. As a result, no fieldtime was lost due to adverse conditions.

An additional systematic pedestrian survey covering 100 square feet surrounding each original block flake findspot (FS#s 4 and 5) was first conducted in order to gather additional data on potential past cultural land use. Following adequate rain-washing, the ground surface visibility within these re-plowed and newly planted areas was visually estimated at between 80 and 90%. Given the area's potential sensitivity, this supplemental survey was conducted at 1 meter (3feet) intervals. If cultural materials had been identified, a pin flag would have been placed at each findspot until the full distribution of the scatter could be determined. All artifact findspots would then have been recorded on the project map,

and the materials bagged by pin flag and GPS coordinates. The surface survey would then have been expanded until at least 100 feet of negative surface inspection in all directions was completed. Additional supplemental shovel tests would then have been excavated, as appropriate, across the scatter area in order to evaluate the soil stratigraphy and assess the potential for additional, buried cultural materials and/or features to be present. If cultural features or indications of soil anomalies had been identified, the edges of the feature or anomaly would have been defined and mapped in planview, and soil color and texture data would have been collected. The specific shovel test methodology is described in detail below.

Eight additional shovel tests were excavated in each of the cardinal and subcardinal directions at 3 and 7.5 meter (10 and 25 foot) intervals, respectively, around each previous block flake findspot. All shovel tests were a minimum of 30 cm (12 inches) in diameter, excavated a minimum of one cubic foot of soil, and were continued into undisturbed or non-artifact bearing subsoil. All excavated soils were then screened through 6mm (1/4 inch) mesh hardware cloth. The exposed soil profile was then visually examined to aid in the identification of cultural features, deposits and/or buried cultural horizons. If indications of cultural features had been noted, the relevant portion of the shovel test would have been profiled, the exposed feature described and documented, and then covered with plastic prior to backfilling. Additional radial shovel tests, as described above, would then have been excavated. All shovel test locations were then plotted on the supplemental project map (Figure 2). A detailed soil profile, including Munsell color and soil texture analyses, was obtained for each excavated probe (Table 1).

Supplemental Phase IB Survey Results

The additional 100 square foot systematic surface survey did not result in the identification of any pre-contact cultural materials or features. Likewise, no additional block flakes or historic archaeological materials were noted. The supplemental surface survey indicated that the area surrounding each original block flake location was in newly planted corn that had been repeatedly rain-washed, and therefore offered excellent ground surface visibility (between 80 and 90%). Given these conditions, the negative surface survey result was considered valid and no additional surface investigations were conducted.

A total of 8 shovel tests were then excavated at the cardinal and subcardinal directions at 3 and 7.5 meter (10 and 25 foot) intervals, respectively, around each previous block flake findspot (Figure 2; Table 1; STP #s 4.1 through 4.8 and 5.1 through 5.8). As no cultural materials or indications of cultural features were identified, no additional shovel tests were excavated. All probes were consistent with the results of the 2011 supplemental shovel test evaluation of this overall area (Waters 2011). For example, a typical profile surrounding FS#4 consisted of a dark yellowish brown, silt loam to firm silt loam A_p horizon that ranged in depth from 9 to 16 cm (4 to 6 inches) below the current ground surface. The average depth of was 11 cm (4 inches). The B-horizon soils consisted of a brown, silt loam to firm silt loam. Depth of excavation within the subsoil ranged from 15 to 32 cm (6 to 13 inches) below the current surface. No cultural materials or features were recovered. As a result, no further subsurface investigations surrounding FS#4 were conducted.

A typical profile surrounding FS#5 also consisted of a dark yellowish brown, silt loam to firm silt loam A_p horizon that ranged in depth from 8 to 16 cm (3 to 6 inches) below the current ground surface. The average depth of was 12 cm (5 inches). The B-horizon soils also consisted of a brown, silt loam to firm silt loam. Depth of excavation within the subsoil ranged from 17 to 33 cm (7 to 13 inches) below the current surface. No cultural materials or features were recovered. As a result, no further subsurface investigations surrounding FS#5 were conducted.

<i>FS/STP#</i>	<i>Depth (cm)</i>	<i>Soil Color</i>	<i>Soil Texture</i>	<i>Artifact Summary</i>	<i>Excavator</i>	<i>Date</i>
4.1N	0-10	DkYBrn (10 YR 3/4)	SiLo	---	NAW	06/28/2012
	10-31	Brn (7.5 YR 5/4)	FrmSiLo	---		
4.2E	0-16	DkYBrn (10 YR 3/4)	SiLo	---	NAW	06/28/2012
	16-32	Brn (7.5 YR 4/4)	FrmSiLo	---		
4.3S	0-11	DkYBrn (10 YR 3/4)	SiLo	---	NAW	06/28/2012
	11-25	Brn (7.5 YR 4/4)	FrmSiLo	---		
4.4W	0-10	DkYBrn (10 YR 3/4)	SiLo	---	NAW	06/28/2012

	10-29	Brn (7.5 YR 4/4)	FrmSiLo	---		
4.5NE	0-9	DkYBrn (10 YR 3/4)	SiLo	---	NAW	06/28/2012
	9-15	Brn (7.5 YR 4/4)	SiLo	---		
4.6SE	0-12	DkYBrn (10 YR 3/4)	SiLo	---	NAW	06/28/2012
	12-20	Brn (7.5 YR 5/4)	FrmSiLo	---		
4.7SW	0-10	DkYBrn (10 YR 3/4)	SiLo	---	NAW	06/28/2012
	10-19	Brn (7.5 YR 4/4)	FrmSiLo	---		
4.8NW	0-13	DkYBrn (10 YR 3/4)	SiLo	---	NAW	06/28/2012
	13-30	Brn (7.5 YR 4/4)	FrmSiLo	---		
5.1N	0-11	DkYBrn (10 YR 3/4)	SiLo	---	NAW	06/28/2012
	11-29	Brn (7.5 YR 4/4)	FrmSiLo	---		
5.2E	0-16	DkYBrn (10 YR 3/4)	SiLo	---	NAW	06/28/2012
	16-33	Brn (7.5 YR 5/4)	FrmSiLo	---		
5.3S	0-8	DkYBrn (10 YR 3/4)	FrmSiLo	---	NAW	06/28/2012
	8-17	Brn (7.5 YR 4/4)	FrmSiLo	---		
5.4W	0-10	DkYBrn (10 YR 3/4)	SiLo	---	NAW	06/28/2012
	10-29	Brn (7.5 YR 4/4)	FrmSiLo	---		
5.5NE	0-11	DkYBrn (10 YR 3/4)	SiLo	---	NAW	06/28/2012
	11-20	Brn (7.5 YR 4/4)	FrmSiLo	---		
5.6SE	0-14	DkYBrn (10 YR 3/4)	SiLo	---	NAW	06/28/2012
	14-25	Brn (7.5 YR 5/4)	FrmSiLo	---		
5.7SW	0-13	DkYBrn (10 YR 3/4)	SiLo	---	NAW	06/28/2012
	13-19	Brn (7.5 YR 4/4)	FrmSiLo	---		
5.8NW	0-12	DkYBrn (10 YR 3/4)	SiLo	---	NAW	06/28/2012
	12-24	Brn (7.5 YR 4/4)	FrmSiLo	---		

Conclusions and Recommendations

In response to a request from the OPRHP and Madison County, Alliance Archaeological Services has completed a supplemental phase IB field investigation of two block flake findspots within Section 1A of the proposed ARE Park project site in the Town of Lincoln in Madison County, New York. Although the cultural background review indicated that Section 1A had the potential to contain previously unidentified pre-contact archaeological sites, and two non-cultural block flakes were identified during the 2011 field investigation, no cultural materials or cultural features were identified during the 2012 supplemental field investigation. As a result, no further archaeological investigations appear warranted at this time and cultural resource clearance for the non-buffer portions of Section 1A is recommended.

This recommendation of cultural resource clearance is made with the understanding that if the project impact boundaries or buffer zones should change, additional archaeological investigations may be required. This recommendation of cultural resource clearance is also made with the understanding that if any archaeological materials, human remains or associated mortuary goods are uncovered during construction or earth-moving activities, work within the area will immediately cease and the OPRHP will be notified.

If you should require any additional information, or if you should have any questions concerning this letter report, please do not hesitate to contact me. I can be reached by phone at 315-329-6587, by mobile at 315-632-8283, or by email at nwaters@alliancearchaeology.com.

Sincerely,

**Nikki A.
Waters**

Digitally signed by Nikki A. Waters
DN: cn=Nikki A. Waters, o=Alliance Archaeological Services, ou, email=nwaters@alliancearchaeology.com, c=US
Date: 2012.07.02 13:02:05 -04'00'

Nikki A. Waters, M.A.
Owner/Principal Investigator

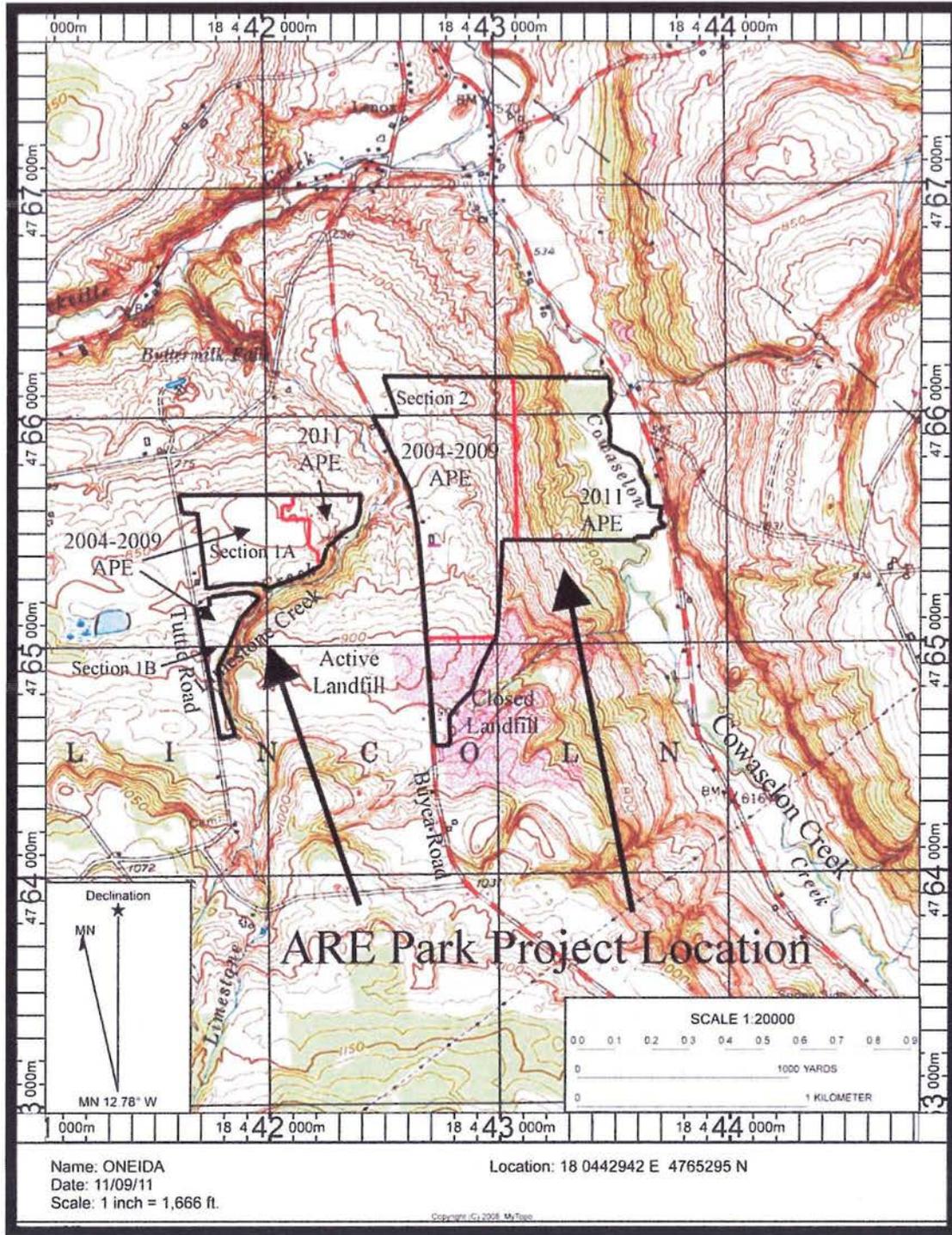


Figure 1. Location of the ARE Park project area and ARE Park sections as shown on a portion of the 1955 Oneida, New York 7.5' quadrangle, photo-revised 1993, Copyright 2010, Maptech, Inc. (Scale in UTM's). The overall ARE Park boundaries are shown in black. The eastern portion of Section 1A is outlined in red.

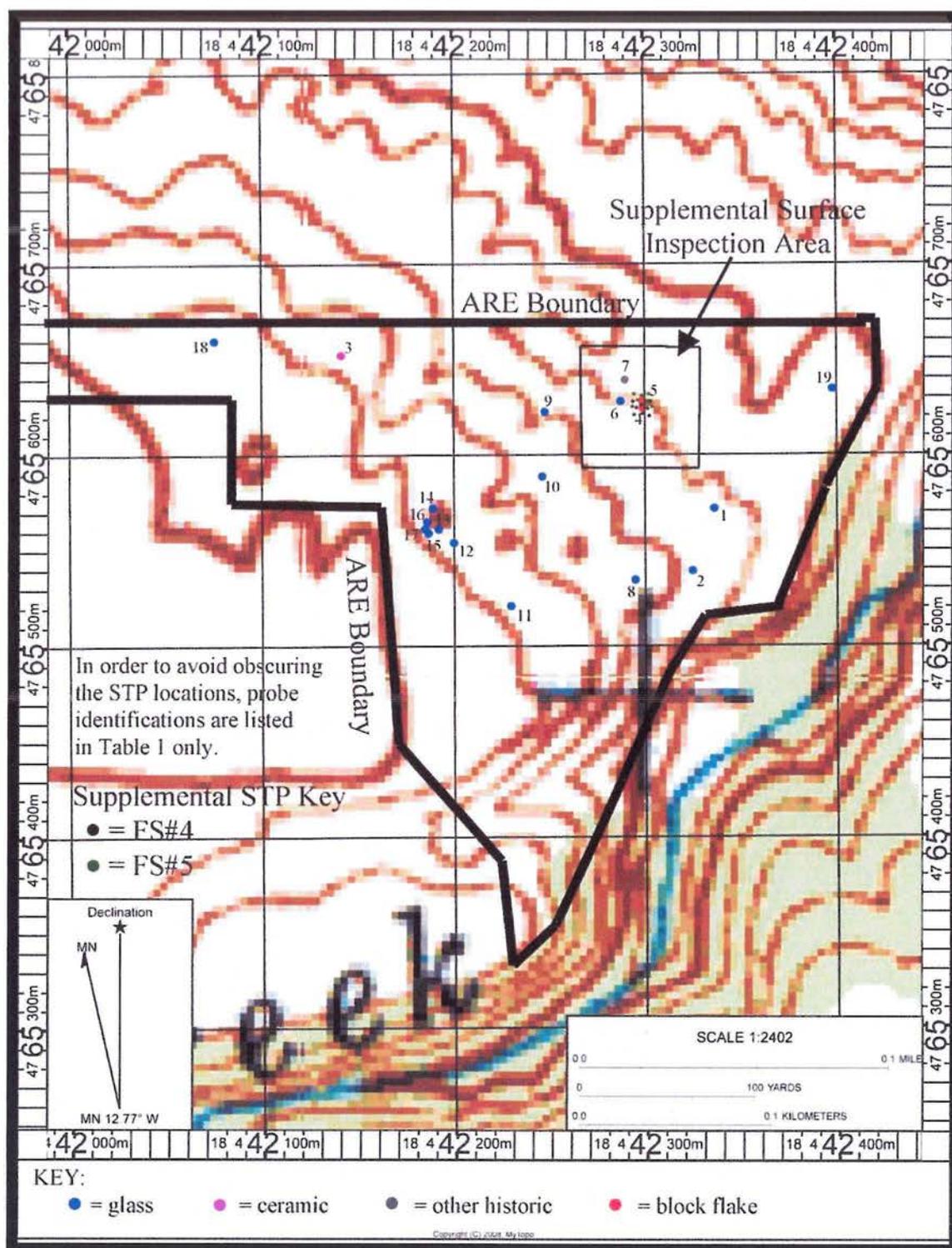


Figure 2. Location of the supplemental surface and shovel test inspections within Section 1A as shown on a portion of the 1955 Oneida, New York 7.5' quadrangle, photo-revised 1993, Copyright 2010, Maptech, Inc. (Scale in UTM).

Appendix DD

Alliance Archaeological Services Response to Comments

Alliance Archaeological Services

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June 2, 2013

Madison County New York
Board of Supervisors
138 North Court Street
PO Box 635
Wampsville, New York 13163

Re: Proposed Madison County Agricultural and Renewable Energy Business Park (“ARE Park” or “Project”) Generic Environmental Impact Statement (“GEIS”)

Dear Sirs and Mesdames:

As you know, we have been working with Madison County and Barton & Loguidice (“B&L”) to evaluate the potential archaeological impacts of the development of the ARE Park in conjunction with the State Environmental Quality Review Act (“SEQRA”) review of the Project. Most recently we have been asked to review and respond to particular comments submitted by the Oneida Indian Nation (the “Nation”) on the Draft GEIS which relate to the archeological studies conducted for the Project. Our response to the Nation’s comments¹ which relate to work undertaken by Alliance Archaeological Services (“Alliance”) are provided below.

1) Comment II(a): The Nation and SHPO were not consulted on the archaeological surveys upon which the DGEIS relies for its conclusions.

Response: The Nation’s allegation that no consultation occurred with regard to the numerous archaeological surveys conducted of the Project site are simply inaccurate.

New York’s State Historic Preservation Office (SHPO) was consulted before, during and after completion of the 2004 activities conducted to evaluate Sites 1A and 1B as part of the 85-acre soil borrow area for the expansion of the Madison County landfill (the “Landfill Expansion”). While these consultations were advisory only, they were comprehensive: numerous phone and email consultations were initiated while fieldwork was ongoing; in-person meetings were scheduled to discuss initial field results and possible courses of action for site preservation; the Phase I Report was submitted for review and comment, and; SHPO’s recommendations were followed.

In addition, multiple parties were given the opportunity to review and comment upon the machine trenching protocol for the ceramic sherd site within Site 1A including Jesse Bergevin, Historic Resources Specialist for the Oneida Nation, Dr. Nancy Herter from SHPO and representatives of the New York State Department of Environmental Conservation (“DEC”). The trenching protocol was submitted in September of 2009 to SHPO, the Nation and the DEC for review and approval. Fieldwork for the trenching did not occur until all parties had agreed to the protocol, in June 2010. Mr. Bergevin was also present for all trenching fieldwork and assisted directly with the trenching portion of the evaluation. Photographs of him doing so are included in Appendix A of the associated report. While Mr. Bergevin was invited to remain for the documentation of the trench profile walls he declined indicating that he was confident with the results of the day’s fieldwork and trusted that I would accurately complete the profile drawings².

Footnotes:

¹All references are to comments made by the Nation in their March 13, 2012 letter addressed to the Madison County Planning Department.

²At that time Mr. Bergevin also agreed with the initial conclusion that the sherd identified during the field activities was not a component of a larger site and concurred that it was most likely intrusive.

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In May of 2010 Mr. Bergevin, representatives of the Rochester Museum and Science Center and the DEC were invited to attend a field tour which included a discussion of the surface survey techniques used within Sites 1A and 1B. All parties agreed that the survey interval being utilized by Alliance for evaluating the Project was above and beyond standard industry procedures. A spiritual representative of the Nation also took advantage of the opportunity to walk Sites 1A and 1B and determine if any locations seemed appropriate for more intensive work. However, despite the opportunity, the Nation never indicated that any previously surveyed areas required more intensive investigation.

SHPO provided significant information related to the overall Project site to Alliance in 2004, including local site summaries prepared by former Nation archaeologist Tony Wonderly. All such information was fully referenced in the 2005 and 2010 reports issued in relation to the Landfill Expansion, and again in the 2011 ARE Park report.

2) Comment II(b): The DGEIS lacks the information necessary for the Nation to adequately assess the impacts of the Project on cultural resources.

Response: While the Nation indicates that it has not been provided with “each of the studies relied upon” in the DGEIS to assess the cultural resource surveys, this is also incorrect. The Nation has been provided each of the studies and reports identified in the DGEIS and 2011 ARE Park report. The last outstanding reports, the 1989 Atlantic and Pratt archaeological survey reports referenced by Alliance were copied and forwarded to SHPO and the Nation per SHPO’s request on February 3, 2012.

3) Comment III(a): Section 4.1.1.1 of the DGEIS states that “no pre-contact sites were identified.” The DGEIS fails to mention, however, the pre-contact lithic finds described in the archaeological report that could be associated with a pre-contact site, and also fails to acknowledge the pre-contact ceramic referenced in the discussion of the 2005 report, which also represents a pre-contact find. Moreover, as described in more detail in the comments on the 2011 Report below, the areas within Sites 1A and 1B that the DGEIS indicates are archaeologically cleared are predominantly based upon inadequate surface surveys. More intensive shovel tests are needed to adequately determine whether cultural resources are present on these areas of the Project site.

In Section 4.1.1.2, there is no information available to verify the claims made in the 2011 Report. Based on the information presented in the 2011 Report, however, it appears that the testing strategy used was based on a methodology that could likely overlook Native historic resources (i.e., testing intervals that are too large and use of pedestrian surveys in place of testing). In addition, if the testing performed for Section 2 was the same as the testing for Section 1A, it is inadequate to identify cultural resources for the reasons just discussed. Because the 2010 report was not included with the DGEIS, however, it is not possible to ascertain whether the Section 2 conclusions and recommendations are proper and correct.

Response: In regards to Section 4.1.1.1 of the DGEIS, the text should be corrected to state that “no *potentially significant* pre-contact sites were identified.” For example, during the landfill expansion and soil borrow surveys (2004 to 2010) only the pre-contact ceramic sherd and one non-diagnostic point blade fragment were found in isolation from each other within Site 1A. No pre-contact materials were identified within Site 1B. Intensive field investigations of both the ceramic sherd and the point blade location (see below) failed to produce additional cultural data. As a result, no connection between the sherd and the blade fragment could be made and no indications that either specimen was part of a larger cultural deposit were identified. Both specimens were therefore consistent with an interpretation of accidental loss or discard. could not be considered significant pre-contact finds, and do not warrant further investigation.

Footnotes:

³At that time the DEC archaeologist also stated that given the small size of the sherd identified Alliance displayed “good eyes in the field.”

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Nevertheless, at the request of SHPO the pre-contact ceramic site was investigated further (see discussion above) and was subsequently cleared in cooperation with SHPO and the Nation in 2010. The single lithic point blade was also cleared as a non-diagnostic isolate. In addition, the two non-cultural block flakes identified during the 2011 investigation of the ARE Park (the eastern portion of Site 1A) were *non-cultural and cannot be considered culturally significant*. The identification of these items was included in the ARE Park report to document the fact that natural chert had been located in the field. Had cultural pieces been present, they would have been identified as well. Any interpretation of the presence of these two flakes as an indication of cultural resources is a confusion of the purpose for their discussion in the reports. To clear this confusion, additional surface inspection and 16 shovel tests were excavated surrounding the location of each natural block flake. These additional surveys were negative for cultural materials. A letter report of these investigations was prepared on July 2, 2012. Afterward, Jesse Bergevin and Dr. Nancy Herter of SHPO were invited back into the field to personally inspect the block flake locations. Although no additional cultural materials were identified within or adjacent to the block flake locations, Mr. Bergevin did identify lithic cultural material adjacent the small wetland in the northeast corner of Site 1A. However, this area was well removed from the location of the block flakes and did not represent a related cultural resource. This area is also within the wetland buffer zone and will be protected. Therefore, the statement that no potentially significant pre-contact sites were identified within Site 1A is accurate.

After the inspection of Site 1A, Mr. Bergevin and Dr. Herter accompanied Alliance into the floodplain of Section 2 to inspect the ARE Park Pre-contact site. Additional lithic cultural material was identified and the protection of that area was discussed.

In regards to the comment that the survey techniques were inadequate, Sites 1A and 1B were both surface-surveyed using a transect interval which well exceeds the SHPO standard of 5 meters. The 2005 and 2010 reports clearly state that the initial interval was 3 meters which was reduced to 1 meter or less when archaeological materials were identified. This same interval was used throughout all surface inspected areas on county land. This means every corn row or every plowed furrow was walked. Ground surface visibility (80 to 95%) also far exceeded the minimum required by the SHPO (70%) for a surface survey. Mr. Bergevin, the archaeologists from the Rochester Museum and Science Center and DEC all commented on how thorough these methods were. The archaeologist from the Rochester Museum and Science Center also said it was more than his firm would have done. Alliance's survey techniques were superior to industry standards and recognized as such by independent professionals. In addition, as noted in response to Comment II(a), during a site visit in 2010 Mr. Bergevin also agreed that the surface survey interval utilized by Alliance was above and beyond standard industry procedures.

In regards to the necessity of a re-survey of these areas, re-plowing, discing and rainwashing of these areas may have the potential to produce additional samples of any archaeological materials remaining within the plowzone. Such techniques are often used as limited Phase II testing, and such a re-survey was conducted of the Late Woodland Tuttle site following a recommendation by the SHPO prior to completion of the report of the 2004 investigations (another excellent example of on-going consultation). However, given the high intensity of the previous surface surveys, such additional work within Sections 1A and 1B is unlikely to alter the conclusions and recommendations. If potentially significant Oneida sites had been present, they would have been identified since a surface survey conducted at 1 to 3 meter intervals with 80 to 95% ground surface visibility will produce a superior sample of the available cultural materials when compared to a shovel test survey because more of the ground is available for sampling and inspection. For example, plowing allows for the visual inspection of between 70 and 95% (depending on ground surface visibility) of the current surface of the plowzone. By way of contrast, shovel testing only allows for the inspection of ~1 cubic foot of plowzone per shovel test, with each shovel test excavated on a grid of usually 7.5 or 15 meter intervals. Therefore, even at a closer interval shovel testing will produce a smaller sample size than surface inspection. SHPO and DEC agreed during a meeting at the DEC office in Albany during the summer of 2012 that surface sampling was a superior technique.

Additional shovel testing within any of these surface-inspected areas would be superfluous and SHPO agreed in the summer of 2012 that additional shovel testing under these conditions would not be required. For example, the extremely low artifact density, high ground surface visibility (between 85 and 95%), low surface survey interval (less than 1 to less than 3 meters), and repeated episodes of low interval surface inspection (three surface surveys in 2004, one in 2009 and

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one in 2010, all after additional episodes of rain-washing) strongly supports the conclusion that there is a low potential for additional, and/or significant archaeological materials to be present within this area. Given the combination of these factors, additional archaeological evaluations were considered highly unlikely to produce either a variant artifact pattern or a significant change in the suggested dates of occupation. Consistent with this recommendation, SHPO did not ask for additional investigations within these remaining areas following submittal of both the 2005 and 2010 reports. Additional work was only requested (and performed) within the specific location of the LW sherd.

The pre-contact artifact density for Section 1A is also so low (and the survey intervals and episodes of survey repetition were so high) that by the National Register Bulletin Standards (“NRBS”), which are used by archaeologists to evaluate archaeological sites, it was valid and reasonable to conclude that additional archaeological evaluations of these isolates would be unlikely to be able to provide statistically relevant answers to specific or detailed research questions.

Under Section 106 and consistent with current SHPO guidelines, archaeological resources are evaluated according to their eligibility for nomination to the *National Register of Historic Places*. This is the standard for Cultural Resource Management (“CRM”) across the country. To be eligible for nomination, an archaeological site (or isolate) must “have, or have had, information to contribute to our understanding of human history or prehistory, and the information must be considered important.” NRBS: 21.

Thus, to be considered potentially significant (i.e., potentially eligible for nomination to the National Register), a site must not only have produced important historic data, but must also have the potential to produce more. *The available data within a site cannot be exhausted*. The extensive phase I investigations of both the LW sherd site and the isolated blade fragment validate the conclusion that the data potential of the LW sherd and blade have been exhausted. By National Register standards, further archaeological investigations would be redundant.

By NR standards “important” information is any information which can be shown to have “a significant bearing on a research design that addresses such areas as: 1) current data gaps or alternative theories that challenge existing ones or 2) priority areas identified under a State or Federal agency management plan (NRBS: 21). Therefore, in order to be considered as potentially significant and requiring either avoidance or further archaeological testing, an archaeological site (or isolate) must produce data at a phase I level which is valid and relevant to assessing the site’s potential or likelihood to contain additional information that can be used to address important archaeological research questions. A site (or isolate) must therefore have characteristics showing it is likely to possess “configurations of artifacts, soil strata, structural remains, or other natural or cultural features that make it possible to do the following:

- Test a hypothesis or hypotheses about events, groups, or processes in the past that bear on important research questions in the social or natural sciences or the humanities; or
- Corroborate or amplify currently available information suggesting that a hypothesis is either true or false; or
- Reconstruct the sequence of archaeological cultures for the purpose of identifying and explaining continuities and discontinuities in the archaeological record for a particular area.” NRBS: 21.

This is Criterion D and most archaeological sites are best evaluated under it.

A site or isolate is not considered eligible (and can therefore be cleared at the phase I level) if:

- So little can be understood about it that it is not possible to determine if specific important research questions can be answered by data contained in the property; or
- If the applicable research design requires a class of deposits or artifacts which are not available (such as stratified deposits of artifacts, subplowzone features, artifacts from one or multiple time periods or cultures, etc.); or

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-If the integrity of a site has been compromised to the point where the original cultural and geomorphic context has been lost (NRBS: 21-22).

Alliance reports are always based on these standards and each site's potential under Criterion D is always fully considered. Because of this, a more than reasonable level of phase I effort to document data redundancy was performed and the conclusions and recommendations in the 2005 and 2010 reports are validated and supported by the Federal standard used by SHPO. Further, as noted in response to Comment II(a), during a site visit in 2010 Mr. Bergevin agreed that the surface survey interval utilized by Alliance was above and beyond standard industry procedures. That survey method was used for all sites within the Project.

- 4) **Comment III(b)(1): The Nation is concerned that there may be terraces present in portions of the sloped areas in Section 2 that were not adequately surveyed for cultural resources. As discussed on page 11 of the Report, Section 2 includes sloped areas that have been subject to erosion. Page 4 of the Report states that the sloped portions of Section 2 were not investigated further in the 2009 surveys due to this erosion, and page 11 of the Report concludes that “the potential for significant archaeological resources to remain within these heavily sloped areas was considered to be minimal and no further archaeological investigations were conducted.” The Nation is aware of significant Oneida village sites that are located on very limited level ground in areas with steep slopes and excessive erosion. Given that the sloped areas were “written off” (i.e., have not been tested) and the DGEIS did not include the 2010 archaeological report that addresses this area, the Nation is concerned that there may be gaps in coverage in the testing of Section 2.**

Response: While it is possible that small terraces are present within the sloped portions of Section 2, given that these areas were to be avoided during development of the ARE Park, intensive evaluations of this possibility were not made. Because these areas are scheduled for avoidance, such work is unnecessary.

- 5) **Comment III(b)(2): The testing methodology employed for portions of Sections 1A and 2 raises concerns for the Nation. Portions of Section 1A and 2 employed a methodology that entailed surface examination of plowed fields. Such surface examination can be problematic given the types of soils present in the APE, because the results of these examinations can change as these local soils are exposed to further weathering. In a recent examination of a local site with similar soils, initial plowed transects across the portion of the site produced very few lithic materials following several rain events. During a follow up examination after the winter snows had melted, however, additional lithic remains and ceramic materials were exposed, which was consistent with the artifact distribution on other portions of that site that were systematically shovel tested. Given the types of soil present in the area, it is necessary to conduct systematic shovel testing in the portions of Sections 1A and 2 where only surface examination was utilized, in order to properly identify the potential presence of cultural resources.**

Response: SHPO requires adequate rain-washing prior to a surface investigation as it is well known and accepted that a freshly plowed field does not provide adequate visibility for a surface survey, and that archaeological data are therefore highly likely to be missed. All surface inspections of the Project site were performed well after plowing and planting, allowing for the exposed soils to undergo several months of rain washing prior to the investigations. While the Nation points to a local examination in support of their comment, they provide no report for the site they reference. In order to draw a valid comparison between surface investigations and sites many variables must be examined such as: the manner of plowing first employed for the project; information regarding whether the area was subsequently disced, and; the intensity of the rain-washing prior to the initial surface investigation.

- 6) **Comment III(b)(3): The Nation has several concerns regarding the shovel testing that was conducted for Section 1A. First, this testing (as documented on page 61 of the 2011 Report) was attempted at very broad intervals of 76m/250ft. These intervals are too large to adequately identify cultural resources. In addition, these intervals are too large to identify variations in soils, the presence of which would lead to smaller**

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interval testing. The depth of excavation is also a concern because based on previous work in the area, a soil with denser concentrations of gravel at the subsoil would have been expected. The Nation is concerned that many of the shovel tests were not excavated to sterile subsoil based upon the fact that sterile soil in the area is generally encountered below the depths that were tested, and the soil color, texture and composition from the shovel tests, as documented in the 2011 Report, is not what we would have expected to see for sterile soil in the Project area. Therefore, our local archeological work and experience with highly eroded soil, combined with the soil profiles presented in the 2011 Report, raise concerns regarding the actual level of erosion that has occurred within Section 1A. Based upon these concerns, the Nation also questions the interpretations made regarding the integrity of the soils in the portions of Section 2 that were examined in previous studies and documented in the 2010 report. Because the DGEIS failed to include the 2010 Report, it is not possible for the Nation to determine whether the soil integrity interpretations are adequate, or to otherwise comment on these interpretations.

Response: The Nation's comments regarding the shovel testing undertaken at the Project site is misplaced as it presumes that the shovel testing was undertaken for the purpose of site identification. Current SHPO guidelines require supplemental shovel testing within *all* surface-inspected areas to assess variability in the depth of the plowzone, as well as the characteristics of the underlying soils, and the soils present within varying landforms (1994: 3; 2005: 4). The purpose of shovel tests within a surface-inspected area is therefore *not* site identification. Shovel testing for the purpose of site identification is only required in those areas where the presence or absence of archaeological materials cannot be determined by direct observation (1994: 2): i.e surface inspection. These shovel tests were in accord with current SHPO guidelines .

Further shovel testing of the Project site is not necessary or called for under either state or federal archaeology standards. Indeed, during the June 30, 2012 meeting with SHPO and DEC to discuss the Project, Nancy Herter from SHPO concurred that additional shovel testing within a surface-inspected area would be unnecessary and redundant as surface inspections produces superior sample results.

The Nation presents no documented proof that has been peer-reviewed by neutral, professional archaeologists supporting their claim of the superiority of such shovel testing over the kind of surface inspection performed at the Project site or that they are applying this "new" criteria consistently and fairly to all phase I projects within their area of interest. As such, their arguments related to the identification of sterile subsoils and the impacts of erosion within the surface-inspected areas are irrelevant.

- 7) **Comment III(b)(5): Pages 32 – 34 of the Report references two "block flakes" of Onondaga chert that were identified near each other in Section 1A. The Report, however, concluded that these block flakes were not considered "culturally significant" and therefore no further archeological investigations were conducted. The Nation does not agree with this interpretation. Lithic materials related to this period in Oneida history often represent expedient, informal tools that could indicate an area of previous occupation or the presence of cultural materials that could be part of an Oneida Village site. The pictures of the block flakes included in the report (on p. 33) do not support the Report's interpretation because the materials in the pictures resemble other lithics that have been observed locally at other Oneida sites. For these reasons, further investigation, including more intensive testing of this area, should be conducted.**

Response: "Block flake" means a chunky fragment of chert that shows no clear and/or definitive signs of cultural modification or use. This term is often used synonymously with "shatter." Block flakes or shatter are most often produced naturally by freeze-thaw cycles or battering during erosion or water transport. However, they can also be culturally produced during flintknapping when a piece of chert with an internal flaw is struck and subsequently breaks into irregular fragments. In these cases, the block flakes are identified in association with lithic scatters of definitive cultural origin. When block flakes are identified *in isolation* (as was the case for the block flakes referenced by the Nation) they cannot be taken as definitive proof of cultural activity. The area surrounding these flakes was examined at 1 meter intervals on two separate days. Further evaluations were made weeks later when additional photos were taken and

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site flags collected. No additional materials were identified. Examination in the lab under magnification also did not yield any evidence of cultural use. These block flakes were never used as tools, and no evidence of stone tool use, manufacture or refurbishing was found anywhere near them.

The archaeological survey of the Project site was more than adequate. Variations in site identification are largely determined by variations in visibility and accessibility. Visibility throughout all surface-inspected areas was excellent (between 80 and 95%) and all areas were easily accessible. The other factors affecting site identification are the obtrusiveness of the archaeological material (how easy it is to see) and the exact survey methods used. Based on these criteria, an evaluation of the effectiveness of the Alliance surface surveys can be made as follows:

Visibility: excellent at 80 to 95%

Accessibility: excellent, all areas which needed to be surface inspected could be reached

Obtrusiveness: variable based on artifact size, but the number of small remains recovered (such as the LW sherd) combined with the long duration and repeated episodes of rain-washing makes this variable more favorable than not.

Survey Method: 100% collection of all pre-contact artifacts at 1 to 3 meter linear transect intervals. Linear transects are superior as they provide the highest ratio of perimeter to area. Many of the intervals for the Project site, especially around the LW sherd and blade fragment, were less than 1 meter.

When evaluating the fitness of any surface survey, the most significant variable is intensity, or the thoroughness with which an area was searched for archaeological resources. For a surface inspection, intensity is a direct function of time spent and the distance between crew members. Most archaeologists agree that an average of 15 acres of surface inspection per person per day represents a valid and sufficient effort. The survey days for the Project site covered every corn row or furrow. Only a complete re-prep and re-survey of each area would provide a higher intensity. Indeed, the survey intensity was significantly higher than that required by SHPO, providing for a very high probability to identify both large and small sites. This can be seen in the results of the Project site survey, which identified both large and small sites which will be protected using a conservation easement.

High intensity surveys have a very high probability to identify both large and small sites. Since both were identified, the lack of potentially significant pre-contact sites within Sites 1A and 1B is far more likely to be the function of factual archaeological data rather than a function of inadequate survey technique.

In regards to the Nation's emphasis on shovel testing, both SHPO and DEC concur that a well-designed and executed surface inspection will produce a better sample than a systematic shovel test evaluation. This conclusion is largely based on obtrusiveness. Obtrusiveness is the chance that a given artifact or site will be discovered using a particular survey technique. This is discussed in the reports as the "archaeological visibility threshold." This threshold is why survey intervals are set at minimum standards by the SHPO. Small sites with low numbers of artifacts obviously have a lower obtrusiveness than village sites and therefore require a lower survey interval to be identified.

An adequate survey method must be designed to maximize the chances of encountering these low obtrusive sites. High obtrusive sites will then be easily identified. When determining whether a surface or shovel test survey will be best at identifying low obtrusive sites, ground surface visibility is a very significant factor. For example, within a plowed field both survey techniques will examine a sample of the plowzone. The issue is then one of scope. A low interval surface inspection (even with limited ground surface visibility, less than 60%) will examine the entire exposed surface area of the plowzone. Even at 5 meter intervals, a shovel test will only examine approximately 1 cubic foot of plowzone per shovel test. SHPO guidelines allow shovel tests at 15 meter intervals. If additional or larger samples are required, re-plowing and re-surface surveying are still superior to the results from shovel testing.

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If you should require any additional information, or if you should have any questions, please do not hesitate to contact me. I can be reached by phone at 315-329-6587, by mobile at 315-632-8283, or by email at nwaters@alliancearchaeology.com.

Sincerely,

Nikki A. Waters, M.A.
Owner/Principal Investigator

Appendix EE

**Madison County Landfill NYDEC Operating Permit
ID 7-2538-0001/00005**

PERMIT

Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To:
MADISON COUNTY
CO OFFICE BLDG
WAMPSVILLE, NY 13163
(315) 366-2208

Facility:
MADISON COUNTY LANDFILL
BUYEA RD - W SIDE - N OF EDDY RD
CANASTOTA, NY 13032

Facility Location: in LINCOLN in MADISON COUNTY

Facility Principal Reference Point: NYTM-E: 442.4 NYTM-N: 4764.9

Latitude: 43°02'04.5" Longitude: 75°42'25.4"

Authorized Activity: Modification of the Solid Waste Permit for the continued operation and expansion of the Madison County municipal solid waste landfill to include the modification for the construction and operation of the West Side Landfill Expansion contiguous to the existing West Side Landfill currently operated by the County. (The expansion consists of 13 landfill cells over approximately 62.5 acres with an estimated useful facility life of 110 years. An additional 124 acres will be developed for construction of landfill containment berms, access roads, and a mining area that will disturb approximately 0.2 acres of federally-protected wetland.). This new modification, effective August 22, 2008, is for the construction and operation of a landfill gas recovery facility owned by Waste Management.

Permit Authorizations

Solid Waste Management - Under Article 27, Title 7

Permit ID 7-2538-00011/00005

(Solid Waste ID 27S15)

New Permit

Effective Date: 11/2/2007

Expiration Date: 11/1/2017

Modification # 1

Effective Date: 8/22/2008

Expiration Date: 11/1/2017

NYSDEC Approval

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this permit.

Permit Administrator: JOANNE L MARCH, Deputy Regional Permit Administrator
Address: NYSDEC REGION 7 HEADQUARTERS
615 ERIE BOULEVARD WEST
SYRACUSE, NY 13204 -2400

Authorized Signature: _____

Date: ___ / ___ / ___

Permit Components

SOLID WASTE MANAGEMENT PERMIT CONDITIONS

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

SOLID WASTE MANAGEMENT PERMIT CONDITIONS

1. Conformance With Plans All activities authorized by this permit must be in strict conformance with the permit application, plans and materials prepared by Barton & Loguidice P.C. on various dates, see permit.

2. General Requirements

1. This permit may be modified, revoked or suspended for cause as specified in 6NYCRR 621.13. The filing of a request for a permit modification, revocation and reissuance, or suspension, or the notification of planned changes or anticipated noncompliance on the part of Madison County does not stay the applicability or enforceability of any permit condition.
2. The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance is held invalid by the Department, the application of such provision to other circumstances and the remainder of this permit may not be affected thereby.
3. Madison County shall comply with all conditions of this permit and 6NYCRR Part 360. Noncompliance constitutes a violation of ECL Article 27, Title 7 and is grounds for enforcement action; permit suspension, revocation, or modification; or denial of a permit renewal application.
4. Madison County shall take all steps to minimize or correct any adverse impact on human health or the environment resulting from facility operations. Madison County shall report any such activity which may endanger human health or the environment to the Department as per Condition No. 6.
5. Madison County shall allow any authorized representative of the Department, upon the presentation of proper credentials to:
 - a. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit, including any and all confidential data included in such records;
 - b. Enter and inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
 - c. Sample or monitor, at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the ECL, any substances or parameters at any location.

6. Unless otherwise specified, all submissions required by this permit shall be made to the NYSDEC - Region 7 Headquarters, 615 Erie Blvd. W., Syracuse, New York 13204-2400, Attn: Regional Solid and Hazardous Waste Engineer; and the NYSDEC, Bureau of Solid Waste Reduction and Recycling, 625 Broadway, Albany, New York 12233-7253, Attn: Director. All approvals required by this permit shall be obtained in writing from the Regional Director of Region 7 or his designated representative.

7. The following wastes shall not be disposed of at the site under this permit:

a. Waste identified in 6NYCRR 360-1.5(b).

b. Industrial wastes which are incompatible with municipal waste, as determined by the Department.

c. Any drum or any container which has held hazardous waste and is not empty according to 40 CFR 261.7(a)(3);1.

d. Any industrial and commercial liquids, sludges, or slurries which are less than 20 percent solids and are described in this condition.

e. Any waste(s) regulated by 6NYCRR Part 364 unless the waste hauler possesses a valid Part 364 permit which specifies this landfill as a disposal site for such waste(s) and disposal of such waste has been approved by this Department.

f. Any mercury-added consumer product.

8. Permittee shall request and receive written authorization of the Department prior to the accepting for disposal of any sludges, septage, slurries, chemical waste, ash from resource recovery facilities, power plant waste, or industrial wastes.

9. An annual report must be submitted no later than 60 days after the first day of January of each year of operation to the persons listed in Condition #6. The annual report must include but is not limited to:

a) The total quantity in tons of solid waste disposed of from January 1st to December 31st. This information must be compiled by each waste type, such as refuse, sludge, energy recovery facility residue, industrial waste and totalled in tons per day and tons per quarter.

b) The remaining site life and capacity in cubic yards of the existing constructed landfill and the remaining capacity and site life of other areas not yet built, but which have received entitlement under this permit. The remaining site life and capacity will be estimated from survey information obtained during the year for which the report is prepared.

c) The estimate of the actual in situ waste density shall be made considering the accumulation volume of landfill air space utilized and the amount of waste disposed of.

- d) A compilation of all water and leachate quality data collected throughout the year as required by 6NYCRR Part 360.
- e) The treatment facility must be identified as well as the total amount of leachate collected and transported off-site on a monthly basis.
- f) The amount of leachate collected in the secondary collection and removal system must be compiled on a monthly basis.
- g) Any changes from the approved report, plans, and specifications or permit conditions must be listed with justification for any change given, including any deviation from the approved fill progression plan.
- h) The tipping fee charged by waste type in dollars per ton and the cost of leachate transportation and treatment.
- i) The amount in tons per year of each solid waste type recovered from disposal and its final destination.
- j) A yearly accounting of the status of the closure and post-closure fund shall be included in the Annual Report for the facility and the closure cost estimate shall be reviewed and revised as necessary.
- k) In accordance with 6 NYCRR Part 360-15.12, a Local Solid Waste Management Plan Compliance Report must be submitted to the Department no later than March 1st of each odd-numbered year for the prior two calendar years operation. During the even-number year, an Annual Recyclables Report must be submitted to the Department no later than March 1st.

10. This permit shall not relieve Permittee from complying in all respects with the terms of any Federal, interstate, State, or applicable local law or regulation, including, but not limited to, the obtaining of any other required permit or form of approval.

11. The Permittee shall provide financial security for closure and post-closure operations, environmental monitoring and maintenance as required by the most current applicable New York State Policy and/or regulations.

3. Landfill Construction

12. The landfill shall be constructed and operated in strict conformance with the provisions of this permit, 6NYCRR Part 360, the approved engineering plans and reports as prepared by Barton & Loguidice, P.C. and all Department approved revisions to these plans and reports:

- a. Madison County Landfill, West Side Expansion, Engineering Report (October, 1992, B&L File 154.022)
- b. Madison County Landfill, West Side Expansion, Hydrogeologic Investigation Report (October, 1992, B&L File 154.020)

- c. Madison County Landfill, West Side Expansion, Revised Addendum to Engineering Report (September, 1994 B&L File 154.028RED)
- d. Madison County Landfill, Supplement to Operation Plan, Waste Control Plan & Contingency Plan for Regulated Medical Waste (June, 1995 B&L File 154.036)
- e. Madison County Landfill, West Side Expansion, Environmental Monitoring Plan & Site Analytical Plan (December, 1997 B&L File 154.045)
- f. Addendum To Madison County Landfill, Manual of Operations and Maintenance (March, 1998)
- g. Madison County Landfill, West Side Expansion Phase II, Addendum No. 2 to Engineering Report (December, 2000 B&L File 154.053)
- h. Madison County Landfill, West Side Expansion Phase II, Contract Documents & Specifications (February, 2001 B&L File 154.053)
- i. Madison County Landfill, West Side Expansion Phase II Equivalent Design of Tire Chips for Use as Leachate Collection & Frost Protection Layers (May, 2001 B&L File 154.053X)
- j. Madison County West Side Landfill Expansion, Permit Package (February 27, 2007, B&L File 154.076)
 - Engineering Report (Revised February, 2007)
 - Appendix A - 6 NYCRR Part 360 Permit Application Form, Gas Venting Variance Application, Groundwater Separation Waiver Demonstration, Leachate Treatment Agreements, Closure Post Closure Cost Estimates(Revised February, 2007)
 - Appendix B - Construction Quality Assurance/Quality Control (CQA/QC) Manual (February, 2006)
 - Appendix C - Operations and Maintenance Manual (February, 2006)
 - Appendix D - Contingency Plan (February, 2006)
 - Appendix E - Supporting Landfill Design Calculations and Data (Revised February 2007)
 - Appendix F - Stormwater Pollution Prevention Plan (Revised March, 2006)
 - Appendix G - Mined Land Use Plan (February, 2006)
 - Appendix H - Title V Permit Application (February, 2006)
 - Hydrogeologic Investigation Report (February, 2006) and Plans (Revised February, 2007)
 - Wetland Delineation Report (May, 2006)
 - Wetland Mitigation Plan (May, 2006)
 - Monitoring Well Installation and Abandonment Work Plan (March, 2007)
- k. Madison County Department of Solid Waste and Sanitation, Contract Documents and Specifications For Cell No. 7 Liner System Construction (April, 2007 B&L File 154.076)

13. This permit is for a landfill consisting of 19 cells, however this permit is for the construction of Cell #7. Any other construction is subject to a permit pursuant to 6NYCRR Part 360-1.8(e). Detailed engineering plans for any other Cell must be approved by the Department prior to the commencement of construction of each Phase. Madison County shall satisfy the certification requirements of Permit Condition 15 below for each Phase prior to depositing refuse in such area.

14. Notice of the commencement of all major portions of on-site construction activities must be made to the Department at least 5 business days in advance of the activity. These activities include but are not limited to the commencement of the clearing and grading, commencement of the placement of the liner, all quality control and quality assurance testing including on-site permeability and/or density testing activities, and the commencement of construction of any section of permanent final cover.

15. Prior to deposition of refuse, Madison County shall (i) demonstrate to the Department's satisfaction that the facility's construction is in accordance with this Permit to Construct (and plans approved thereunder) and (ii) submit certification of construction in accordance with 6NYCRR Part 360-1.11 and 360-2.13(t) within 45 days after completion of landfill construction. The certification report must contain at a minimum, as-built drawings noting any deviation from the approved comprehensive narrative including but not limited to weekly summaries from the project engineer's log and a series of color photographs of major project features. Copies of the engineer's daily report will be kept on the site for the life of the permit. The report must also include daily flow measurement from the secondary leachate collection and removal system for a period of not less than 30 consecutive days prior to deposition of waste.

16. All trees planted on top of the berm along the southern property line must be maintained for the life of the facility.

17. Prior to the construction of Cell #'s 13, 14, 17, 18, and 19, specifications for the installation of pumps and flow meters for each respective Cell must be approved by the Department.

4. Operations

18. All landfill personnel who are involved with the daily operations of the landfill shall be made aware of the following operational conditions as well as the operational requirements found in 360-1.14 and 360-2.17.

19. This permit is for the acceptance of a maximum of 60,000 tons per year of solid waste and a maximum daily limit of 375 tons of solid waste.

20. The operating hours of the landfill shall be between 6:40 a.m. and 4:00 p.m. Solid waste shall only be accepted between 7:10 a.m. and 3:30 p.m. The landfill shall not be operated on Sundays, major holidays and beyond the above hours except in the event of emergencies or unusual circumstances.

21. Adequate access roads shall be maintained at all times to allow refuse hauling vehicles to reach the active working face. No penetrating or waste oils shall be used for dust control.

22. Wind blown paper and other litter shall be confined to within 200 feet of the waste disposal area by snow fence, portable screens, natural screening or any other necessary devices. Permittee shall police wind blown paper and litter wastes along the landfill's perimeter at a frequency of no less than every two weeks.

23. Solid waste must not be accepted at this facility unless the waste is adequately covered or confined in the vehicle transporting the waste to prevent dust and blowing litter.

24. Prior to the deposition of waste in a valley section, the surface water infiltration barrier must be removed from the primary leachate collection layer. The portion removed must be sufficient to allow for the advancement of waste placement. Berms must be constructed to prevent surface water runoff from the working face, from entering a valley section whose infiltration barrier has not been removed. Any surface water in a valley section, that has become contaminated, cannot be discharged without department approval.

25. Prior to and during any soil excavation and stockpiling activities on site, Permittee shall implement adequate measures to prevent siltation of surface water including drainage ditches, streams, ponds and wetlands through and adjacent to the site. Straw and other types of erosion dams should be routinely used as needed on the site.

26. All surface water control berms and ditches shall be vegetated and otherwise stabilized following construction and maintained as required to keep a good vegetative cover or stabilized condition in order to prevent erosion.

27. Solid waste shall be spread in two foot layers or less and compacted upon deposition at the working face by appropriately sized compaction equipment making a minimum of three passes. The working face shall be restricted to the smallest area practical, based on peak usage traffic conditions at the landfill. Facility staff will routinely observe the solid waste lift during compaction and covering activities for presence of unpermitted waste. Any such waste detected shall be removed from the working face and brought to the attention of the site foreman.

28. During the placement of the first lift of waste above the primary leachate collection and removal system, the following precautions and practices will be observed in order that penetration of the liner is prevented:

a. Consideration for the approach and travel of haul trucks and other landfill operation vehicles relative to the location of the liner and leachate collection laterals.

b. Waste placement must be kept away from the top of the berms to allow for proper leachate control and effective future placement of final cover. Identification markers may be used along the berms with specific setback distances for waste placement.

c. Placement of a select type of refuse being free of demolition debris, large metal wastes, long items such as poles, piping and bulky wastes in general and such refuse shall be placed in a minimum compacted lift thickness of at least 5 feet above the leachate collection and removal system.

29. A compacted layer of at least six inches of cover material shall be placed on all exposed solid waste at the end of each day of operation.

30. If refuse is deposited within a cell located on top of an area which has received intermediate or final cover, a portion of the soil cover shall be removed from the area to be filled so as to adequately allow leachate to reach the leachate collection system.

31. Cover soil and drainage control structures shall be designed, graded, and maintained to prevent ponding and erosion and to reduce to a minimum infiltration of water into the solid waste cells.

32. Access to all sedimentation ponds shall be controlled by fences and gates to prevent unauthorized access.

33. Madison County shall select a waste collection vehicle at random at least once weekly and unload its solid waste at the working face for inspection for unauthorized wastes. A record of this inspection must be kept on the premises and be available for Department review to ensure only authorized solid waste is being accepted at the facility.

34. Inspection, operation and maintenance, and monitoring systems schedules shall be conducted per the following schedule.

Item	Activity Reporting	
	Frequency(1)	Frequency(2)
Groundwater, Surface Water and Leachate Monitoring	Q,A	Q,A
Leachate Monitoring Systems-		
Record leachate quantity removed for treatment	D	A
Determine Action Leakage Rates	W	A
Leachate Collection System-		
Inspect cleanout risers for integrity	M	A
Inspect collection line/force mains	B	B
Flush primary leachate collection system	A	A
Flush secondary leachate collection system	A	A
Leachate Storage Ponds-		
Check liquid level	D	A
Determine Action Leakage Rates area for collected liquid	W	A
Sedimentation Basin Monitoring-		
Take samples at sedimentation basins for analysis	Q,A	Q,A
Inspect detention basins and surface water runoff	M,S	-

Notes-

(1) Activity Frequencies are as follows:

- | | |
|------------------------|---------------|
| A = Annual | W = Weekly |
| B = Biennial | M = Monthly |
| D = Daily | Q = Quarterly |
| S = After Storm Events | |

An annual notation with regard to water quality sampling and analysis in the Activity Frequency Column indicates that additional parameters must be sampled for at an annual frequency; however, sampling for these additional parameters should be performed during the quarterly sampling event.

(2) Reporting Frequency Column indicates frequency of reporting.

5. Surface Water Drainage

35. Sediment basin storage capacity shall be determined by use of permanent markers (stadia rod or equivalent) installed in the basin, divided and clearly marked in feet and inches. Whenever samples are collected the water level shall be recorded to the nearest one inch interval.

36. Accumulated deposits shall be removed from the sediment basin as necessary to maintain available capacity of the impoundment at a minimum of 75% of design capacity. Storage capacity checks will be verified at least semi-annually. Written results of the verification must be included in the Annual Report.

37. Discharge limits for the sedimentation basin will be established by the Department prior to the operation of the facility. All parameters established by the Department shall be determined at least quarterly with the exception of specific conductance which shall be determined weekly. Should the liquid from the sediment basin exceed one or more of the limits specified by the Department, the liquid shall be treated and/or disposed in a manner acceptable to the Department.

38. Should the liquid in the sedimentation ponds exceed one or more of the discharge limits specified by the Department, the Permittee shall immediately notify the Department in writing and begin to investigate the cause of the discharge discrepancy and take whatever action is necessary to bring the discharge into compliance with discharge limits.

6. Leachate Collection, Storage and Disposal

39. As used herein, the term "leachate" shall include:

- a. Any liquid which accumulates in the leachate collection system.
- b. Any solid waste in the form of a liquid, including any suspended components in the liquid, which results from contact with or passage through solid waste.
- c. Any liquid in the sedimentation ponds, or the secondary containment area, or any other constructed liquid discharge points of the leachate storage facility which exceeds one or more of the discharge limits specified in Condition No. 37.

40. Any leachate present on the ground surface outside the lined landfill and leachate collection and storage system shall immediately be transferred to the leachate collection and storage system or transported to an authorized disposal site.

41. Under no circumstances shall leachate be discharged directly or indirectly from the site to surface waters, except pursuant to a SPDES permit.

42. Madison County shall measure and calculate the action leakage rate for each of the leachate storage ponds weekly. Should the action leakage rate exceed 160 gallons per acre per day, or groundwater monitoring wells installed to monitor the leachate lagoons indicate significant increases in contaminate levels above established background, the County shall notify the department within seven days in writing and immediately initiate appropriate contingency actions. A standard report form shall be initiated by the landfill operator indicating the time, date and result of these field inspections including the results of any tests which might be performed to determine the nature of detected fluids (i.e. specific conductivity, pH, temperature). These reports shall be submitted to the Department as part of the Annual Report.

43. Daily monitoring of the secondary leachate collection and removal system must be in accordance with Part 360-2.17(i).

44. The primary and secondary leachate collection and removal system shall be flushed at least annually to maintain an unobstructed and free draining collection system. Should the efficiency of the leachate collection and removal be found to be impaired, remedial cleaning operations shall be conducted with notification of such activity given to the Department.

45. The Permittee shall maintain a contingency plan of the alternative leachate disposal/treatment methods that will be available in the event that the Primary Waste Water Treatment Plant will not accept the County's leachate at its wastewater treatment plant. An arrangement for a backup disposal site must be maintained on an annual basis by the Permittee or his agent.

7. Recycling

46. The Permittee must not accept solid waste that originates from a municipality that has not completed a Comprehensive Recycling Analysis (CRA) satisfying the requirements of 6 NYCRR 360-1.9(f) and approved by the Department, and has implemented the recyclable recovery program determined to be feasible by the analysis unless, for the service area of the facility: either another municipality prepares such an analysis, the Department approves it and the analysis addresses the waste stream of that municipality, or a Department-approved local solid waste management plan that addresses all components of such analysis takes effect.

47. The Permittee shall include in each of the Permittee's service contracts provisions that:

a. Each municipality whose solid waste is to be processed, treated, or disposed of at the facility must have a CRA satisfying the requirements of 6 NYCRR 360-1.9(f) and implement the recyclables recovery programs determined to be feasible by that analysis, unless within that period for the service area of the facility, either another municipality prepared such analysis and the Department approves it and that analysis addresses the waste stream of that municipality, or a local solid waste management plan that addresses all components of such analysis, takes effect; and,

b. The Department may direct the Permittee to refuse to accept solid waste from any municipality that is not complying with the provisions of 6NYCRR 360-1.11(h).

48. Within 12 months after the Permittee has received approval of the plan and scope for an in-depth waste stream analysis, and every three years thereafter, the Permittee shall conduct such in-depth waste stream analysis for the service area which addresses each of the four seasons. The analysis shall consist of, at a minimum, an identification of the quantity and composition of the waste stream and an evaluation of that portion of the waste stream not being recovered or recycled for the purposes of determining how to increase solid waste reuse and recycling. This analysis shall take into account seasonal variations in the characterization, quantification and source of that portion. This analysis shall also include an analysis of the full waste stream entering the facility, including the categories of recyclable and non-recyclable materials. The plan and scope of this in-depth waste stream analysis shall be submitted to the Department 90 days after the date of permit issuance and approved by the Department prior to commencement of such analysis. This analysis shall be used by the Permittee to provide direction for recycling additional materials.

49. The Permittee shall develop and implement a schedule and means of monitoring the waste stream entering the facility to monitor and record the input of recyclables. The information obtained from this monitoring shall be used by the Permittee to provide direction for recycling additional materials and verify the recycling program efficiency. This shall include recording and categorizing the receipt of recyclables from the private sector.

50. The Permittee shall include into the County's recycling program any additional recyclables from the waste stream generated by either previously undetected or by newly established residential/commercial/industrial/institutional generators of solid waste.

51. No later than January 9, 2009, the Permittee must submit to the Department for approval, a new version of, or extension, to the permittee's, Local Solid Waste Management Plan, pursuant to DEC Policy DSHM-SW-03-15, Extending the Term of a Local Solid Waste Management Plan (LSWMP) Planning Period. A new or extended LSWMP must be in place prior to January 1, 2010.

52. An annual report shall be submitted by the Permittee to the Department's Region 7 Offices specified in Permit Condition 6 by March 1 reporting the activities completed, or which were in progress, for the calendar year covered by the report. The report must include the measures taken to improve the program's recycling recovery rate, i.e., the participation rate, the individual's separation efficiency, the percent of the waste stream that is recyclable and the system's efficiency.

The report shall also provide the total solid waste percentages, and the actual percentages/tonnages of recyclables removed from the waste stream. These totals shall be compared to the projected recovery rates contained within the Department approved CRA and the results of that comparison discussed. If the originally projected recovery rates have not been met, an explanation shall be provided with a plan to address currently feasible strategies to achieve the projected recovery rates. The information obtained from this report shall be used by the Permittee to provide direction for recycling additional materials and to verify the recycling program efficiency.

53. The Permittee shall not discontinue the source separation and collection of any or all of the recyclables collected as part of the recyclables recovery program unless, as to the particular recyclable in question, the Permittee determines that there is no economic market (as defined in General Municipal

Law 120-aa) for the material.

- a. The Permittee may only determine that an economic market does not exist for any waste stream component by:
 - i. preparing a report substantiating the absence of an economic market for the component, including an evaluation of whether, in light of the economics associated with the Permittee's recycling program, it is economically reasonable and technically feasible to continue recycling such component despite the demonstrated lack of existence of an economic market: for purposes of this special condition, there shall be a rebuttable presumption that it is economically reasonable to continue to recycle a component for which there is no economic market; and
 - ii. contacting the Environmental Services Unit, Empire State Development, 30 South Pearl Street, Albany, NY 12248; telephone number: (518) 436-6291 to seek their assistance in locating an economic market for the subject component and providing documentation of their efforts and final results; and
 - iii. issuing a determination of lack of existence of an economic market for such component, and cause a notice of such determination and of the report's availability for review to be published in a newspaper having general circulation within the Permittee's service area; and
 - iv. submitting three copies of the report and determination to the Department for review, and receiving Department approval.
- b. The Permittee shall periodically evaluate whether an economic market exists for the waste component in question no less frequently than once every three months after which the Permittee determined the absence of an economic market for the waste component in question.

54. A quarterly report shall be submitted by the Permittee on a form provided by or acceptable to the Department's Region 7 Headquarters and Central Office within 15 days after the end of each quarter. This report shall include a monthly breakdown of the recyclables recovered by category. A list of the facilities used to collect these recyclables shall also be provided.

55. A list of municipalities serviced by the facility must be included in the first quarterly report with the status of the municipality's CRA. If the municipality does not currently have an approved CRA, the projected date of an approved CRA must be included. All subsequent quarterly reports must provide a similar listing on new municipalities being serviced by the facility.

56. The Permittee shall implement the recyclables recovery program in accordance with the approved plan and time schedules indicated within the Department-approved CRA. Any revisions made to the program and/or the schedule must first be submitted to the Department for its review and approval.

57. The Permittee shall adopt a local law to require that after September 1, 1992 no person, including the Permittee, owning or operating a solid waste management facility within the service area shall knowingly accept for disposal, and no person collecting solid waste within the service area shall knowingly collect for disposal, solid waste generated within the service area that has been separated at the point of generation and where such solid waste has an economic market (as defined in General Municipal Law 120-aa) without the prior written approval of the Department.

58. The Permittee shall prohibit all yard waste (leaves, grass, brush/branches and stump/tree sections) and lead-acid batteries from disposal in the landfill. The Permittee shall also adopt a local law or ordinance that prohibits the disposal of yard waste at any facility other than a compost facility. The Permittee shall cause compost facilities to be provided to compost the material. If permits are required, it will be the responsibility of the operators to obtain any and all permits and to develop and implement a program to collect lead-acid batteries for recycling by the date of facility operation.

59. Failure of the Permittee to undertake its recycling responsibilities described above in Permit Conditions 46 through 59 shall constitute a violation of this permit. If the Department determines that the Permittee has failed to comply with the Permit to Operate, the Department may initiate appropriate enforcement action against said Permittee and any relief may consist of specific performance, monetary penalties and any other relief related to its obligations under this permit. Nothing in this permit provision shall restrict the Department's or the Permittee's right and authority to seek any relief permitted by applicable law. In an enforcement proceeding, the relief requested by the Department shall be guided by the following factors:

- a. any mandatory requirements of federal or state law;
- b. the nature, frequency and extent of noncompliance;
- c. significance of adverse environmental and health impacts; and
- d. culpability of Permittee's conduct.

8. Environmental Monitoring

60. Within 30 days of the effective date of this permit, the Proposed Madison County Landfill Expansion Monitoring Well Installation and Abandonment Work Plan (March, 2007) will be updated to include the following changes:

- a. A third well couplet location will be added as shown on B&L's letter dated June, 29, 2007.
- b. The Hydrogeologic Letter Report identified in Section 3.0 should also include an updated table of groundwater elevations for the site, a detailed compilation of trigger value data for the newly installed wells and the existing monitoring well network(including intra and inter well comparisons).

61. Within 120 days of collecting the fourth round of groundwater samples from the newly installed wells, the Hydrogeologic Letter Report shall be submitted for review and approval. The trigger values for the new wells must be based on four quarterly sampling events (1 expanded round and 3 baseline rounds in accordance with Part 360-2.11(c)(5)(i)(b) with the exception that waste may be placed in the newly constructed landfill cell after two rounds of quarterly sampling have been conducted). Each round shall be independently validated in accordance with Part 360-2.11(d)(5)(i)(b).

62. Within 30 days of approval of the Hydrogeologic Letter Report, an updated Environmental Monitoring Plan (EMP) shall be submitted. The updated plan shall be in accordance with Part 360-2.11(c). At a minimum, the updated plan shall include the following items:

- a. additional well locations
- b. updated map with surveyed locations of newly installed wells, new surface water sample locations, and new facility monitoring locations
- c. trigger values for new wells and existing wells(including inter and intra well values)
- d. collection of sediment samples from all surface water sample locations
- e. revised sampling schedule for the next five years

Note: The winter omission does not apply to the newly installed wells. A separate demonstration for the new cell must be made.

63. An updated Site Analytical Plan (SAP) shall be submitted in accordance with Part 360-2.11(d)at the same time as the EMP.

64. The residential water supply well of Mr. Peter L. Ward located approximately one-quarter mile south and upgradient of the landfill facility on Buyea Road shall be sampled quarterly for routine parameters.

65. In the event that during project construction, any archeological resources or remains, including, without limitation human remains, funerary objects, sacred objects, or objects of cultural patrimony are uncovered, construction must immediately stop and the following must be contracted:

- a. Mr. Tony Gonyea, Onondaga Nation Historic Preservation, Phone: (315) 952-3109
- b. Mr. Joseph Heath, Onondaga Nation General Council, Phone: (315) 475-2559
- c. New York State Historic Preservation Office, Phone: (315) 237-8643
- d. New York State Department of Environmental Conservation, Regional Permit Administrator, Phone: (315) 426-7438

9. WM Canastota Renewable Energy Facility

66. The Landfill Gas Recovery Facility shall be constructed and operated in strict conformance with the provisions of this permit, 6NYCRR Part 360, the approved engineering plans and reports as prepared by Barton and Loguidice, P.C., and all Department approved revisions to these plans and reports:

- a. Madison County Department of Solid Waste, WM Canastota Renewable Energy Facility, Engineering Report, April, 2008, Revised July 2008.

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- 67. In the event the Renewable Energy Facility is shut down and the flare can not be operational within 12 hours of the shutdown, the Department must be notified immediately. In the event of a shut down and odors become a nuisance or hazardous to health, safety or property, Madison County will be required to implement measures to control the odors.
 - 68. Inspection of the overfill control equipment and leak detection equipment on the condensate tank must be performed on a weekly basis and kept on file at the facility for the life of the facility.
 - 69. Condensate sampling must be performed in accordance with Part 360-2.16(e)(3).
 - 70. An annual report must be submitted meeting the requirements of Part 360-2.16(c)(6) to the persons listed in Permit Condition #6.
 - 71. By January 1, 2019, Madison County must submit to the Department for its review and approval new design plans for a blower skid and flare that is capable of handling the anticipated gas flows
 - 72. Should the Renewable Energy Facility close and cease to operate, the landfill gas shall be directed to the flare for flaring or controlled by other means approved by the Department.

GENERAL CONDITIONS - Apply to ALL Authorized Permits:
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1. Facility Inspection by The Department The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71- 0301 and SAPA 401(3).

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

2. Relationship of this Permit to Other Department Orders and Determinations Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

3. Applications For Permit Renewals, Modifications or Transfers The permittee must submit a separate written application to the Department for permit renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing. Submission of applications for permit renewal, modification or transfer are to be submitted to:



Regional Permit Administrator
NYSDEC REGION 7 HEADQUARTERS
615 ERIE BOULEVARD WEST
SYRACUSE, NY 13204 -2400

4. Submission of Renewal Application The permittee must submit a renewal application at least 180 days before permit expiration for the following permit authorizations: Solid Waste Management.

5. Permit Modifications, Suspensions and Revocations by the Department The Department reserves the right to modify, suspend or revoke this permit. The grounds for modification, suspension or revocation include:

- a. materially false or inaccurate statements in the permit application or supporting papers;
- b. failure by the permittee to comply with any terms or conditions of the permit;
- c. exceeding the scope of the project as described in the permit application;
- d. newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;
- e. noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.



6. Permit Transfer Permits are transferrable unless specifically prohibited by statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

The permittee, excepting state or federal agencies, expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under Article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

Item B: Permittee's Contractors to Comply with Permit

The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

Item C: Permittee Responsible for Obtaining Other Required Permits

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

Item D: No Right to Trespass or Interfere with Riparian Rights

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.

Appendix FF
Draft Conservation Easement

CONSERVATION EASEMENT

This Conservation Easement, dated _____ is made by the Madison County Board of Supervisors, a duly constituted public body existing under the laws of the State of New York (hereinafter referred to as "Grantor") and the New York State Department of Environmental Conservation, a duly constituted public body existing under the laws of the State of New York (hereinafter referred to as "Grantee" or "Department").

RECITALS

Grantor is the fee owner of certain lands located in the Town of Lincoln, Madison County and State of New York that are more particularly described in Exhibit A attached hereto (the "Premises").

The Premises are permitted by the New York State Department of Environmental Conservation pursuant to 6 NYCRR Part 360 for the management of solid wastes including the construction and operation of solid waste landfills, recycling facilities, soil borrow areas and appurtenant facilities. Among the various natural resources known to exist in connection with the property are certain archeological materials believed to be of historical, cultural and religious significance that are protected under applicable law (hereinafter referred to as "Cultural Resources").

Grantee is a "Public Body" as that term is defined under New York Environmental Conservation Law Section 49-0305(3)(a) and in accordance with such law has the power to act on behalf of the people of the State of New York as Grantee of this Conservation Easement.

Certain Cultural Resources were identified by means of a series of archeological studies performed by the Grantor in accordance with the New York State Historic Preservation Act of 1980. The precise location of the Cultural Resources is identified in Exhibit B and is collectively referred to hereinafter as the "Resource Site."

Grantor as the duly elected representative of the people of Madison County hereby declares this Conservation Easement for the purpose of keeping the Resource Site in its current natural and undisturbed state to preserve the Cultural Resources in perpetuity in accordance with the terms and conditions of this Conservation Easement.

Grantor hereby declares, covenants and grants irrevocably forever, a conservation easement, in perpetuity, in and to the land described in Exhibit C (hereinafter referred to as "Easement Premises"), for the purposes of protecting the Cultural Resources and accomplishing the other objectives of the Grantor and Grantee on the following terms and conditions.

COVENANTS AND RESTRICTIONS

In furtherance of this conservation easement, Grantor covenants:

(a) To keep the Easement Premises in its current state and to refrain from disturbances whether through excavation, development, mining, landfills or any other solid waste management activity that is otherwise permitted under Grantor's solid waste management permit issued by the Department under 6 NYCRR Part 360.

(b) To post appropriate signs bearing the phrase “Keep Out” or the like around the perimeter of the Resource Site.

(c) To not intentionally disturb or excavate any portion of the Easement Premises located near, in or around the Cultural Resources, except by or under the supervision of a professionally qualified archaeologist, pursuant to a plan that has been approved in advance of any such work by the Office of Parks Recreation and Historical Preservation (the “Plan”).

(d) To preserve all Cultural Resources, or other artifacts and objects of antiquity found on the Easement Premises subsequent to the recording of this Conservation Easement, excavated from the Easement Premises according to the Plan. If the Plan does not contain any guidance for preservation of excavated Cultural Resources, or other such artifacts and objects, then Grantee shall obtain an amendment to the Plan that specifically provides for preservation consistent with the terms of this Conservation Easement.

(e) To maintain the Easement Premises in its current agricultural state, which may include mowing, planting and harvesting crops in accordance with its usual and customary practices for maintaining landfill buffer areas provided such practices do not disturb Cultural Resources that may be present below the surface.

DURATION

This conservation easement shall be effective in perpetuity.

RUNS WITH THE LAND

The obligations imposed by this Conservation Easement shall be deemed to run as a binding servitude with the land. This Conservation Easement shall extend to and be binding on the Grantee and all persons claiming under or through the Grantee, and the word “Grantee” shall include all such persons.

ASSIGNABILITY

This conservation easement may not be assigned.

MODIFICATION OR EXTINGUISHMENT

It is hereby acknowledged that an unexpected change in the conditions surrounding the Easement Premises may affect the continued ownership or use of the Premises for preservation and conservation purposes and necessitate modification or extinguishment of this Conservation Easement. Such an extinguishment or modification must comply with the following requirements:

(a) A final decree by a court of competent jurisdiction in a proceeding pursuant to Section 1951 of the New York Real Property Actions and Proceedings Law; or

- (b) Upon the exercise of the power of eminent domain; or
- (c) Where land subject to a conservation easement or an interest in such land is required for a major utility transmission facility which has received a certificate of environmental compatibility and public need pursuant to Article 7 of the Public Service Law or is required for a major steam electric generating facility which has received a certificate of environmental compatibility and public need pursuant to Article 8 of the Public Service Law, upon the filing of such certificate in a manner prescribed for recording a conveyance of real property pursuant to section two hundred ninety-one of the real property law or any other applicable provision of law.

STATUTORY AUTHORITY

This Conservation Easement is made pursuant to the statutes of the State of New York relating to conservation easements, to wit: New York Environmental Conservation Law sections 49-0301 *et seq.* However, the invalidity of those statutes or any part of them shall not affect the validity and enforceability of this instrument according to its terms.

RECORDING

A copy of this conservation easement shall be recorded with the Madison County recorder of deeds.

MISCELLANEOUS

- (a) In the event that any provision of this conservation easement is held invalid or unenforceable by any court of competent jurisdiction, that holding shall not affect any other provision, and this easement's other provision shall continue in full force and effect.
- (b) Any rule of strict construction designed to limit the breadth of restrictions on alienation or use of property shall not apply in the construction or interpretation of this instrument, and this instrument shall be interpreted broadly to effect its preservation and conservation purposes and the transfer of rights and the restrictions on use it contains contained as provided in Article 49 of the New York Environmental Conservation Law.
- (c) Except as expressly provided, nothing contained in this instrument grants, nor shall be interpreted to grant, to the public any right to enter on the Premises.
- (d) The terms and conditions of this conservation easement shall be referenced in any transfer of the Premises by Grantor, its successors and assigns.
- (e) The captions are for convenience only and shall not be deemed to be a part of this instrument.

Grantor has caused this conservation easement to be executed, sealed, and delivered as of the date first above written by order of the Madison County Board of Supervisors.

Madison County Board of Supervisors

By: _____
John M. Becker, Chairman

STATE OF NEW YORK)
COUNTY OF MADISON)

On the day of , 2013, before me, the undersigned, personally appeared John M. Becker, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he executed the same in his capacity as Chairman of the Madison County Board of Supervisors, and that by his signature on the instrument, the individual or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public, State of New York
Appointed in County
My Commission Expires:
Notary

**EXHIBIT A
DESCRIPTION OF PREMISES**

[Insert legal description generated by a NYS licensed land surveyor]

DRAFT

**EXHIBIT B
MAP OF RESOURCE SITE**

[Insert map of Resource Site showing Cultural Resources]

DRAFT

