

October 30, 2009

To: All Great Sacandaga Lake Access Permit Holders

Re: Educational Letter
Historic Properties Management Plan
Great Sacandaga Lake Project, Federal Energy Regulatory Commission
Project No. 12252

Background

On September 25, 2002 the Federal Energy Regulatory Commission (FERC) issued a license to the Hudson River - Black River Regulating District for the continued operation of the Conklingville Dam and the Great Sacandaga Lake (GSL) reservoir facility. Section 106 of the National Historic Preservation Act of 1966 (Appendix A and 36 Congressional Federal Record (CFR) Part 800, Appendix B) obligates FERC to ensure the proper management of cultural resources that may be affected by its licensees. FERC requires the development of a plan that details the methods by which a licensee will properly manage cultural resources. The FERC license issued for Great Sacandaga Lake mandates completion and implementation of an Historic Properties Management Plan (HPMP) for the management and protection of cultural resources at Great Sacandaga Lake.

Purpose and Preservation Goals

The *Great Sacandaga Lake Historic Properties Management Plan, March 2009* (Plan or 2009 HPMP) provides guidance for the management of cultural resources that may have the potential to be impacted by the operation of GSL. The Plan identifies the known and potential cultural resources at GSL vicinity and assesses the effect of operation of GSL on these resources. An important part of the Plan is its role in educating the Regulating District and Access Permit Holders of the potential for impact to cultural resources and to ensure proper management and protection of these resources.

The purpose of the Plan is to manage the potential impacts from operation of GSL to known and unknown archeological sites and historic properties at GSL eligible for inclusion on State and National Registers of Historic Places. The Plan identifies activities that have potential adverse impact on cultural resources and defines procedures for avoiding potential adverse impacts. The Plan defines procedures for mitigating potential impacts and provides guidelines for the continued communication and protocol for consulting with State and Federal agencies and tribal historic preservation offices and interested Native Nations regarding future activities and accidental discoveries of cultural resources.

GSL Project Effect and Management Measures

Since the goal of the Plan is to manage the potential adverse impacts from operation of GSL to known and unknown archeological sites and historic properties, it becomes imperative that the Regulating District educate the Access Permit Holders as well as ensure regulations and limitations on certain activities at GSL are met.

The Regulating District will continue to develop educational resources and will emphasize the importance of protecting the existing historic resources and artifacts within GSL and surrounding State land. Relevant materials and guidelines for historic properties management will be posted on the Regulating District's website, with copies available for viewing at the Regulating District's Sacandaga Field Office.

Impact to archeological sites resulting from ground disturbance will be minimized or eliminated through restrictions on excavation and grading activities on State land at GSL including activities on the land that forms the shoreline and beaches.

New York State Education Law Section 233 currently provides protection of archeological sites and objects, and considers a violation of this provision to be a misdemeanor offense.

Regulating District Responsibility

The Regulating District is responsible for ensuring proper implementation and continued operation of the Plan. The Regulating District's Operations Engineer serves as HPMP Coordinator, responsible for implementation of the Plan and acts as primary contact regarding all cultural resource issues at GSL. The Chief Engineer of the Regulating District serves as the HPMP Administrator and is responsible for supervision of the Coordinator's activities to ensure efficient and appropriate management of the Plan.

Access Permit Holder Responsibility - New York State Land (State land)

The Regulating District encourages the Access Permit Holders to protect cultural resources and historic properties wherever they exist. Archeological sites that are submerged most of the year become exposed when lake water levels are low. Please consider avoiding use of the reservoir bed when water is low, particularly in areas of known sites such as building foundations. Significant negative impacts to archeological resources can be avoided if vehicles, particularly all-terrain vehicles, are not driven on the reservoir bed. Additionally, it is important to not disturb existing fragile historic resources that were submerged with the creation of the Sacandaga Reservoir (now known as GSL).

Access Permit Holders who propose any ground disturbance (ground disturbance is defined as any excavation, earth removal, or relocation of materials performed by hand or machine) of any size, area, or quantity are required to obtain a work permit from the Regulating District and may be required to complete a Phase IB archeological field reconnaissance study.

Please be aware that not all of the State land within the boundary of GSL is considered historically sensitive by the New York State Historic Preservation Office (SHPO). The Regulating District will provide assistance to Access Permit Holders who propose ground disturbance by comparing the location of the access permit area to SHPO's map of sensitive areas for GSL. SHPO's map can be viewed at <http://www.nysparks.state.ny.us/historic-sites/> . If the access permit area is near an area designated by SHPO as being historically sensitive, the Access Permit Holder may be required to complete a Phase IB archeological field reconnaissance study.

Any unauthorized ground disturbance will likely result in the requirement that the access permit holder performs or have performed a Phase IB archeological field reconnaissance study.

If required, the expense of the study is also the responsibility of the Access Permit Holder.

A Phase IB study consists of field reconnaissance in areas where soil will be disturbed and in areas where it will be deposited. A Phase IB study may consist of shovel testing (field reconnaissance), report writing, possible laboratory analysis, and will require the services of a cultural resource consultant (qualified professional Archeologist). The Phase IB archeological field reconnaissance will be conducted according to the guidelines described in the New York Archeological Council's *Standards for Cultural Resources Investigations and the Curation of Archeological Collections in New York State*. A copy of this document can be found at: <http://www.nysparks.state.ny.us/shpo/environmental-review/documents/PhaseIReportStandards.pdf> and is also included in appendix D of the 2009 HPMP. The results of the Phase IB field reconnaissance will be submitted by the cultural resource consultant to SHPO and the HPMP Coordinator as a letter report. The letter report format, *State Historic Preservation Office Phase I Archaeological Report Format Requirements*, May 5, 2005 can be found in appendix D of the 2009 HPMP.

After SHPO's review of the letter report, SHPO will provide an effect determination to the HPMP Coordinator and to the cultural resource consultant regarding the findings. If no additional archeological investigation is required by SHPO, then the Regulating District will complete the review of the Access Permit Holder's request to perform ground disturbance. If additional archeological investigation is required by SHPO the Access Permit Holder will have the option of completing the additional investigation or abandoning the proposed disturbance activity.

If a Phase IB archeological field reconnaissance study is required, the Regulating District will not approve a work permit to perform the proposed undertaking until it receives a letter regarding Phase IB findings from SHPO.

Preservation of Cultural Resources and Sites

The Regulating District maintains the shoreline of GSL in accordance with its *Erosion and Slope Stability Monitoring Plan* and through an annual shoreline erosion evaluation and repair process, and by the placement of stone rip-rap. This activity is not considered to have an adverse impact on cultural resources and in fact is considered to have a positive effect because it prevents

cultural deposits from eroding into GSL. Placement of stone rip-rap by Access Permit Holders and the Regulating District is allowed to occur in most cases without consultation with SHPO. The Regulating District requires Access Permit Holders to obtain a work permit for the placement of new stone rip-rap on the shoreline of GSL. Access Permit Holders must apply for, and receive, authorization from the Regulating District prior to performing any work activity including shoreline repair or placement of stone rip-rap.

In order to avoid ground disturbance during the completion of a shoreline maintenance project, unless authorized in writing, no stone or rock located on the shoreline or beach area may be used, moved, or relocated to provide erosion protection. The Regulating District does not authorize the excavation or relocation (bulldozing or movement by mechanical device) of stone or rock from GSL for placement on the shoreline for erosion protection unless the permit holder has an approved work permit from the Regulating District and may require the completion of a Phase 1B Archeological Field reconnaissance study, or has a letter of a "No Effect" determination from SHPO for the proposed work and will in most cases require an approved permit from New York State Department of Environmental Conservation and or the United States Army Corps of Engineers.

2009 HPMP Outline

Since the adoption of the HPMP, Regulating District Staff have been working with SHPO and consulting with the required organizations and persons to meet the requirements of the HPMP. These requirements have increased the effort in the administration of requests for work permit applications and have also required Access Permit Holders to pay for the cost of performing Phase 1B Studies.

Through a number of meetings between SHPO and the Regulating District, procedural changes were identified to reduce the administrative effort required to manage the HPMP. The most significant procedural change to the 2009 HPMP removes the requirement that all Access Permit Holders are required to complete a Phase 1B Study and now emphasizes that Access Permit Holders may be required to complete a Phase 1B Study, depending on the location of the Access Permit Area. Additional procedural changes include; updated flow charts for review of proposed and unauthorized ground disturbance, updated guidelines for SHPO's Phase IA Archeological Report Format, updated contact information for all parties involved with the HPMP and a link to SHPO's map located on their web site which anyone can view to identify archeologically sensitive areas.

These proposed changes were approved by the Board at the July 14th, 2008 meeting and have been approved by FERC on March 11th, 2009 (2009 HPMP).

Currently SHPO keeps a copy of the 2009 HPMP including all historic maps and sensitive information. In the near future, the 2009 HPMP will be available on the Regulating District's Web site. The new version of the 2009 HPMP will outline the above listed changes and updates. However, the posting of the 2009 HPMP on the Regulating District's Web-site will not include historic maps or sensitive information as this information is restricted from the general public and is exempt from Freedom of Information Act Laws under National Register Bulletin 29 –

“Guidelines for Restricting Information About Historic and Prehistoric Resources”. An additional copy of the 2009 HPMP will also be available for review at the Regulating District’s Sacandaga Field Office, 737 Bunker Hill Road, Mayfield, NY 12117.

Questions Concerning the HPMP

For additional information concerning the Phase 1B archeological survey, please contact the HPMP Coordinator or SHPO at <http://nysparks.state.ny.us/shpo/>.

Please direct any questions, comments or concerns regarding the HPMP and the Phase IB study requirements to the HPMP Coordinator.

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