

**DRAFT LETTER OF RESOLUTION FOR
MITIGATION OF ADVERSE IMPACTS ON CULTURAL RESOURCES ASSOCIATED WITH
THE DEVELOPMENT OF THE ALBANY COUNTY SOLAR PROJECT
AMONG**

**New York State Department of Environmental Conservation;
New York State Office of Parks, Recreation, and Historic Preservation; and
Albany County; and Siemens Industry, Inc.**

21PR01812

WHEREAS, Siemens Industry, Inc. intends to build the (“Project”) a 1.872 MW DC solar project on approximately five-acres of a 33.90-acre parcel located at 897 Watervliet shaker Rd.; and

WHEREAS, the Project requires coverage under a State Pollution Discharge Elimination System General Permit for Stormwater Discharges from Construction Activity (GP-0-20-001) issued by the New York State Department of Environmental Conservation (Department) for the Project; and

WHEREAS, the Department has consulted with the New York State Office of Parks, Recreation, and Historic Preservation (OPRHP) in accordance with Section 14.09 of the New York State Parks Law of 1980, 9 NYCRR Part 428 and the existing intra-agency Letter of Resolution; and

WHEREAS, Siemens Industry, Inc. has completed historic, prehistoric and archeological reviews, surveys, and investigations throughout the project impact area (PIA) for the Project; and

WHEREAS, The NYS OPRHP Division for Historic Preservation (“Division”) Archaeology Unit has reviewed the Phase I Archeological Survey report submitted for this project entitled “Phase I Archeological Investigation, Albany Radar Tower Site Solar, Watervliet Shaker Road and Airline Drive, Town of Colonie, Albany County, New York” prepared by Hartgen Archeological Associates, Inc (21SR00616; September 2021). and concurs with the report recommendation that no additional archaeological work is necessary.

WHEREAS, the proposed Project is sited in the Watervliet Shaker Historic District which is listed on the New York State and National Registers of Historic Places (Historic District); and

WHEREAS, it has been determined that the introduction of the solar array will have an Adverse Impact on the historic district; and the Department, OPRHP, Siemens Industry Inc. and the County all seek to avoid said impact; and

WHEREAS, avoidance of impacts to the Watervliet Shaker Historic District is unavoidable; and

NOW, THEREFORE, in accordance with the NEW YORK STATE PARKS, RECREATION AND HISTORIC PRESERVATION LAW, the Department, OPRHP, and Siemens Industry Inc. and the County agree that the Project may proceed subject to the stipulations set forth below:

STIPULATIONS

1. The site will be documented in its current condition
2. Siemens Industry Inc. Shall fund replacement of the roof on the Shaker Meeting House at the Church Family Site at a cost of up to \$35,000 (Attachment B map, photo, estimate)

3. Siemens Industry Inc. will use pollinator plants and native grasses in and around the solar array (Attachment C Landscape Plan)

4. Other Terms and Conditions:

- Modifications, amendments, or termination of this agreement as necessary shall be accomplished by the signatories in the same manner as the original agreement.
- Disputes regarding the completion of the terms of this agreement shall be resolved by the signatories.

The signatories agree that by execution of this agreement the Department has satisfied its requirements for compliance with Section 14.09 of the New York State Parks Law of 1980 and 9 NYCRR part 428.

NYS Department for Environmental Conservation

Charles E. Vandrei
Agency Historic Preservation Officer

Date: _____

NYS Office of Parks Recreation and Historic Preservation

Daniel Mackay
Deputy Commissioner

Date: _____

Siemens Industry Inc.

Date: _____

Name: _____

Title: _____

County of Albany

Date: _____

Name: _____

Title: _____

Attachment A

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

(August 2018)

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

Human remains must be treated with dignity and respect at all times. Should human remains or suspected human remains be encountered, work in the general area of the discovery will stop immediately and the location will be secured and protected from damage and disturbance.

If skeletal remains are identified and the archaeologist is not able to conclusively determine whether they are human, the remains and any associated materials must be left in place. A qualified forensic anthropologist, bioarchaeologist or physical anthropologist will assess the remains in situ to help determine if they are human.

No skeletal remains or associated materials will be collected or removed until appropriate consultation has taken place and a plan of action has been developed.

The SHPO, the appropriate Indian Nations, the involved state and federal agencies, the coroner, and local law enforcement will be notified immediately. Requirements of the coroner and local law enforcement will be adhered to. A qualified forensic anthropologist, bioarchaeologist or physical anthropologist will assess the remains in situ to help determine if the remains are Native American or non-Native American.

If human remains are determined to be Native American, they will be left in place and protected from further disturbance until a plan for their avoidance or removal can be generated. Please note that avoidance is the preferred option of the SHPO and the Indian Nations. The involved agency will consult SHPO and the appropriate Indian Nations to develop a plan of action that is consistent with the Native American Graves Protection and Repatriation Act (NAGPRA) guidance. Photographs of Native American human remains and associated funerary objects should not be taken without consulting with the involved Indian Nations.

If human remains are determined to be non-Native American, the remains will be left in place and protected from further disturbance until a plan for their avoidance or removal can be generated. Please note that avoidance is the preferred option of the SHPO. Consultation with the SHPO and other appropriate parties will be required to determine a plan of action.

To protect human remains from possible damage, the SHPO recommends that burial information not to be released to the public.

Siemens Industry Inc. shall submit this documentation to Albany County for submission to OPRHP through the CRIS website at: <https://cris.parks.ny.gov> for review and approval. The material should be submitted to the existing CRIS project file 21PR01812.

DRAFT