



January 22, 2025

Christian Futyma
DEC
625 Broadway
Albany, NY 12207

Re: DEC
Boices Lane Ext - Demolition of Existing Structures and Construction of Apartment Buildings
(212 Units)
701 to 715 Boices Lane (SBL 48.7-2-35.100), Town of Ulster, Ulster County, NY
24PR06225

Dear Christian Futyma:

Thank you for requesting the comments of the New York State Historic Preservation Office (SHPO). We have reviewed the provided documentation in accordance with Section 106 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to Historic/Cultural resources. They do not include other environmental impacts to New York State Parkland that may be involved in or near your project.

The Archaeology Unit has reviewed the Phase I Archaeological Investigations (Ph. I) report prepared by TRACKER Archaeology, Inc. for this project (December 2024; 24SR00676). This survey resulted in the identification of the previously unrecorded Boices Lane Precontact Site (USN 11118.000173). OPRHP is requesting the following revisions to the Ph. I report:

1. Please replace the word "Prehistoric" with "Precontact" throughout the report. This term is considered insensitive to Indigenous people and their history. The site name has been updated accordingly in the Cultural Resource Information System (CRIS).
2. Please complete filling out the inventory fields in CRIS for the Boices Lane Precontact Site as appropriate, using the CRIS USN token provided.
3. Please provide a thorough discussion of the presence of alluvial soils within the project's Area of Potential Effects (APE) that may obscure the identification of deeply buried -cultural deposits, the depth at which potential cultural deposits may occur, and how the investigation accounted for the potential of deeply buried archaeological sites.
4. The unnamed soil Table on page 2 does not include the corresponding acronyms depicted on Figure 9's County Soil Survey map. Additionally, the soil horizon depths include bracketed numbers after the soil horizon depths (i.e., 0-22, or -53). What do these numbers refer to?
5. The Indigenous History background within the report is significantly lacking.
6. The report fails to note that NYSM Precontact Area Sites 9076, 5041, 8877, and 8876 are within a 1-mile radius of the project's APE, and that NYSM Area site 755/Boice Dairy corresponds to USN 11118.000166 within the project's APE. Please consult the NYSM database and update the report accordingly.
7. USNs 1118.000048 and 1118.000048 are multi-component sites (both Indigenous and Historic/Colonial) and should be recorded as such. Please rectify.

...2

Christian Futyma
January 22, 2025
Page 2.

8. Please label the two loci of the Boices Lane Precontact Site and refer to them as such within the revised report and any future documents and/or reports accordingly.


Based on the results of the Ph. I survey, it is OPRHP's opinion that both Loci of the Boices Lane Precontact Site (USN 11118.000173) should be avoided. If site avoidance is feasible, a Site Avoidance Plan and Map(s) are to be developed by the consulting archaeologist and implemented during development. We have attached OPRHP's Site Avoidance Plan template for guidance. Please submit the Boices Lane Precontact Site-specific Site Avoidance Plan and map(s) to OPRHP, the Stockbridge Munsee Community of Mohicans, The Delaware Nation, the Delaware Tribe, and the St. Regis Mohawk Tribe for review and comment.

If site avoidance is not feasible, a Phase II Site Examination (Ph. II) of the Boices Lane Precontact Site is warranted. The consulting archaeologist is to develop a Phase II Scope of Work (SOW) that is to be provided to OPRHP, the Stockbridge Munsee Community of Mohicans, The Delaware Nation, the Delaware Tribe, and the St. Regis Mohawk Tribe for review. The Ph. II investigation is **NOT** to proceed prior to DEC's Nation-to-Nation Consultation with the interested Nations and review of the SOW. OPRHP requests that our office be included in, or kept abreast of, the Consultation process and outcome.

Please submit the revised Phase I Archaeological Survey report using the Cultural Resource Information System (CRIS) survey token provided with this correspondence. Separate CRIS tokens are being provided for the Boices Lane Precontact Site USN update, and either the Site Avoidance Plan or the Phase II SOW submission.

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

Sincerely,



Josalyn Ferguson, Ph.D.
Scientist – Archaeology

via email only

c.c. Beynan Ransom, DEC
c.c. Barry Medenback, Mecels
c.c. Solomon Latham, Mecels
c.c. Thomas Kentop, Mecels
c.c. Jeff Bendremer, Stockbridge Munsee Community
c.c. Susan Bachor, Delaware Tribe
c.c. klucas@delawarenation-nsn.gov
c.c. Darren Bonaparte, St. Regis Mohawk Tribe

Office of Parks, Recreation and Historic Preservation (OPRHP)
Avoidance Plan for the Protection of Archeological Sites

Short-Term Site Avoidance/Protection

- The site(s) boundary (including buffer) will be clearly delineated on the final construction plans and identified as “Environmentally Sensitive Area—No Access.”
- Temporary fencing shall be installed around the boundaries of the avoidance area prior to any clearing or construction activities within the APE and shall be maintained until all construction has ceased.
- A preconstruction meeting with the construction contractor(s) is to be required to notify those in charge of the requirements to protect and avoid the archaeological site(s).
- Inadvertent construction impacts are to be reported to the SHPO immediately. Activity shall cease in the vicinity of the site, so the damage can be assessed, and a recommendation provided to remediate the situation.
- Existing landscape at the site(s) will be maintained. Any proposed modifications will require consultation with the OPRHP.
- In the event that human remains are encountered during construction, all work must stop in the vicinity of the find and be reported to the SHPO.
- After construction is fully completed, protective fences may be removed.

Long-Term Site Avoidance/Protection

- A Protective Deed Covenant will be placed on the archaeological site(s) and filed with the County Clerk for the protection of the site(s) in perpetuity.
- The Protective Deed Covenant will be transferred with each property containing the avoided/protected site(s).
- State and federal regulations that include restrictions associated with this project will include provisions for site(s) avoidance/protection.
- Unauthorized activities within the site boundaries will require notification to the OPRHP at (518) 237-8643.
- Should impacts to the site be proposed in the future, OPRHP must be consulted prior to construction, and the project submitted to our office for review and comment.