

CULTURAL RESOURCE SCREENING

345/115kV STAMP Substation Project

Prepared for Genesee County Economic Development Center

Prepared by kta preservation specialists

Prepared on April 2022

CULTURAL RESOURCE SCREENING
Western New York Science
&
Technology Advanced Manufacturing Park
(STAMP)

345/115kV STAMP Substation Project

Town of Alabama, Genesee County, New York

Prepared for: Genesee County Economic Development Center

Prepared by: kta preservation specialists
<https://cta-preservation.com>

Prepared on: April 2022

Reporting Authors: Kerry L. Traynor, MArch, MS Architectural History
Annie Schentag, MUP, Ph.D.
Camden Miller, MUP, Ph.D. Candidate

Table of Contents

MANAGEMENT SUMMARY	3
1.0 INTRODUCTION	5
1.1 Goals & Purpose of the Investigation	5
1.2 Project Description	7
1.2.1 Project Location	11
1.3 Agency Consultation	14
2.0 BACKGROUND AND SITE HISTORY	15
2.1 History of the Study Area: Historic Context and Map Analysis	15
2.2 Existing Conditions	28
2.3 Previously Identified Historic Resources	29
2.3.1 S/NRHP-Listed Resources	29
2.3.2 S/NRHP-Eligible Historic Resources	29
2.3.3. S/NRHP Eligibility Undetermined Historic Resources	29
2.3.4 Previous Historic Resources Surveys	29
2.4 STAMP Previous Environmental Reviews	30
3.0 CULTURAL RESOURCE SCREENING	33
3.1. Criteria for Evaluating the Significance of Historic Resources	33
3.2 Cultural Resource Screening Methodology	34
3.3 Historic Resource Screening	35
3.3.1 S/NRHP-Listed Resources	35
3.3.2 S/NRHP-Eligible Resources	35
3.3.3 S/NRHP Eligibility Undetermined Historic Resource	35
3.3.4 Newly Identified Resources	36
4.0 POTENTIAL IMPACTS	39
4.1 Evaluation of Project Impacts to the Study Area	39
5.0 SUMMARY	41
5.1 Summary of Cultural Resource Screening	41
6.0 REFERENCES	42
APPENDIX	44

List of Figures

Figure 1: Conceptual Site Plan of the 345/115kV STAMP Substation Project located immediately to the north of the STAMP site.....	8
Figure 2: Figures depicting general station sections (Sample Section D-D) to be located within the 345/115kV STAMP Substation.....	9
Figure 3: Conceptual Master Plan Layout of STAMP Site	10
Figure 4: General Location of Study Area and Project in western New York State	12
Figure 5: Location of STAMP Site and Study Area boundaries on the 1981 Akron, New York USGS 7.5 Minute Series Quadrangle.....	13
Figure 6: Location of STAMP Site and Study Area on a 2018 Aerial Photo	14

List of Maps

Map 1: 1804 Morris Purchase Map showing the “Tonnewonta Reservation.” Note the Tonnewonta Village at the northwest corner of the map on Map 2 below.	44
Map 2: Portion of the 1804 Morris Purchase Map showing the “Tonnewonta Reservation.” Note detail of Tonnewonta Village at the northwest corner of the map.	45
Map 3: 1817 Lay Map of New York State showing the “Tonnewonte Village.”	45
Map 4: 1829 Burr Genesee County Map showing the “Indian Village.”	46
Map 5: 1866 Stone and Stuart map showing a portion of the “Tonawanda Indian Reservation.” Study Area is shown in red.....	47
Map 6: 1876 Century Map Co Alabama Town. Study Area is shown in red. Note change at eastern boundary. Previous boundary illustrated by dotted line.	48
Map 7: 1890 Census Map of Tonawanda Indian Reservation. Study Area is outlined in red.	49
Map 8: 1904 Century Map Co Alabama Town. Study Area is shown in red. Note change at eastern boundary. Previous boundary illustrated by dotted line.	50
Map 9: 1897 Medina USGS 1:62500 topographic quadrangles. Study Area is outlined in red.....	51
Map 10: 1944 Medina USGS 1:62500 topographic quadrangles. Study Area is outlined in red.....	52
Map 11: 1949 Akron USGS 1:25000 topographic quadrangles. Study Area is outlined in red.	53
Map 12: 1981 Akron USGS 1:25000 topographic quadrangles. Study Area is outlined in red.	54

Cover Image: Google Earth, imagery date: 09/22/2018

MANAGEMENT SUMMARY

SHPO Project Review Number:	10PR01963
Involved Nations & Agencies:	Genesee County Economic Development Center (GCEDC) NYS Office of Parks Recreation and Historic Preservation (SHPO) New York State Department of Environment Conservation (NYSDEC) Tonawanda Seneca Nation (TSN)
Phase of Survey:	Cultural Resource Screening and Initial Assessment pursuant to Letter of Resolution
Location Information:	Town of Alabama, Genesee County, New York (MCD 03701)
Study Area:	The 345/115kV Substation Project will be located on the north central portion of, and on a parcel immediately north of the 1,261.7-acre Science and Technology Advanced Manufacturing Park (STAMP) property.
Project Description:	The Project involves the development of an approximate 20-acre area located (about half) on the north central portion of, and (about half) on a parcel immediately north of the 1,261.7-acre Science and Technology Advanced Manufacturing Park (STAMP). This property lies generally between the STAMP Site and a utility corridor which houses the Empire Pipeline and a 345kV Power Line which will ultimately supply power to STAMP tenants. This property is located to the west of the intersection of Lewiston Road (NYS Route 77) and Crosby Road in the Town of Alabama and is bounded by the Empire Pipeline/345kV Power Line utility corridor to the north, hedgerows to the east and south, and woods and brush to the west. It is anticipated that this property will be the site of an electrical substation (see Figure 1).

USGS 7.5 –Mile Quadrangles:

Figure 5: Location of STAMP Site and Study Area boundaries on the 1981 Akron, New York USGS 7.5 Minute Series Quadrangle.

Survey Overview Study Area:

Associated Primary Buildings: None

Associated Sites: One (1)

Listed/Eligible National Register Structures, Districts or Properties: Zero (0)

Structures, Districts or Properties Evaluated by this Survey as S/NRPH - E: One (1) resource total; one (1) site identified

National/State Register Listed or Eligible Structures, Properties, Districts that may be impacted: No adverse effects are anticipated for any of the properties identified as S/NRHP-E.

Report Authors:

Kerry L. Traynor, MArch, MS Architectural History
Annie Schentag, MUP, PhD
Camden Miller, MUP, PhD Candidate

Date of Report:

April 2022

1.0 INTRODUCTION

1.1 Goals & Purpose of the Investigation

The Genesee County Economic Development Center (GCEDC) is developing the Western New York Science & Technology Advanced Manufacturing Park (STAMP) on approximately 1,261.7 acres of land in the town of Alabama, New York (STAMP Site). The proposed 345/115kV Substation (Project) involves the development of an approximate 20-acre area located partially on and immediately north of the 1,261.7-acre Science and Technology Advanced Manufacturing Park (STAMP). This property lies generally between the STAMP Site and a utility corridor which houses the Empire Pipeline and a 345kV Power Line which will ultimately supply power to STAMP tenants. This property is located to the west of the intersection of Lewiston Road (NYS Route 77) and Crosby Road in the Town of Alabama and is bounded by the Empire Pipeline/345kV Power Line utility corridor to the north, hedgerows to the east and south, and woods and brush to the west. It is anticipated that this property will be the site of an electrical substation.

The STAMP Site and Project are within the ancestral territory of the Tonawanda Seneca Nation (TSN) and adjacent to its treaty-protected, federally-recognized Tonawanda Seneca Reservation (Nation's Territory). A Programmatic Agreement (PA) was executed in July 2018 between the United States Army Corps of Engineers (USACE), Buffalo District and the New York State Office of Parks, Recreation and Historic Preservation State Historic Preservation Office (SHPO). The GCEDC, the New York State Department of Environmental Conservation (NYSDEC) and the TSN were invited to sign the PA as concurring parties. Both the GCEDC and NYSDEC executed the PA. As detailed in the PA, the USACE, Buffalo District in consultation with SHPO, determined that STAMP's Area of Potential Effects (APE) are parcels on the STAMP site where development will result in the discharge of dredged or fill material into waters of the United States, and any locations where the character of historic properties may be altered by development associated with STAMP. Under the PA, Cultural Resource investigations have been completed to evaluate and identify historic and prehistoric resources on the STAMP Site.

Following the execution of the PA in July 2018, the consulting parties continued to meet to discuss protocols for the Nation to undertake a TCP Evaluation (defined below). The Consulting Parties agreed to support the Nation's efforts to prepare a report to evaluate the eligibility of the Nation's Territory for listing on the National Register of Historic Places (National Register).¹ This evaluation (TCP Evaluation), which has been ongoing since 2018, is being led by the TSN, will be the sole property of the TSN and will be shared with the PA consulting parties, subject to any conditions required to protect the privacy and rights of the TSN and its citizens. Under the PA, the results of the TCP Evaluation, once shared with the

¹ The National Park Service (NPS) Publication *National Register Bulletin 38: Guidelines for Evaluating and Documenting Traditional Cultural Properties* provides guidance in evaluating and documenting properties to determine "whether properties thought or alleged to have traditional cultural significance are eligible for inclusion in the National register." A Traditional Cultural Property (TCP) is not a property type; it is a kind of significance. A TCP reflect traditional religion, beliefs, customs, and practices, must be tangible and can include natural features.

PA consulting parties, will be “used to guide the evaluation of potential adverse effects to the Nation’s Territory as a property of religious and cultural significance.”

As the PA does not apply to undertakings at the STAMP Site that do not involve the USACE, SHPO and NYSDEC, in consultation with the TSN and the GCEDC, separately developed a Letter of Resolution (LOR) to establish procedures for cultural resource review for development on the STAMP Site that is not subject to the PA but require a permit or approval from NYSDEC. The LOR incorporates many provisions of the PA and provides a process for evaluating potential impacts to the TSN from a particular development project at STAMP. Under the LOR, the GCEDC is required to prepare an initial assessment of each development project at STAMP to make a determination of whether or not the GCEDC believes that such project will have an adverse impact to the Nation’s Territory as a property of religious and cultural significance based on the National Register criteria for eligibility.

In April 2022 *kta preservation specialist (kta)*, on behalf of the GCEDC, conducted a Cultural Resource Screening and Initial Assessment to identify potential historic resources, outside of the APE, within the Nation’s Territory, which is located adjacent to the western boundary of the STAMP Site (Study Area) to identify potential State/National Register of Historic Places Eligible (S/NRHP-E) historic resources (buildings, sites, objects, structures, districts) identified in the New York State Cultural Resource Information System (CRIS). In this way, potential direct and/or indirect effects on historic resources within the Study Area from the proposed Project could be evaluated. This Cultural Resource Screening and Initial Assessment Report (Report) presents the results of these investigations. The TSN are currently preparing a report to evaluate the eligibility of the Nation’s Territory for listing on the National Register of Historic Places (National Register). This Report will not attempt to overlap or summarize potential information that is part of the TCP Evaluation.

The purpose of the investigation is to provide guidance to SHPO and NYSDEC in their review of the Project’s potential impact on the Study Area under Section 14.09 of the Parks, Recreation and Historic Preservation Act of 1980 (SHPA Consultation). This Report only investigates aboveground properties within the Study Area.

The goals of the Screening portion of this investigation were:

- To identify and document historic resources (buildings, structures, sites, objects, historic districts) located within the Study Area that have been previously determined eligible for inclusion in, or are already listed in the New York State and/or National Registers of Historic Places (S/NRHP-L; S/NRHP-E).
- To identify and document historic resources (buildings, structures, sites, objects, historic districts) within the Study Area that have been previously identified in CRIS and no determination made. The TCP Evaluation will identify historic, cultural, and religious resources that potentially meet the criteria required for listing in the National Register.

The methodology and evaluation criteria used to evaluate properties are codified in the *Code of Federal Regulations, Title 36: Part 60* and reprinted in the National Park Service (NPS) Publication *National Register Bulletin 15: How to Apply the National Register Criteria for Evaluation*. The guidelines followed for the evaluation and identification of National Register Eligible properties are contained in the NPS Publications *Standards and Guidelines for Evaluation; Standards and Guidelines for Identification; and Guidelines for Local Surveys: A Basis for Preservation Planning*.

All aspects of the investigation and Report conform to the New York State Education Department's) *Work Scope Specifications for Cultural Resource Investigations* (NYSED, 2004), and the *New York State Education Department's Guidelines for Gathering Architectural Field Data* (2008).

The investigation and Report were completed by a principal investigator and architectural historian who are 36 CFR 61 qualified, and also meet the professional qualification standards set forth in the *Secretary of the Interior's Professional Qualification Standards* (48 CFR Part 44738-9).

1.2 Project Description

The proposed 345/115kV Substation (Project) involves the development of an approximate 20-acre area located partially on and immediately north of the 1,261.7-acre Science and Technology Advanced Manufacturing Park (STAMP). This property lies generally between the STAMP Site and a utility corridor which houses the Empire Pipeline and a 345kV Power Line which will ultimately supply power to STAMP tenants. This property is located to the west of the intersection of Lewiston Road (NYS Route 77) and Crosby Road in the Town of Alabama and is bounded by the Empire Pipeline/345kV Power Line utility corridor to the north, hedgerows to the east and south, and woods and brush to the west. It is anticipated that this property will be the site of an electrical substation (see Figure 1).

Figure 1: Conceptual Site Plan of the 345/115kV STAMP Substation Project located immediately to the north of the STAMP site.

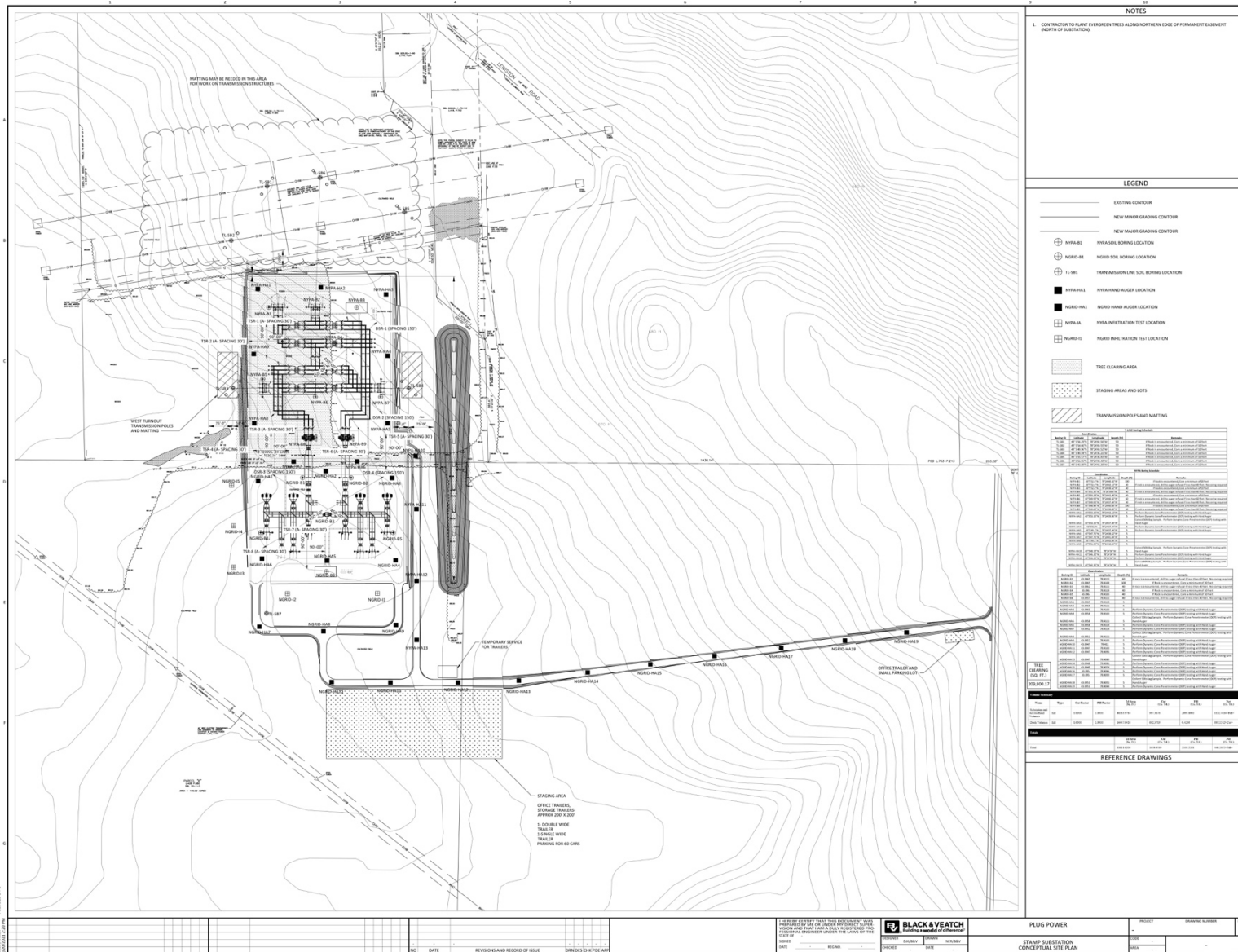
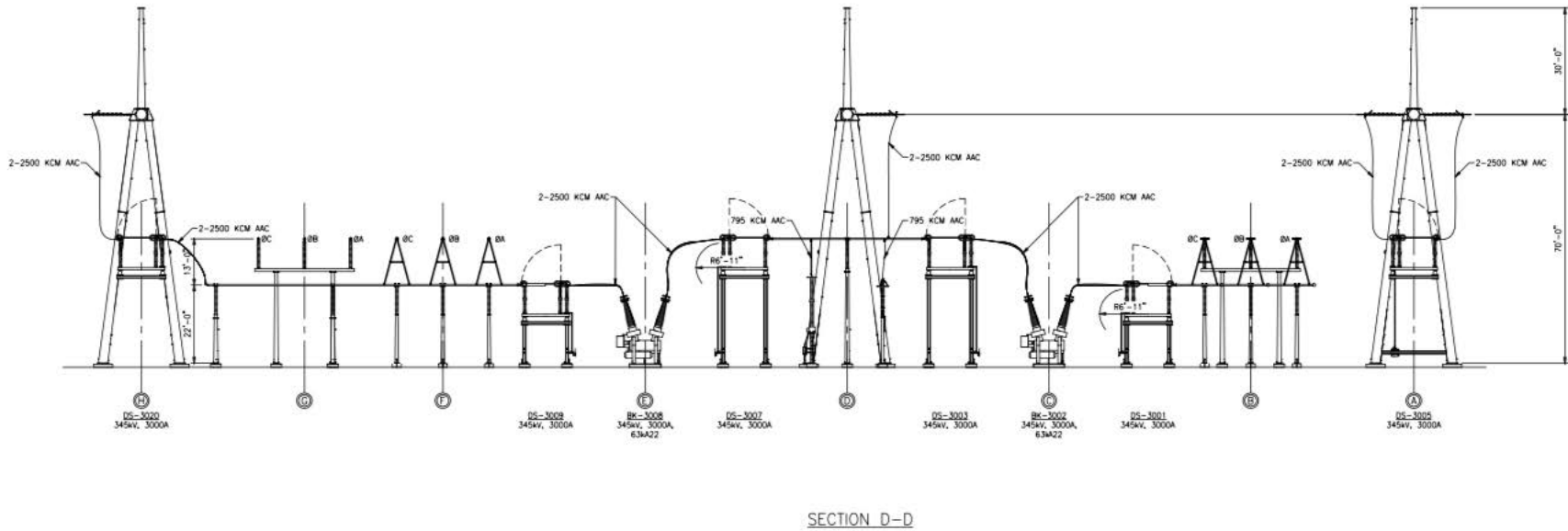


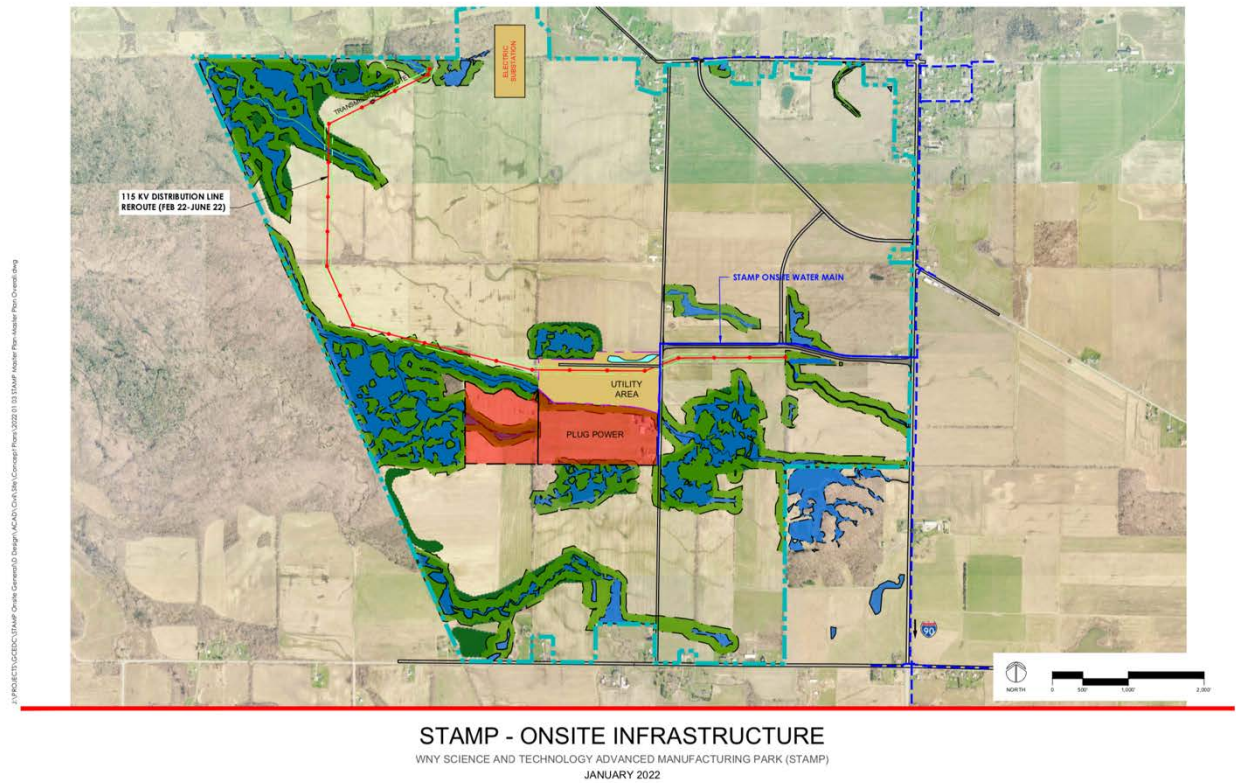
Figure 2: Figures depicting general station sections (Sample Section D-D) to be located within the 345/115kV STAMP Substation.



The GCEDC has completed site-level design and engineering, and site-level environmental and zoning approvals to house projects including semiconductor manufacturing, renewables manufacturing, biopharma manufacturing, and other high-capacity industries for the development of the STAMP property. In particular, alternative energy technology provider Plug Power has committed to invest US\$290 million in the construction of a state-of-the-art green hydrogen fuel production facility and 450 MW electric substation as the first build on the STAMP property. Plug Power’s facility will utilize carbon-free hydropower from the New York Power Authority’s Niagara Power Project, plus a comprehensive package of state and local tax incentives, to create 68 jobs and produce 45 tons of green hydrogen daily. The governmental investment is part of the state’s Green Energy program, which aims to help shift the state toward a carbon-neutral economy, fulfill the goals of New York’s Climate Leadership and Community Protection Act, and also spur economic recovery from the COVID-19 pandemic.

The conceptual master plan of the STAMP Site is shown in Figure 3. The electrical substation is depicted at the northern portion of the Site.

Figure 3: Conceptual Master Plan Layout of STAMP Site



The Study Area encompasses Nation's Territory, which is adjacent to the western boundary of the STAMP Site (Figure 4). The Screening identifies those properties within the Study Area documented in the CRIS system previously determined S/NRHP-L or S/NRHP-E, and those identified, but no determination made to allow for an assessment of the direct and indirect effects of the Project on historic resources identified. The Screening and Report do not include the Project site as it has previously been investigated and it was determined that no historic or archaeological resources are present.

The Study Area is located in the counties of Erie, Genesee, and Niagara, as illustrated on Figure 4. It is bordered by the Towns of Alabama, Pembroke, Newstead, and Royalton. Tonawanda Creek runs east-west along the northern boundary of the Nation's Territory, and then continues south, generally in the central portion of the Nation's Territory. Legs of Tonawanda Creek are located throughout the Study Area. Whitney Creek runs diagonally across the Study Area at the northeast corner from the southeast to the northwest. A leg of the creek crosses the Study Area diagonally at the northeast corner, while a second leg crosses at the southwest corner. The Study Area is primarily wooded, with fields located toward the middle of the Study Area along the eastern boundary, and some to the south in the Study Area. There are some roads running within the Study Area. Bloomingdale Road runs in an east-westerly direction to the south of the middle of the Study Area. Other roads include Judge Road, which runs east-west from the eastern boundary of the Study Area before turning north and becoming Feeder Ditch. New Road and Poodry Road run north-south between Judge Road and Bloomingdale Road. Ledge Road runs east-west from the eastern boundary of the Study Area to the south, before turning north and becoming Reuben Road. Hopkins Road runs north-south through the middle of the Project Area, becoming Meadville Road after it crosses Bloomingdale Road. A portion of Hopkins Road to the south is also known as Sandhill Road. Shanks Road runs east-west from Bloomingdale Road at the western boundary of the Study Area and intersects with Hopkins Road to the west. Skye Road runs essentially east-west from the western boundary of the Study Area, terminating at Meadville Road to the east. Council House Road runs north-south between Meadville Road and Skye Road. Lone Road runs east-west connecting Council House Road with Meadville Road. Route 250, Scotland Road runs north-south across the western portion of the Study Area, where it intersects with Skye Road.

1.2.1 Project Location

The Project is located in western New York state (

Figure 4), at 6840 Crosby Road, in the Town of Alabama, Genesee County.

Figure 5 depicts the location of the STAMP Site; Project, and Study Area on the 1981 Akron, New York USGS 7.5 Minute Series Quadrangle. Figure 6 depicts the location of the STAMP Site; Project, and Study Area on a 2018 aerial photograph.

Figure 4: General Location of Study Area and Project in western New York State

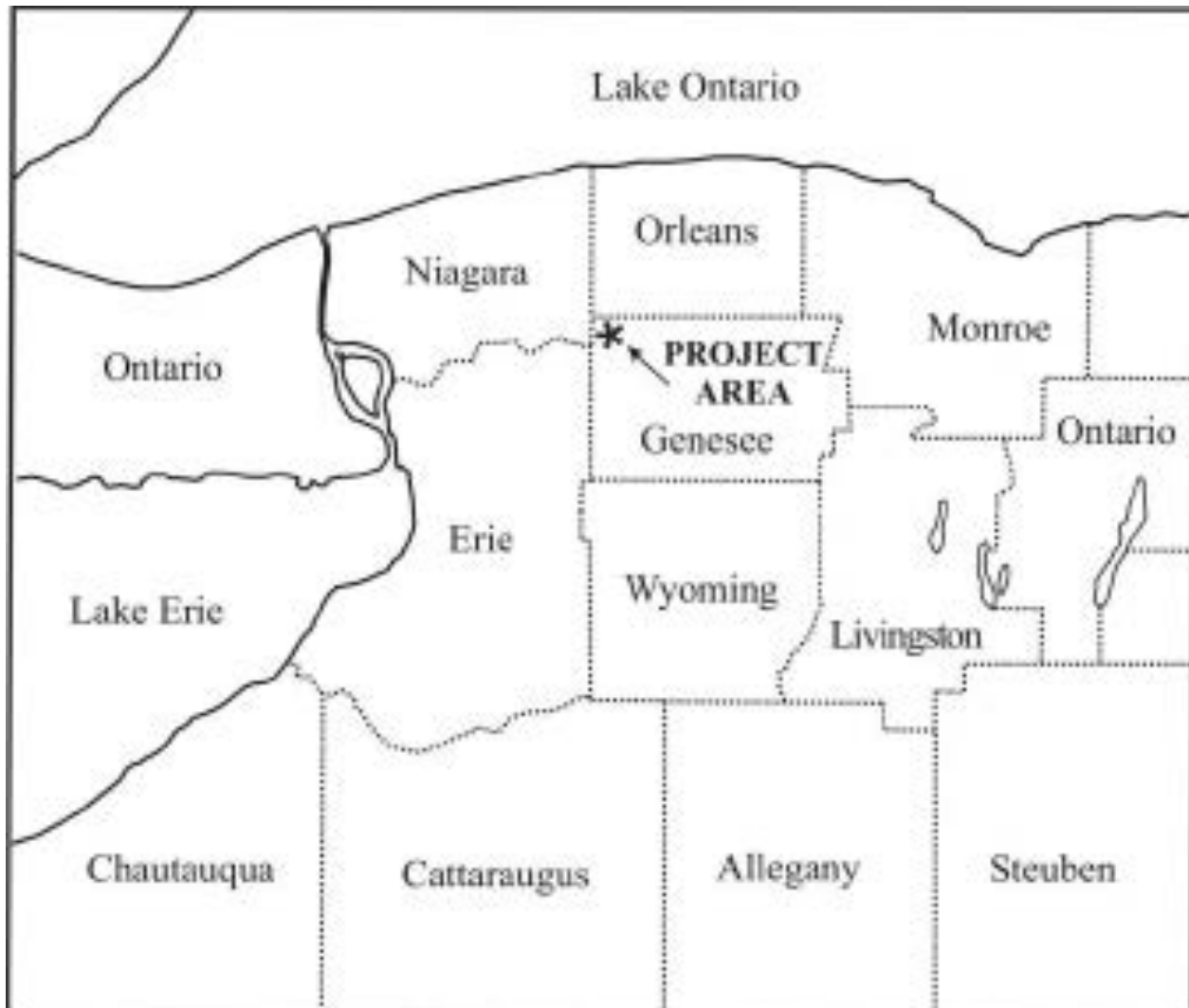


Figure 5: Location of STAMP Site and Study Area boundaries on the 1981 Akron, New York USGS 7.5 Minute Series Quadrangle.

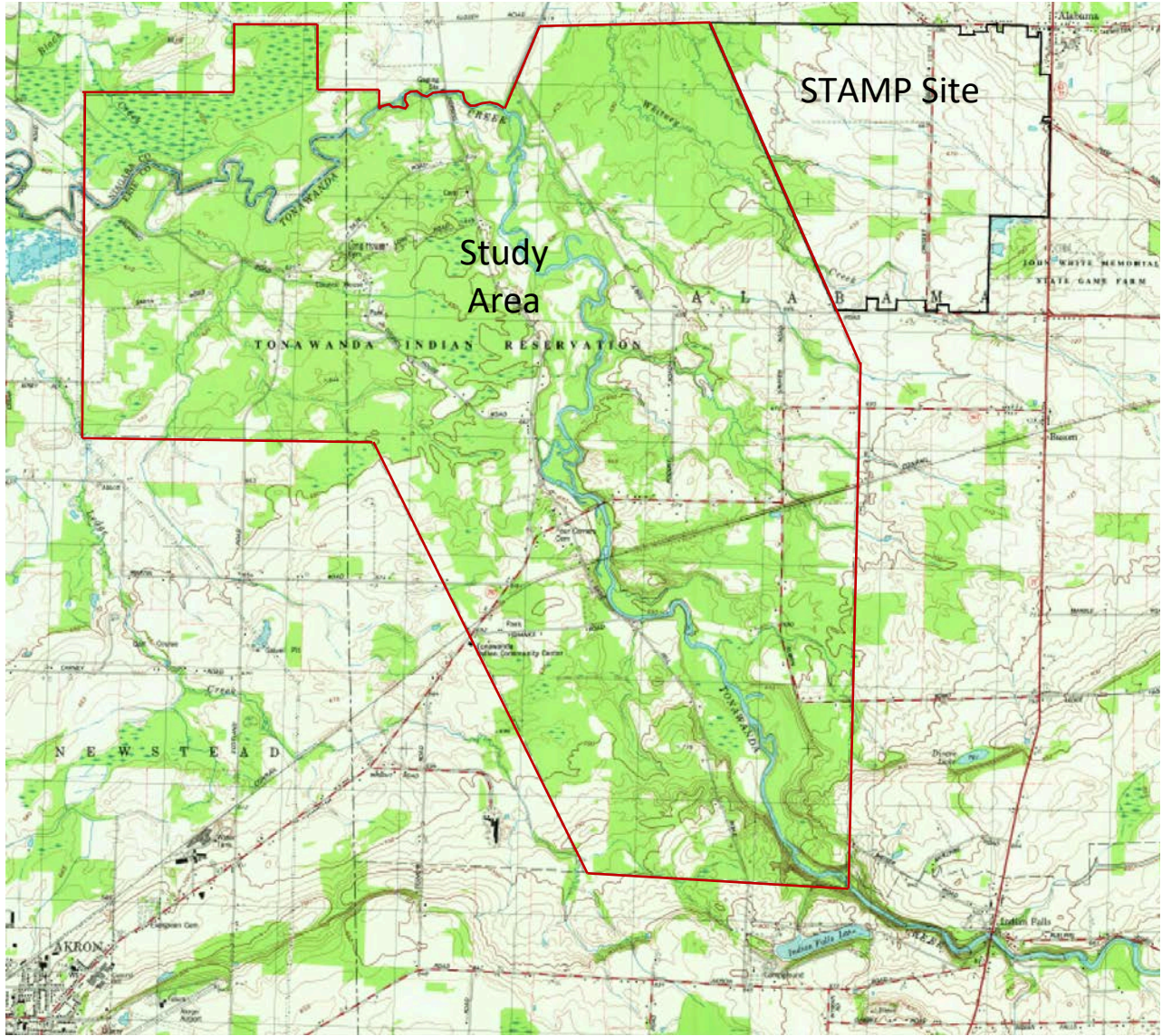
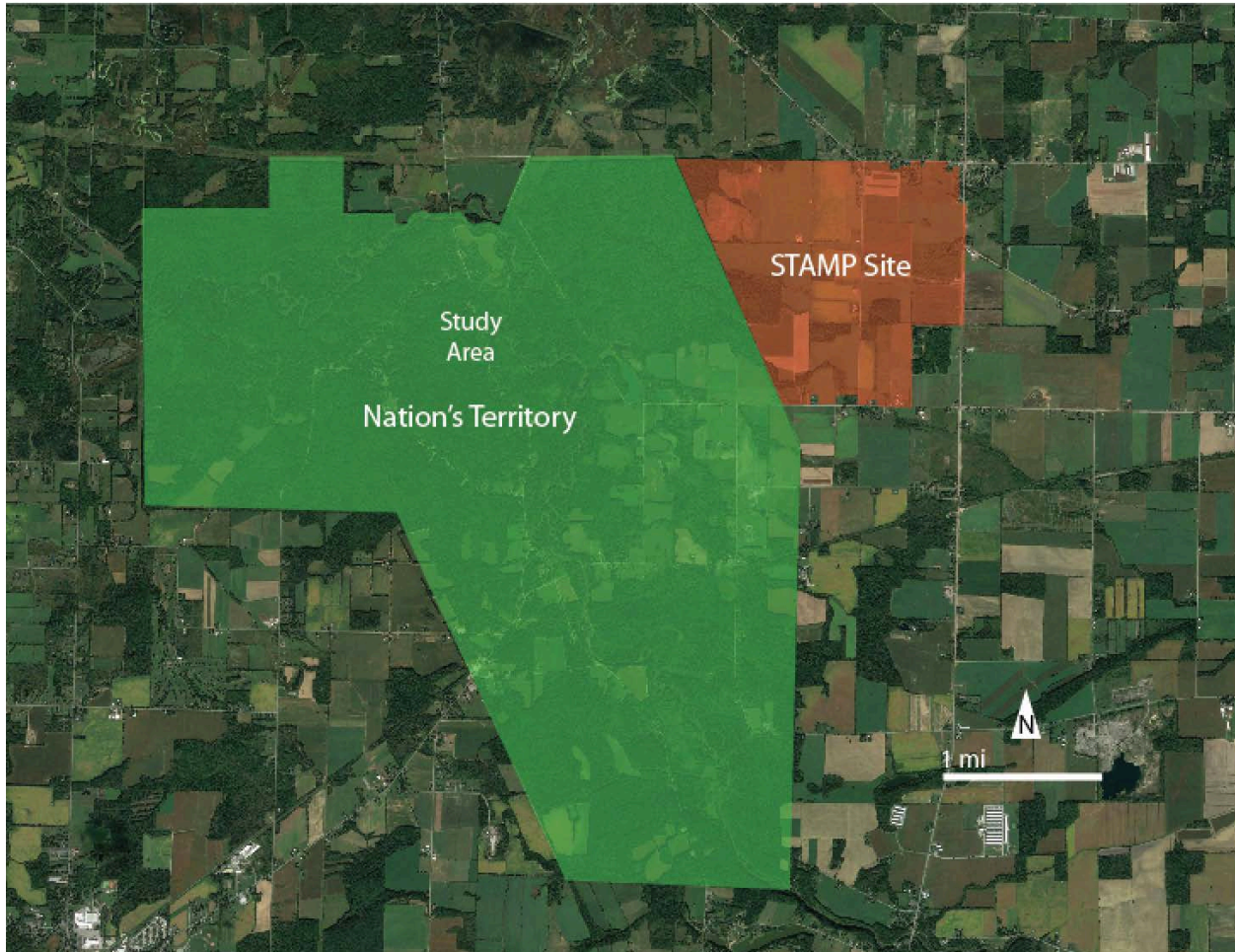


Figure 6: Location of STAMP Site and Study Area on a 2018 Aerial Photo



1.3 Agency Consultation

A PA for the STAMP Site was executed between USACE, Buffalo District and SHPO in July, 2018. The GCDEC and NYSDEC have executed the PA as concurring parties. The USACE, Buffalo District, in consultation with the SHPO, has determined that STAMP's APE are parcels on the STAMP site where development will result in the discharge of dredged or fill material into waters of the United States, and any locations where the character of historic properties may be altered by development associated with STAMP outside of the APE may have direct and/or indirect adverse effects on historic properties. An LOR, largely incorporating the terms of the PA, has been executed between NYSDEC, SHPO, and the GCDEC regarding the STAMP Site, which includes any project that is part of the STAMP Site and which does not involve permitting or approvals from USACE. The USACE, SHPO, NYSDEC, and GCDEC have engaged in outreach and consultation with the Tonawanda Seneca Nation (TSN) and the Seneca Nation of Indians (SNI) in connection with the proposed STAMP Site and associated projects.

2.0 BACKGROUND AND SITE HISTORY

2.1 History of the Study Area: Historic Context and Map Analysis

Archives and repositories consulted during *kta's* research for this Report included *kta's* in-house collection of reference materials, and online digital collections of the New York State Library, Ancestry.com, New York Heritage, David Rumsey Map Collection, and United States Geological Survey (USGS). Historic maps examined for the map analysis and reproduced in the Report include:

1804 Morris Purchase Map (Map 1)

1804 Portion of Morris Purchase Map showing "Tonnewonta Reservation." (Map 2)

1817 Amos Lay, *Map of New York State* (Map 3)

1829 Burr *Atlas of New York State, Genesee County* (Map 4)

1866 Stone and Stewart, *New York State, Alabama, Genesee County* (Map 5)

1876 Century Map Company, *Genesee County, Alabama Town* (Map 6)

1890 Map of Tonawanda Indian Reservation Situate in the Counties of Genesee, Erie, and Niagara, NY (Map 7)

1904 Century Map Company, *Genesee County, Alabama Town* (Map 8)

1897 Medina USGS 1:62500 topographic quadrangles (Map 9)

1944 Medina USGS 1:62500 topographic quadrangles (Map 10)

1949 Akron USGS 1:25000 topographic quadrangles (Map 11)

1981 Akron USGS 1:25000 topographic quadrangles (Map 12)

The Project is located in the Town of Alabama in Genesee County, New York. The Project is located within the TSN's ancestral territory and adjacent the Nation's Territory. The map analysis has focused on the Nation's Territory for context, with a focus on the Study Area (

Figure 5 and Figure 6). The map analysis and historic context section of this Report focusses on the historic trends and themes that influenced the use of this land over time.

This Report acknowledges the gaps in many different types of knowledge that could of course be best provided by the TSN themselves. The primary methodology utilized for this Report was based on the LOR and focused solely on map analysis, literature review, and available archives. The scope of work did not include any in-person visits to the Nation's Territory. Given this, much of the materials used in conducting historic research tend to privilege non-Indian perspectives and perceptions, which typically do not include those of the Nation. The limitations of these materials are thus explicitly acknowledged in this Report. The following historic context does not include substantial information or the very valuable perspective of the TSN, except as provided by affidavits in court documents recently filed in the Supreme Court of New York, County of Genesee.

Culturally specific information, both current and ancestral, about particular fishing, hunting, and medicine gathering practices, and other existing cultural and religious resources is limited in this Report, and will be provided by the TSN as part of their TCP Evaluation. This Report will not attempt to speak over those voices nor does it attempt to overlap or summarize potential information that is part of the TCP Evaluation. Instead, this Report points to available information about the historic significance of this land based on the materials available, and specifically acknowledges the limitations in scope and perspective that accompanies that methodology.

At the time of European contact, the land around the Project was occupied by the Seneca, who were the largest of the Haudenosaunee. The Seneca are one of the Six Nations (Seneca, Mohawk, Onondaga, Oneida, Cayuga, and Tuscarora) of the Haudenosaunee, a historically powerful northeast Native American confederacy.² Formed around 1450, the Haudenosaunee each maintained their own cultural practices and traditions while living in separate areas of the state. Originally, the Haudenosaunee only consisted of five nations- the Seneca, Mohawk, Onondaga, Oneida and Cayuga, but it was expanded to include the Tuscarora after they relocated in the area from the south in the early eighteenth century. The Haudenosaunee was established prior to European contact, and scholars place the formation date somewhere between 1142 and 1450.³ While each nation maintained their own land distinct from one another throughout the state, the banding together of these nations promoted peace amongst these

² The terms 'Iroquois' and 'Haudenosaunee' refer to the same group of Native Americans, the Six Nations. While this group is often referred to as the Iroquois, members of that group can tend to refer to themselves as 'Haudenosaunee' rather than Iroquois. The term Haudenosaunee is used by those who consider the term Iroquois to be derogatory in origin, and imposed upon the Native Americans by white settlers who did not properly speak the language nor understand the intricacies of many Native American cultures.

³ For more on this see Barbara Graymont, *The Iroquois in the American Revolution* (Syracuse, NY: Syracuse University Press, 1972), 14-15; Timothy Shannon, *Iroquois Diplomacy on the Early American Frontier* (New York: Viking, 2008), 25.

communities as well as strengthened the influence of all these nations against any other potentially threatening enemies.

As an integral part of the Haudenosaunee, the Seneca were traditionally known as the ‘Keeper of the Western Door,’ as they were originally the westernmost of the Six Nations. While the Seneca historically occupied a much larger area of upstate and western New York State, today the Seneca Nation resides primarily in multiple reservations spread across the western portion of the state, including the Tonawanda Band near the Project, which is independent from the Seneca Nation of Indians’ Cattaraugus Reservation, the Oil Springs Reservation, and the Allegany Reservation.

The Seneca settlement along Tonawanda Creek can be traced to the years before the American Revolution.⁴ There is evidence of Seneca and Neutral presence in the area, as scholars have stated: “mingled with the soil are relics of the Neutrals, the mound building Indians and Algonkian Tribes of the second period.”⁵ The exact date of the founding of a permanent Seneca community at Tonawanda is unknown, but likely by the mid-1600s or mid-1700s.⁶ During that time, the Seneca lived in what has been described by non-Indian settlers in the area as “a forest paradise, teeming with game, fish, and birds.” The Seneca lived in this environment, “secure in the feeling that their vast fields to produce, the natural supplies of wild foods, and forest beasts would afford sustenance.”⁷

While the Seneca Nation occupied this region for several centuries, interest in the area arose among European missionaries, traders and soldiers beginning in the 1700s. As early as 1687, however, the introduction of new cultural imperatives and outsider claims on the land began to impact the Seneca Nation in multiple ways. During the American Revolution in 1776, the Seneca had already established settlements along Tonawanda Creek, Genesee River and Allegheny River.⁸

Various Euro-American campaigns against the Seneca created upheaval and dispersion from their villages during the 1770s and 1780s.⁹ The outcome of the American Revolution and the negotiations that followed resulted in the Seneca loss of much territory in and around Central and Western New York at this time. In the summer of 1779, George Washington’s army in the Sullivan-Clinton campaign devastated the Iroquois

⁴ Laurence M. Hauptman, “On Our Terms: The Tonawanda Seneca Indians, Lewis Henry Morgan, and Henry Rowe Schoolcraft, 1844-1851,” *New York History* 91.4 (Fall 2010), 314-335.

⁵ Lockwood Richard Doty, *History of the Genesee Country* (Chicago: S.J. Clarke Publishing Company, 1925), 134.

⁶ Laurence M. Hauptman, *The Tonawanda Senecas’ Heroic Battle Against Removal: Conservative Activist Indians* (Albany: SUNY Press, 2011), 1.

⁷ Doty, *History of the Genesee Country* (Chicago: S.J. Clarke Publishing Company, 1925), 172.

⁸ Charles C. Congdon, *A History of Allegany State Park and the Allegany Reserve of the Seneca Nation* (Salamanca, New York: Salamanca Area Museum Association, 1967), 5-23.

⁹ Congdon, 18.

villages in the Genesee River Valley and sent the Indians fleeing westward. Some reports also “date the downfall of the Haudenosaunee from the mission of General Sullivan in 1779, who broke up the Long House at that time.”¹⁰ One group of Seneca refugees settled along the Tonawanda Creek.¹¹ By 1788, a white surveyor named Kirkland described the vicinity of Tonawanda Creek as filled with ash, beechwood, elm, maple, and walnut trees. He also noted there were fourteen cabins at Tonawanda at that time.¹²

Rising tensions between the Seneca and the encroaching white settlers, newly independent from their European predecessors, occurred during the late 1780s and early 1790s. After the American Revolution, as scholar C. Joseph Genetin-Pilawa has stated, Western New York was contested territory. From the perspective of many late-eighteenth-century Americans, the Iroquois represented one of the most significant Indigenous groups with whom the United States had to negotiate.¹³ At this time, the State of New York sought the land of the Six Nations, including the Seneca, had owned and occupied for generations. In an attempt to claim this land for New York State, these white settlers began to pursue deceptive and illegal land transactions with Haudenosaunee, including the Seneca. As tensions mounted, the Federal government sent a delegation to Canandaigua in the Seneca Territory in the hopes of establishing a peace treaty. The Seneca, who had been dispossessed of their homelands in the 1784 Treaty of Fort Stanwix as a result of their allegiance to Great Britain during the war, recovered considerable western tracts in the 1794 Pickering Treaty.¹⁴

Also known as the Treaty of Canandaigua, the Pickering Treaty of 1794 was the result of an attempt to find peace between the Six Nations and the United States Government. Signed on November 11, 1794, the Pickering Treaty contains the signatures of 50 sachems and chiefs representing the Grand Council of the Six Nations of the Iroquois Confederacy, and by several U.S. government officials including Thomas Pickering, acting as the official agent of President George Washington. Affirming Haudenosaunee land rights in the State of New York, the treaty delineated and respected the boundaries of the nearly million acres of Seneca Nation land that had been previously established by the Phelps and Gorham Purchase of 1788. The Pickering Treaty is still actively recognized by the United States government and by the Six Nations of the Haudenosaunee Confederacy today. Some scholars have acknowledged that both the making of treaties and the outright purchases of land by the individual states were illegal under Article 9 of the Articles of Confederation and also under the Commerce Clause of the United States Constitution.¹⁵ In fact, it is well-settled that the federal Nonintercourse Act barred states from purchasing Indian land- by

¹⁰ Anthony Wallace and Deborah Holler, "Reviving the Peace Queen: Revelations from Lewis Henry Morgan's Field Notes on the Tonawanda Seneca," *Histories of Anthropology Annual*, vol. 5 (2009), 97.

¹¹ Arthur C. Parker, *The History of the Seneca Indians* (Port Washington, NY: Ira J. Friedman, Inc., 1967), 151-152.

¹² Laurence M. Hauptman, *The Iroquois and the New Deal* (Syracuse: Syracuse University Press, 1981).

¹³ C. Joseph Genetin-Pilawa, *Crooked Paths to Allotment: The Fight over Federal Indian Policy After The Civil War* (Chapel Hill, NC: University of North Carolina Press, 2012), 31.

¹⁴ Genetin-Pilawa, 31.

¹⁵ Joy A. Bilharz, *The Allegany Senecas and Kinzua Dam: Forced Relocation through Two Generations* (Lincoln, Nebraska: University of Nebraska Press, 2001), 74; Congdon, 56.

treaty or otherwise- absent the consent of Congress.¹⁶ Despite the terms of the Pickering Treaty, land issues continued to arise between the United States government and the Six Nations throughout the eighteenth and nineteenth centuries. The 1794 Treaty remains binding federal law, and its provisions have been upheld by the courts in a wide range of contexts.

In 1797 the Treaty of Big Tree was signed, creating the Tonawanda Reservation, Allegany Reservation, and several other reservations in New York State.¹⁷ By the provisions of this treaty, the Seneca relinquished their rights to nearly all of their traditional homeland in New York State, except for twelve small tracts of land, for \$100,000, to New York State.¹⁸ One of these tracts of land included the Project and Study Area, as this was the first time the Federal government acknowledged the existence of a 70 square mile Tonawanda Indian Reservation at the Treaty of Big Tree in 1797.¹⁹

The Seneca motivations for signing this treaty are complex and were subject to substantial manipulation and bribes by European settlers at the time. While white settlers were infiltrating land all around them, it appears that the Seneca Nation was increasingly aware that these settlers would eventually succeed in outnumbering them and would take their land by force. In an attempt to leverage some sort of compensation, and peace, before these tensions erupted beyond control, the Seneca agreed to sell the majority of their land to the settlers. As historian Norman Wilkinson has asserted, "Their consent to sell their lands was, indirectly, a forced one- it was futile to resist for what the whites could not purchase, they would ultimately take. To be bought out was preferable to being pushed out."²⁰ Although the Seneca may have had "little to no conception of the worth of \$100,000 at the time," they eventually consented to selling their land, with the exception of a few distinct Reservations where they would then reside, at the Treaty of Big Tree in 1797.

Robert Morris negotiated this treaty, and then subsequently sold the right to the land to the Holland Land Company shortly thereafter. Based in Batavia, the Holland Land Company headquarters were located near the Tonawanda Reservation, to the east. By 1800, only one white settler was located in the vicinity of the Study Area, as Garrett Davis occupied 150 acres to the east of and adjoining the Tonawanda Reservation at that time. He had a house there and was allegedly one of only three non-Indian settlers in the entire Holland Tract at that time.²¹

¹⁶ *County of Oneida v. Oneida Indian Nation*, 470 U.S. 226, 232-233 (1985).

¹⁷ B. Delores Thompson, *Jamestown & Chautauqua County: An Illustrated History* (Woodland Hills, CA: Windsor Publications, 1984), 1-15.

¹⁸ Elisha Woodward Vanderhoof, *Historical Sketches of Western New York* (Buffalo, NY: Matthews-Northrup Works, 1907), 41

¹⁹ Hauptman, "On Our Terms..." 214.

²⁰ Norman B. Wilkinson, "Robert Morris and the Treaty of Big Tree," *The Mississippi Valley Historical Review* 40.2 (September 1953), 277.

²¹ Hauptman, *The Tonawanda Seneca' Heroic Battle...*, 2.

In 1802, New York State again moved to reduce Seneca land. The land cession of the entire Little Beardstown Reservation, in Genesee Valley, occurred as part of a federally ratified treaty in 1802. As a result, more Seneca arrived at the Tonawanda Reservation at that time. The first map of the Holland Purchase, published by the Holland Land Company, was formally presented by Joseph Ellicott, the Agent and Surveyor of the Holland Land Company., to a general Council of Indians held at Tonawanda around 1804.²²

The 1804 *Map of Morris's Purchase* (Maps 1 & 2) is the first to depict the Project and Study Area. It delineates the Tonawanda Reservation from the surrounding area with detail of waterways and lot numbers as surveyed around the time when the Holland Land Company purchased the land from Morris. Labeled as the 'Tonnewonta Reservation,' the land stretches on both sides of the Tonawanda Creek as it crosses northwest-southeast across the area. A 'Tonnewanta Village' is depicted towards the northwest of the Reservation on the south side of Tonawanda Creek, with ten (10) triangular dwellings depicted. This number is likely an abstracted representation, with a larger community than is symbolically depicted by these simplified forms. Batavia is located to the southeast of the Reservation. A few roads cross the area. One is labeled 'Buffalo Road' and follows a similar path today to NYS Route 5, south of the Study Area. Another road crosses the Tonawanda Creek, running north of Indian Falls. Closer to the Study Area, a road following a similar path to Route 77 crosses the vicinity near the village.

In 1810, the Holland Land Company transferred its land rights, which included the Study Area, to the Ogden Land Company. This company was formed by David Ogden, a former Federalist congressman and Holland Land Company attorney from New York City, who created the Ogden Land Company trust that year. As plans began for the development of the Erie Canal in 1817, Seneca lands became exponentially more valuable and state pressure increased again. Trying to profit from the 1810 purchase, the Ogden Land Company drafted a proposal to consolidate all the Seneca solely to the Allegany Reservation. The Seneca, supported by Quaker missionaries, resisted this effort.²³

The 1817 *Lay Map of New York State* (Map 3) indicates the proposed route of the Erie Canal to the north of the Study Area and Tonawanda Reservation. Labeled as the 'Southern Route of the Great Canal,' the path was surveyed by this time, running east-west, parallel to the northern boundary of the Tonawanda Reservation. The 'Tonnewante Village' appears in the same location, to the south of the Tonawanda Creek

²² Philadelphia Yearly Meeting of Friends (Orthodox: 1827-1955), Indian Committee (1827-1948), *A Brief Statement of the Rights: of the Seneca Indians In the State of New York, to Their Lands In That State, With Decisions Relative Thereto by the State And United States Courts, And Extracts From United States Laws, &c* (Philadelphia: Witt, Pile, Printer, 1877), 14.

²³ Genetin-Pilawa, 32.

near the northwest corner of the Reservation. Two roads cross the area from outside the Reservation, heading to points to the southwest, east, north, and connecting to Batavia to the southwest.

Events between 1819 and 1830, as scholar Laurence Hauptman has observed, played a major role in producing a schism in the Seneca polity and furthering the formation of two Seneca governments that exist today in New York.”²⁴ During this time, Chief Sky started to define a separate path for the Tonawandas from the Chiefs at Buffalo Creek. Red Jacket widened this split in 1826, when he signed a treaty that ceded all of the remaining Seneca lands in Genesee Valley and agreed to a reduction of the Tonawanda, Cattaraugus and Buffalo Creek Reservations. This 1826 Treaty dispossessed the Tonawandas of about 70% of their territory. Red Jacket and other leaders claimed the treaty was a result of coercion and that without Senate ratification it held no power, yet the treaty and its land cessions stood. As a result, some of the displaced Seneca migrated to the Tonawanda Creek area, settling in the reduced acreage of the Tonawanda Reservation.²⁵ By 1830, the Federal Indian agent reported 538 Indians at Tonawanda. Most of these were Seneca, but as the Reservation had also welcomed other displaced Indians the agent also reported 117 ‘Cannewaugus’ Seneca, 16 Cayuga, 12 Onondaga, and 7 Oneida.²⁶

The 1829 Burr *Atlas of New York State, Genesee County* (Map 4) depicts the Study Area and Tonawanda Reservation at that time. The boundaries of the Reservation are noticeably different from that on the 1817 map. The boundaries have been reduced at the eastern end and run essentially parallel to the Tonawanda Creek on the 1829 Map, demonstrating the central role the waterway played at the heart of the Reservation, even when it was drastically reduced in size due to the 1826 Treaty. The Indian Village is located in the same location as on the 1817 Map, south of the creek bend towards the northwest. Lots have been subdivided and numbered on this map, even in the area that was formerly Reservation land on the 1817 map.

In the early nineteenth century, several U.S. transportation networks and resource extracting companies began to pressure the Seneca to sell their land. In 1807, for instance, the State of New York declared the Allegheny River a “public highway” and therefore legally accessible by the U.S. government, because it was deemed navigable for purposes of transportation and commerce.²⁷ Similar declarations were applied throughout Western New York. The transportation of lumber was the principal business on many rivers in the nineteenth century, and sawmills were erected on many of the numerous streams in the region and on several streams located on Seneca land.²⁸ While many Seneca began to work seasonally in the logging

²⁴ Hauptman, *The Tonawanda Seneca’ Heroic Battle...*, 12.

²⁵ Genetin-Pilawa, 33.

²⁶ Genetin-Pilawa, 33.

²⁷ Congdon, 30.

²⁸ William Adams, *Historical Gazetteer and Biographical Memorial of Cattaraugus County* (Syracuse, N.Y.: Lyman, Horton, and Company, 1893), 491.

industry, the declaration that the Allegheny River was a public highway was controversial.²⁹ This type of resource-driven tension between the Federal government and the Seneca continued into the 1830s, when the Seneca began leasing land on the reservation to Euro-American settlers and to oil, gas, and mineral companies.

Similar disagreements occurred around Tonawanda Creek and, eventually, around the construction of the Erie Canal in proximity to Indian land across the state. Seneca lands located from the Genesee River to Lake Erie were directly in the path of New York State's plans for a major transportation network. During the Jacksonian era, Indian removal often used a rhetoric of attempting to 'save' the Indians, when in fact motivations were much more complicated. As Hauptman has stated, NYS Board of Canal Commissioners members clearly reveals this iron triangle of interests among land, transportation, and political leadership in the empire state.³⁰ The numerous attempts to consolidate the Seneca solely onto the Allegany Reservation was not an attempt to 'save' them, and was instead a way of relocating them away from an important central water route that would be needed for future canals and, later, rail lines.

By the 1840s, railroad companies showed an increased interest in the Tonawanda Reservation and its vicinity. The first railroad across Western New York arrived in 1837, connecting Batavia to Buffalo via Attica within miles of the Study Area. Surveyors were in the area again by 1843, the intention being to have rail connections between Attica and Batavia with a water connection at Lockport, but it was not built until 1880, in part due to land disputes.³¹ To the south, rail companies began leasing land from the Seneca in order to build rail lines that passed directly through the Allegany Reservation. Transportation-oriented development continued in the region in 1845, as 'Buffalo Road,' an old Indian Trail, became NYS Route 5 in the late nineteenth century and other roads were constructed around that time.

Tensions increased during the 1830s-1850s, as U.S. Presidents Andrew Jackson and his successor Martin Van Buren championed Indian Removal throughout the United States. As scholar Genetin-Pilawa has stated, "The Tonawanda experience typified the increasingly powerful and pervasive national assault on tribal sovereignty."³² The removal crisis that occurred during these decades was a very common path for eastern Indian nations, wherein representatives of a private company with a tenuous land claim, in this case the Ogden Land Company, attempted to manipulate Indian leaders, as well as state and federal officials, in an effort to dispossess an Indigenous nation from their homeland.³³

²⁹ Bilharz, 22; Adams, 58.

³⁰ Hauptman, *The Tonawanda Senecas' Heroic Battle...*, 16.

³¹ Winfield W Robinson, "The Tonawanda Valley Lines," *The Railway and Locomotive Historical Society Bulletin* 40 (May 1936), 36-44.

³² Genetin-Pilawa, 30.

³³ Genetin-Pilawa, 29.

The Buffalo Creek Treaty of 1838 was, as Hauptman has stated, “one of the major frauds in American Indian History.”³⁴ During this treaty, three Ogden Land Company representatives used alcohol, bribery, forgery, threats, and misinformation to dispossess the Seneca of all their remaining New York lands, except the unoccupied one square mile Oil Spring Reservation, for \$202,000. In exchange, the Federal government agreed to provide a large reservation on lands west of the Missouri to be settled by all of the Iroquois nations. This treaty has been described as “a land scandal involving a land company and some bogus chiefs [that] resulted in division of the Seneca into four reservations: One at Buffalo, Tonawanda, Cattaraugus and Alleghany.”³⁵

No Tonawanda representatives signed this treaty, but it had a significant impact on the Tonawanda band of Seneca. Only a minority of Seneca signed this treaty, most likely under coercion. The Tonawanda resisted these tactics, as one historian reported, “Not a single Tonawanda chief could be kidnapped, bribed or induced to touch the rum of the treaty agents, yet their names were forged to the document, and they appeared upon it as having agreed to sell out and leave for the uncertain West.”³⁶ The Tonawandas did not sign the treaty nor agree to the conditions, yet they found themselves expatriated, with their lands sold without their consent. When the Ogden Land Company moved in to begin surveying the Tonawanda Reservation for future sales, “the Tonawanda Seneca petitioned the Secretary of War and the Attorney General, both of whom upheld the Indians’ position.”³⁷

After four years of intense protest, the Tonawanda again met with representatives at Buffalo Creek in 1842. The Treaty of 1842, known also as the ‘Compromised Treaty’ by the Tonawanda, attempted a compromise that gave the Seneca back the Allegany and Cattaraugus Reservations but did not return either the Buffalo Creek or Tonawanda Reservations. Tonawanda representatives voiced dissent, again refusing to sign the treaty and claiming that the ‘negotiations’ were predetermined.³⁸ At critical moments during the meeting, “prominent Tonawanda leaders spoke out against the proceedings and the Seneca who signed the document.”³⁹ This contributed to the split that occurred, wherein, eventually, the Tonawanda Band formally separated from the Seneca at Alleghany and Cattaraugus.

In 1845, Tonawanda leaders appealed to the New York Governor Silas Wright in protest. They alleged that the Ogden Land Company sold their lands at a public auction and that settlers were moving onto the Reservation in large numbers. They stated, “The Ogden settlers dispossess us of large quantities of our

³⁴ Hauptman, *The Tonawanda Senecas’ Heroic Battle...*, 35.

³⁵ *Natural History 76* (New York: American Museum of Natural History, 1967).

³⁶ Doty, 282.

³⁷ Veronica Evaneshko, *Tonawanda Seneca Ethnic Identity: Functional And Processual Analyses*, The University of Arizona, Ann Arbor, 1974), 84.

³⁸ Francis Paul Prucha, *American Indian Treaties: The History of a Political Anomaly* (Berkeley: University of California Press, 1994), 21.

³⁹ Genetin-Pilawa, 34.

forest lands...and of improvements actually made by our own hands.”⁴⁰ The Company had moved non-Native settlers onto the Reservation lands, confiscated improvements such as sawmills, fenced lots, and fields, and continually sent or threatened to send appraisers onto the land.⁴¹ Unfortunately, Governor Wright was one of many politicians who supported Indian Removal.

The Tonawanda Seneca utilized what Genetin-Pilawa has identified as “a three-pronged strategy” to resist the Ogden Land Company and its political supporters. With the guidance of the Tonawanda Band of Seneca leader Ely Parker, their many tactics included physically blocking additional attempts at settlement and appraisal, applying for judicial action to remove trespassers at the state level, and continue to file appeals to national politicians to officially invalidate the treaties through the Senate Committee on Indian Affairs.”⁴²

One of the most significant forms of resistance was devised in direct relation to the land itself. The savvy Ely Parker conceived of a way to stall and disrupt the legal process required to ratify the treaty by transforming the landscape. Given that Articles 4 and 5 of the 1842 Treaty stated that two arbiters had to survey and assign monetary values to all unsettled and improved lands on the Buffalo Creek and Tonawanda reserves. Parker reasoned that if this survey could not be carried out, the Seneca could not be removed from their land. So, they used the land itself to hold onto the land: they planted crops in a field cleared by a non-Native settler. They also prevented outside informants from appraising, presenting a united front for a common goal. In this way, “the landscape itself and the ways that Seneca people changed it became a weapon in the resistance effort.”⁴³ This demonstrates the continued Tonawanda Band connection to this land, not only as an ancestral homeland, hunting and fishing ground, and spiritual core, but also as a piece of their history of resistance against removal efforts.

By 1848, the Seneca of Cattaraugus and Allegany Reservations to the south created the Seneca Nation of Indians (SNI), a new organization of their government systems. The Tonawanda Band of Seneca did not join them. At this time, the traditional system of government, administered by chiefs and clan mothers, was replaced by a constitution and an elected council and executive branch, consisting of a president, clerk, and treasurer for the SNI.⁴⁴ This new system was intended, at least in part, to enable the SNI to better address, counter and respond to organizational issues within the reservation as well as deal more succinctly with the Federal government during times when their land was under negotiation. Legal

⁴⁰ *Blacksmith v. Fellows*, 7 N.Y. 401 (1852); *Fellows v. Blacksmith*, 19 How. U.S., 761 (1857).

⁴¹ Genetin-Pilawa, 35.

⁴² Genetin-Pilawa, 36.

⁴³ Genetin-Pilawa, 36.

⁴⁴ Joy A. Bilharz, “Ghosts of Broken Hearts and Laws: The Allegany Seneca and Kinzua Dam” (PhD dissertation, Bryn Mawr College, 1987), 33.

amendments on the part of the Federal government continued to affect the Seneca Nation during the late nineteenth century.⁴⁵

However, the Tonawanda Band followed a different path than the Seneca Nation of Indians from the Alleghany and Cattaraugus Reservations. In 1857, the Tonawanda Band signed a treaty with the United States and was federally recognized as the independent Seneca Nation of New York. Unlike the Indians currently recognized as the Seneca Nation, that is the Seneca Indians of the Cattaraugus and Allegany Reservations, the Tonawanda Band retains the traditional governing institution of the Confederacy: the tribal Council of Chiefs (“the Council”), which carries out the views of the nation on matters of internal governance. This traditional form of Seneca government is historically based on consensus. The Tonawanda Band consists of eight “clans”: The Snipe, the Heron, the Hawk, the Deer, the Wolf, the Beaver, the Bear, and the Turtle. Each clan appoints a clan mother, who in turn appoints an individual to serve as Chief. The clan mother retains the power to remove a Chief and, in consultation with members of the clan, provides recommendations to the Chief on matters of tribal government.⁴⁶ In this sense, “The Tonawandas’ government remained unchanged,” scholar Mary Conable asserts, they “maintained an identity based on their geographic location and their adherence to traditional forms of government.”⁴⁷ Because they were able to retain a traditional form of Seneca government, historian Mark A Nichols suggests that “the Tonawanda Seneca maintained a public image of their community as the last true embodiment of traditional Seneca culture.”⁴⁸

As part of the Treaty of 1857, Ely Parker, John Martindale, Frederick Follett, and William Bryan met with Federal officials and President James Buchanan, negotiating a deal in which the Indians would relinquish their rights to Federal lands in the Kansas Territory and use Federal funds to purchase title to all or part of their reservation from the Ogden Land Company.⁴⁹ The new treaty with the U.S. allowed the Tonawanda Band to buy back a portion of the lands from the Ogden Land Company, which had been sold without their permission in the Treaties of Buffalo Creek. The treaty did not; however, return land to the Tonawandas, but rather only provided a vague formula to allow the repurchase of some Tonawanda lands.⁵⁰ The parties had to work out the details with the Ogden Land Company and individual non-Indian settlers on their own, and this proved to be a difficult task for many years.

In order to purchase back a portion of their own lands, the Tonawanda Band had to deal with at least three intersecting complications. First, the Tonawanda lands were at the time ‘owned’ outright by the

⁴⁵ Adams, 39.

⁴⁶ *Poodry V. Tonawanda Band of Seneca Indians* (United States Court of Appeals, Second Circuit, May 16, 1996). Accessed via web May 28, 2021. <https://caselaw.findlaw.com/us-2nd-circuit/1265186.html>.

⁴⁷ Mary H. Conable, “A Steady Enemy: The Ogden Land Company and the Seneca Indians” (Ph.D. diss., University of Rochester, 1994).

⁴⁸ Nichols, dissertation, 248-249, quoted in Genetin-Pilawa, 45.

⁴⁹ Genetin-Pilawa, 44

⁵⁰ Hauptman, *The Tonawanda Senecas’ Heroic Battle*, 115.

Ogden Land Company. Second, there were white settlers who had purchased land from the Ogden Land Company. Third, there were also non-Indian squatters who refused to leave the land outright.⁵¹ The Tonawanda Band had assistance from John H. Martindale, a Batavia lawyer and Seneca ally, who was approved as attorney to buy back the southern portion of reservation lands, and Frederick Follet, who was appointed to ‘apportion the improvement funds’ under provisions of the 1842 treaty.⁵² Piece by piece, Martindale and Follett were able to secure back a portion of the land. Doing so required more compromises from the Tonawanda Band, as they “had to accept the long arm of the state in certain aspects of their life, including the operation of a state-administered school on the reservation, state regulations on resource management, and even intrusions into their governmental operations.”⁵³

Within a few years, the Tonawanda Band was able to repurchase 7549 acres of their original 12,800-acre tract. In accordance with the 1857 treaty, they bought back the land at \$20 an acre for a total payment of \$165,000.⁵⁴ This was land that they had been forced to part with at about 20 cents an acre, and their purchase was about one-tenth in size of their former holdings. This was a high price to pay and it required steep compromises to regain a small part of their lands.

The 1866 Stone and Stewart map of *New York State, Alabama, Genesee County* (Map 5) illustrates the Tonawanda Reservation after the 1857 Treaty. These boundaries generally follow the path of the Tonawanda Creek around a bend. The map indicates a Guard Gate at the north end of the Reservation at a bend in the Creek. The Tonawanda settlements are indicated by name and location for the first time on this map. Rather than simply a cluster of triangular symbols as on previous maps, this map indicates the location of several residences by name, with J. Jemison to the north and several clustered to the south. Roads are also depicted on this map, although not clearly labeled. The majority of settlements appear along what is today Judge Road with some settlements along Bloomingdale Road to the south as well.

The 1876 *New Century Company Map of Genesee County, Alabama Town* (Map 6) illustrates the boundaries of the Tonawanda Reservation more clearly than the 1866 map, showing a reduction of the boundaries at the southeast corner. These boundaries generally follow the path of the Tonawanda Creek around a bend and terminate south of Tonawanda Falls, also historically known as Indian Falls. Residences are not labeled or specifically indicated on this map, although some lots are subdivided and identified in the southeast portion of the Reservation. A few buildings are illustrated, including the Indian Manual Labor School to the northeast and the Fairgrounds to the southwest.

⁵¹ Hauptman, *The Tonawanda Senecas’ Heroic Battle*, 115.

⁵² Hauptman, *The Tonawanda Senecas’ Heroic Battle*, 115.

⁵³ Hauptman, *The Tonawanda Senecas’ Heroic Battle*, 121.

⁵⁴ Conable, 316.

The 1890 *Map of the Tonawanda Indian Reservation* (Map 7) as part of the Eleventh U.S. Census provides the most detailed documentation of the maps reviewed, including the location of the Council House, the “Site of the Ancient Council House,” the “Old Site of Council House, and the Old Council House; the location of churches, including Presbyterian, Baptist, and Methodist; School Houses 1, 2 & 3, and the proposed Farm School; the location of the old fair ground, and the location of residences, with owner’s names. The map also documents the location of roads; the “Old Trail,” and West Shore R.R. to the south of the Reservation. Tonawanda Creek, Whitney Creek, and the location of a Cultivated Tract Called the Green Farm are documented on the map. The northeastern portion of the reservation consisting of “woods and brush” is marked as ‘Indian Public Domain.’

The 1904 *Century Map Company Map of Genesee County, Alabama Town* (Map 8) depicts the Reservation in much the same way. The boundaries have not changed. Roads are indicated in locations that correspond to Judge Road, Pooley Road and Bloomingdale Road today. Railroad tracks cross the area, indicating the presence of rail lines through the Reservation by this time. Individual settlements are located along the roads within the Reservation, along with a school are also noted on the map, although in nowhere near the detail as the 1890 Map.

USGS Maps identify the topography of an area, as well as other kinds of geographic features including roads, railroads, lakes and ponds, rivers, streams, creeks, wooded areas, boundaries, and place names. The earliest USGS map examined was the 1897 Medina USGS 1:62500 (Map 9). The map documents the “Tonawanda Indian Reservation” boundaries, Tonawanda Creek, Whitney Creek, the Canal Feed to the north, the West Shore railway that travels across the area, and unnamed roads with buildings noted as small black dots. The USGS maps between 1897 and 1944 show similar information; however, the 1949 Akron USGS 1:25000 (Map 11) shows a change in the boundary line to the northwest corner of the Reservation. The boundary, which had continued straight as it crossed from Genesee into Niagara County, now heads south and follows the alignment of Tonawanda Creek before turning north and heading west into Niagara County. The 1949 USGS Map and 1981 Akron USGS 1:25000 (Map 12) both show the wooded area and open fields visible in the Study Area.

Several scholars, including Hauptman and Genetin-Pilawa, have studied the persistent and strategic efforts of the Tonawanda Band of Seneca to resist removal efforts during the mid-nineteenth century. The history of their resistance to the multi-pronged Indian Removal policies and tactics of the nineteenth century attests to their determination and intense commitment to this specific land for many generations. The formation of the Tonawanda Seneca Band of Indians is specific to this land, and has been described as a “heroic epic.” Evaneshko has stated, “The Tonawanda Seneca have had to fight the federal government, New York State...and the Ogden Land Company for their homeland. These historical

precedents have caused the Tonawanda Seneca to place an extremely high value on their lands; so high that their relationship to the land is the core element in their ethnic identity system.”⁵⁵

The value of this land to the Tonawanda Seneca is perhaps inconceivable to non-Indians. This understanding is further limited by the biased perspective of many non-Indian sources used to compile this history. The information provided in the TCP report will be immensely useful to providing an ethnohistorical perspective that is outside the scope of this project. Hauptman has stated, “These remarkable Native Americans preserved a parcel of what is today seen by most Haudenosaunee as a special place in their history, namely, the Tonawanda Seneca Territory between Akron and Basom, New York.”⁵⁶ As documented by affidavits included in court documents recently filed in the Supreme Court of New York, County of Genesee, the wooded area in the Study Area, referred to as “The Big Woods” has special importance to the Nation and the Haudenosaunee. The Big Woods are used for “cultural and traditional purposes including hunting, fishing, traditional medicine gathering, and trapping,” and have been for generations.⁵⁷

2.2 Existing Conditions

The STAMP Site consists of agricultural land, woods, brush, grass and wetlands, and some disturbed areas. Whitney Creek flows diagonally through the central portion of the Study Area, with arms located at the northeast and southwest corners. The STAMP Site is bounded by Judge Road to the south, Alleghany Road (NYS Routes 63 and 77) to the east, Lewiston Road (NYS Route 77) to the north, and the Nation’s Territory to the west. Crosby Road runs north-south through the site, slightly to the east of center. The Project site is located immediately to the west of Crosby Road, centrally located in the STAMP Site. There are no buildings on, or immediately adjacent to the Project site.

The Study Area consists of the Nation’s Territory adjacent to the western boundary of the STAMP Site, and consists of large wooded areas, similar to the condition documented on historic maps. The Study Area also features agricultural fields, Tonawanda Creek, and Whitney Creek. A number of roads cross the Study Area running east-west and north-south.

⁵⁵ Veronica Evaneshko, *Tonawanda Seneca Ethnic Identity: Functional and Processual Analyses* (The University of Arizona, Ann Arbor, 1974), 88.

⁵⁶ Hauptman, *The Tonawanda Senecas’ Heroic Battle*, 125.

⁵⁷The affidavits affirm the significance of the wooded area within the Study Area to the Nation and Haudenosaunee. Full documentation and evaluation of this resource as a TCP is part of a current investigation being conducted by others.

2.3 Previously Identified Historic Resources

Kta reviewed the CRIS website maintained by SHPO to identify significant historic buildings, resources, and/or districts located within the Study Area for the Project. One (1) resource, the Ely S. Parker House (USN 03701.000001) was identified in the Study Area as previously inventoried, but no determination made. This resource has been demolished and is no longer extant.

2.3.1 S/NRHP-Listed Resources

No resources within the Study Area have been previously S/NRHP-L.

2.3.2 S/NRHP-Eligible Historic Resources

No resources within the Study Area have been previously recommended or determined to be S/NRHP-E by SHPO.

2.3.3. S/NRHP Eligibility Undetermined Historic Resources

One (1) resource within the Study Area identified in CRIS, the Ely S. Parker House, USN 03701.000001, has been demolished and is no longer extant.

2.3.4 Previous Historic Resources Surveys

A review of the CRIS database indicated that one (1) previous Cultural Resource Investigation has been conducted within the Study Area “Indian Health Service Projects: Individual Sanitation Facilities for New or Like-New Homes. 14PR04711.” The entry in CRIS noted “Various properties on the Tonawanda Reservation to be determined.” These properties were not identified in CRIS.

Cultural Resource Investigations have been conducted at the STAMP Site to the east. These include Phase I studies and reports; Phase II studies and reports and a Phase III study.

2.4 STAMP Previous Environmental Reviews

Over the last eleven years, the GCEDC, as Lead Agency pursuant to the State Environmental Quality Review Act (SEQRA), has undertaken the following environmental reviews of STAMP:

- Declaration of Lead Agency status and initial environmental review in 2010.
 - The GCEDC assumed Lead Agency status for the SEQRA review of STAMP and issued a Positive Declaration resolution. The Positive Declaration identified that the development of STAMP may have significant adverse environmental impacts.⁵⁸ As a result, the GCEDC was required to conduct a comprehensive analysis to identify such impacts and mitigate them to the maximum extent practicable.

- Preparation of a Generic Environmental Impact Statement (GEIS) and solicitation of public comment on the same from 2010-2012.
 - The GCEDC commenced drafting of a Draft Generic Environmental Impact Statement (DGEIS) in 2010. The DGEIS: describes STAMP; details the purpose, need, and benefit of STAMP; provides a summary of the applicable regulatory process; analyzes the potential significant adverse environmental impacts associated with STAMP; describes the proposed measures designed to mitigate such impacts to the maximum extent practicable; reviews alternatives to STAMP; and provides an analysis of the potential positive impacts of STAMP.⁵⁹
 - Following acceptance of the DGEIS as complete, the GCEDC prepared a Final Generic Environmental Impact Statement (FGEIS) and solicitation of public comment on the same in 2012. The FGEIS: forms the basis for the STAMP-related decision making and incorporates the DGEIS, including any revisions or supplements to it, as well as copies or a summary of all substantive comments received on the DGEIS including GCEDC's response to such comments.⁶⁰ The purpose of the GEIS was to identify and evaluate the potential significant adverse environmental impacts of STAMP, compare reasonable alternatives, and, where applicable, to identify reasonable mitigation measures to reduce the effect of those impacts to the maximum extent practicable, while weighing the substantial potential social and economic benefits of STAMP.⁶¹

- Issuance of a Findings Statement in 2012.

⁵⁸ GCEDC 000022-000151. At the request of NYSDEC, all citations to the STAMP SEQRA record are included as reference to the stamped STAMP SEQR Record documentation submitted in connection with the Litigation (defined below).

⁵⁹ GCEDC 000252.

⁶⁰ GCEDC 002202.

⁶¹ GCEDC 002553.

- The GCEDC issued a Findings Statement which considers the relevant environmental impacts, facts and conclusions disclosed in the GEIS; weighs and balances relevant environmental impacts with social, economic, and other considerations; and provides a rationale for GCEDC’s decision regarding the potential significant adverse environmental impacts associated with STAMP, and the mitigation measures to be implemented to reduce and/or minimize such impacts to the maximum extent practicable. The 2012 Findings Statement also certified that the requirements of 6 N.Y.C.R.R. Part 617 have been met, and certifies that consistent with social, economic and other essential considerations from among the reasonable alternatives evaluated, the action chosen (i.e., STAMP) is the one which avoids or minimizes adverse environmental impacts to the maximum extent practicable, while at the same time maximizing the social and economic benefits provided by STAMP, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporation as conditions those mitigation measures that were identified as practicable.⁶²
- Review of modifications to STAMP and issuance of amended findings in 2016.
 - The 2016 environmental review included changes to sewer service for STAMP to route wastewater to the Village of Medina, revisions to the STAMP Master Plan, and the extension of certain infrastructure including sewer, water, electrical, and natural gas to accommodate a prospective tenant of the STAMP Site.⁶³ During consultation meetings with GCEDC, TSN voiced concerns over visitors to the Site coming onto TSN’s Territory. Thus, TSN requested creation of a buffer zone, and GCEDC worked with TSN to develop a 400’ buffer zone on the Site along the boundary of TSN’s Territory, and requested input from TSN on the types of vegetation or natural marks that should provide a border between the properties.⁶⁴ TSN also voiced concerns regarding the determination of the STAMP Site boundaries along TSN’s Territory boundary. GCEDC invited representatives of TSN to participate in the surveying field work, and survey maps were finalized and presented to the Nation for review and comment. TSN notified GCEDC that it had no comments on the survey maps.⁶⁵
 - Notably, STAMP originally included an on-site wastewater treatment plant to treat wastewater generated at STAMP prior to discharge to Whitney Creek. TSN expressed deep concerns about discharge from the wastewater treatment plant which would have been located upstream from TSN’s Territory. GCEDC negotiated a memorandum of understanding with the Village of Medina which laid out a pathway for review and approval of the installation of a new main sewer line from STAMP to Medina.⁶⁶

⁶² Id. at 002558.

⁶³ GCEDC 002626.

⁶⁴ Id. at 002629.

⁶⁵ Id. at 002671.

⁶⁶ Id. at 002670.

- Ultimately, GCEDC issued an Amended Findings Statement which certified that the requirements of 6 N.Y.C.R.R. Part 617 have been met, and certifies that consistent with social, economic and other essential considerations from among the reasonable alternatives evaluated, the action chosen (i.e., STAMP) is the one which avoids or minimizes adverse environmental impacts to the maximum extent practicable, while at the same time maximizing the social and economic benefits provided by STAMP, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporation as conditions those mitigation measures that were identified as practicable.⁶⁷

Review of modifications to STAMP in 2020.

- In 2020 the GCEDC evaluated certain infrastructure modifications to STAMP, including: construction of a wastewater treatment facility on the STAMP Site; construction of a force main involving the installation of approximately 44,750 linear feet of sanitary force main to a new discharge in Oak Orchard Creek; construction of a new water main to be installed along the Lewiston Road right of way between the Genesee County with Niagara County and the STAMP Site; and the development of the Project site for an electrical substation.⁶⁸

⁶⁷ GCEDC 003801.

⁶⁸ GCEDC 003826.

3.0 CULTURAL RESOURCE SCREENING

3.1. Criteria for Evaluating the Significance of Historic Resources

Historically significant properties are defined herein to include buildings, districts, objects, structures, and/or sites that have been listed on the S/NRPH, as well as those properties that SHPO has formally determined are eligible for listing on the S/NRHP. Criteria set forth by the National Park Service (NPS) for evaluating historic properties (36 CFR 60.4) state that a historic building, district, object, structure or site is significant (i.e., eligible for listing on the S/NRHP) if the property conveys (per CFR, 2004; NPS 1990):

The quality of significance in American history, architecture, archaeology, engineering and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association and:

- A. that are associated with events that have made a significant contribution to the broad patterns of our history; or*
- B. that are associated with the lives of persons significant in our past; or*
- C. that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or*
- D. that have yielded, or may be likely to yield, information important in prehistory or history.*

In addition, the NPS criteria for evaluation of historic properties include additional criteria consideration for properties that meet special conditions or do not normally meet National Register criteria (NPS, 1990):

Ordinarily cemeteries, birthplaces, or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past fifty years shall not be considered eligible for the National Register. However, such properties will qualify if they are integral parts of districts that do meet the criteria or if they fall within the following categories:

- a. a religious property deriving primary significance from architectural or artistic distinction or historical importance; or*
- b. a building or structure removed from its original location, but which is significant primarily for architectural value, or which is the surviving structure most importantly associated with a historic person or event; or*
- c. a birthplace or grave of a historical figure of outstanding importance if there is no appropriate site or building directly associated with his or her productive life; or*

- d. *a cemetery which derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, from association with historic events; or*
- e. *a reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived; or*
- f. *a property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own exceptional significance; or,*
- g. *a property achieving significance within the past 50 years if it is of exceptional importance.*

As noted in Section 1.1 of this Report, the Screening was conducted by professionals who satisfy the qualifications criteria per the Secretary of the Interior's Standards for Historic Preservation (36 CFR 61) and who are thoroughly familiar with vernacular architectural styles, architectural traditions, historic settlement and land use patterns, and relevant historic contexts for rural New York State.

3.2 Cultural Resource Screening Methodology

Kta conducted a Screening of the Study Area, which was defined the Nation's Territory adjacent to the western boundary of the STAMP Site. The intent of the Screening was to identify and documented those buildings or resources previously identified in CRIS as being listed or eligible for listing in the S/NRHP. The Screening also documents those properties identified in CRIS whose eligibility is "undetermined."

The Screening of the properties was conducted through archival and literature searches, and historic map analysis. Field investigations were not conducted on the Tonawanda Seneca Reservation. The TCP Evaluation, being conducted by others, will identify properties significant as religious and/or cultural resources.

Other sources included aerial photographs, Google Streets, and the Genesee County Web Mapping website. The intent was to identify guidelines and criteria of specific relevance to the history and property types in the Study Area. By applying the strict rigor of the Department of the Interior (NPS), in addition to state and local criteria for evaluation, a comprehensive screening of the historic resources was produced.

This Report will also be included as part of the Section 14.09 (SHPA Consultation) review for the Project consistent with the terms of the LOR and will provide the basis for ongoing consultation with the TSN, SHPO, NYSDEC and the GCEDC regarding potential direct and indirect impacts of the Project on aboveground historic resources within the Study Area.

3.3 Historic Resource Screening

As noted in Section 2.3, one (1) resource, the Ely S. Parker House (USN 03701.000001), was identified in the Study Area as previously inventoried, but no determination made. This resource has been demolished and is no longer extant.

3.3.1 S/NRHP-Listed Resources

There are no S/NRHP-L resources in the Study Area, and thus no change is recommended to their status.

3.3.2 S/NRHP-Eligible Resources

There are no previously determined S/NRHP-E resources in the Study Area, and thus no change is recommended to their status.

3.3.3 S/NRHP Eligibility Undetermined Historic Resource

One (1) historic resource located within Study Area has been previously identified, the Ely S. Parker House (USN 03701.000001); however, this resource has been demolished is no longer extant.

3.3.4 Newly Identified Resources

As discussed in the History of the Study Area (Section 2.1) the Nation's Territory is a significant site and cultural resource, specifically in the way it was used in the mid-nineteenth century as a form of resistance to stall and disrupt the legal process required to ratify the 1842 Treaty by transforming the landscape. The land itself was used to hold onto the land. In this way, "the landscape itself and the ways that Seneca people changed it became a weapon in the resistance effort."⁶⁹ Given this, the Nation's Territory is significant as a site, meeting National Register eligibility Criterion A in the area of Native American Ethnic Heritage.

The entire Nation's Territory is clearly a very important cultural landscape with immense historic, cultural, political, social, environmental, and religious significance to the Tonawanda Seneca Nation of Indians. Several important figures have lived on this land for centuries, and therefore likely contains sites that would be eligible under Criterion B. The architectural significance throughout the Reservation would need to be surveyed in order to formally determine and propose eligibility under Criterion C, but it likely contains many properties that would qualify. Criterion D applies to those properties that contain, or are likely to contain, information regarding archaeological sites; however, buildings, objects, and structures, or districts can be eligible for their information potential. It is probable that the Study Area contains resources that are eligible under Criterion D for their information potential; however, this would require a formal archaeological assessment. Information regarding the information potential of buildings, objects, and structures, or districts would be included in the TCP. The Study Area, as part of the Nation's Territory, is therefore S/NRHP-E. The forthcoming TCP report will likely contain information that would be able to more specifically determine and propose the eligibility of the Territory, particularly as it would contain information from the Nation itself.

Additional information relative to the Study Area has been made available in connection with litigation that TSN filed in 2021 in the Supreme Court of New York, County of Genesee (Litigation). An excerpt from TSN's Memorandum of Law in Support of First Amended Petition and Complaint, describing the claims in the Litigation, is included below.

Petitioner challenges the findings in the February 4, 2021 Resolution ("February 4, 2021 Resolution") of the Genesee County Economic Development Center ("GCEDC") that all potential environmental impacts associated with a proposed hydrogen production facility, Project Gateway, had been adequately addressed in previous New York State Environmental Quality Review Act ("SEQRA") reviews and that no further compliance with SEQRA was required. This petition also challenges GCEDC's March 25, 2021 Final Resolution ("March 25, 2021 Final

⁶⁹ Genetin-Pilawa, 36.

Resolution”) approving Project Gateway, ratifying the February 4, 2021 Resolution finding that the SEQRA review process for the Project was complete and Supplemental Resolution No. 06/2021-02 from June 3, 2021 (“June 3, 2021 Supplemental Resolution”), which together with the March 25, 2021 Final Resolution, granted Project Gateway’s owner, Plug Power, Inc., exemption from state and local taxes for purchases of goods and services of almost \$17 million for Project development. GCEDC failed to consider impacts of the Project on the Tonawanda Seneca Nation, a federally recognized Indian Nation whose Reservation Territory abuts the proposed project site, the Western New York Science and Technology Advanced Manufacturing Park (“STAMP”), prior to passing the February 4, 2021 Resolution and making the findings contained therein.

TSN’s First Amended Verified Petition and Complaint (Petition) as well as several of the affidavits affixed thereto, include various references to parts of the Study Area. An excerpt from the Petition is included below.

The Tonawanda Senecas have lived on the Territory for centuries. Affidavit of Jare Cardinal, Exhibit 46. Many Tonawanda Seneca families live on the lands of their direct ancestors, going back generations. Samuel Kirkland’s 1789 census documented the Tonawanda Senecas and many of the same last names and clan names are seen today. Id. The importance of the location of the Territory to the Haudenosaunee is shown on the map of 1890, which shows the numerous Haudenosaunee trails running through the Territory. Id at Attachment B-1. Tonawanda oral history indicates that the longhouse currently used by the Nation was built using timber salvaged from earlier longhouses built on the territory, incorporating timber from at least four longhouses build by Tonawanda citizens over many decades. Id.

The portion of the Nation’s Territory immediately adjacent to the STAMP site is referred to as the Big Woods and has special importance to the Nation and the Haudenosaunee. Attachments A-1 and A-2 to the Affidavit of Chief Kenith Jonathan, attached to the Novak Affirmation as Exhibit 1. The Big Woods are regularly used by Tonawanda Seneca Nation citizens and citizens of other Haudenosaunee Nations for a wide variety of cultural and traditional purposes, including hunting, fishing, traditional medicine gathering, and trapping. Affidavit of Chief Kenith Jonathan, Exhibit 1.

The Big Woods is pristine and unique among the Haudenosaunee Territories. It is a more mature forest and, as a result, the vast majority of Tonawanda Seneca Nation hunters choose to hunt in the Big Woods. Id. The Big Woods contain an unusually high quality and diversity of plants and animals, including many species of concern at both State and Federal levels. Affidavit of Neil Patterson, attached to the Novak Affirmation as Exhibit 18. The Big Woods also contains trees with old growth or mature forest characteristics, along with vertebrae species dependent on this uncommon forest type, and has an unusually low incidence of invasive plant species. Id.

The Big Woods are considered excellent hunting grounds and are used regularly by over one hundred Haudenosaunee hunters pursuant to a principle referred to as “one dish, one spoon,” which provides for Haudenosaunee citizens from Nations other than Tonawanda to hunt, fish, and gather on Tonawanda Territory. Affidavit of Chief Kenith Jonathan, Exhibit 1. The concept of “one dish, one spoon” means that the land provides for all, and if some have an abundance of something, they share with others. Id. Since the Big Woods is such a good area for hunting, fishing, and gathering, the Nation shares this wealth with other Haudenosaunee Nations. Id.

Many hunters on the Territory are subsistence hunters and rarely purchase meat from the supermarket. See Affidavit of Levi Winnie, attached to the Novak Affirmation as Exhibit 47; Affidavit of Vance Wyder, attached to the Novak Affirmation as Exhibit 48. Animals hunted in the Big Woods by Haudenosaunee citizens include deer, turkey, squirrel, rabbits, coyote, partridge, pheasants, raccoon, and frog. Affidavit of Neil Patterson, Exhibit 18; Affidavit of Levi Winnie, Exhibit 47; Affidavit of Vance Wyder, Exhibit 48. Some trapping also occurs in the Big Woods. Nation citizens trap fox, raccoon, beaver, mink, coyote, and muskrat. Affidavit of Vance Wyder, Exhibit 48. Nation and Haudenosaunee citizens also fish for bass, pike, walleye and panfish in the areas near the Big Woods. Affidavit of Neil Patterson, Exhibit 18; Affidavit of Levi Winnie, Exhibit 47; Affidavit of Vance Wyder, Exhibit 48.

The Big Woods also contains numerous important traditional medicines that are not known to thrive anywhere else. Affidavit of Neil Patterson, Exhibit 18; Affidavit of Levi Winnie, Exhibit 47; Affidavit of Vance Wyder, Exhibit 48; Affidavit of Chief Kenith Jonathan, Exhibit 1. The Creator has provided these medicines for the Haudenosaunee and Haudenosaunee elders have shown citizens how to harvest and make use of them. Affidavit of Vance Wyder, Exhibit 48.

Nation citizens also make traditional items from resources in the Big Woods. For example, Chief Jonathan is the only person on the Territory and one of only nine in the world that still makes traditional lacrosse sticks. Affidavit of Chief Kenith Jonathan, Exhibit 1. A part of the resources for the lacrosse sticks comes from the Big Woods. Id. Other items made from resources collected from the Big Woods include slippery elm baskets, rattles, and shoes. Affidavit of Vance Wyder, Exhibit 48. Traditional games are also played near the Big Woods. Affidavit of Levi Winnie at ¶ 9, Exhibit 47; Affidavit of Vance Wyder at ¶ 19, Exhibit 48. These traditional games are not open to the public. Id.

This information is included for informational purposes only. As noted above, this Report will not attempt to speak over the voices of the TSN nor does it attempt to overlap or summarize potential information that is part of the TCP Evaluation. Once a TCP Evaluation is completed (or the extent its findings are shared in preliminary format with kta), such information will be utilized to prepare future reports.

4.0 POTENTIAL IMPACTS

4.1 Evaluation of Project Impacts to the Study Area

Starting in 2020, GCEDC reviewed the Project to confirm whether a Supplemental Generic Environmental Impact Statement (SGEIS) would be required in accordance with SEQRA. In 2020, in connection with the Project (as well as other improvements planned for the STAMP Site), GCEDC issued an Amended Findings Statement. In addition to the prior environmental reviews conducted to date (including the GEIS, STAMP Findings and 2020 Amended Findings Statement), GCEDC reviewed: (1) an analysis of visual impacts dated February 9, 2022 prepared by Saratoga Associates (“Visual Assessment”); (2) a report to the State of New York Public Service Commission dated December 2021 prepared by National Grid (“Grid Report”); and (3) a settlement agreement between the Nation and GCEDC entered and filed in the Genesee County clerk’s Office on October 18, 2021 (“Settlement Agreement”).

The following summarizes potential Project impacts by various topics from the GCEDC environmental record pursuant to SEQRA as well as information received by GCEDC subsequent to its SEQRA review of the Project. Reference is generally made to the GEIS and other documents cited above for further details regarding various areas of environmental concern. There are no direct impacts within the Study Area, as the proposed Project will not physically occur within the Study Area (with direct impacts defined as those impacts resulting from the physical construction and location of the Project). The Project is located partially on and immediately to the north of the STAMP Site. The below summarizes whether the Project has the potential for indirect or spillover impacts which could adversely affect the Study Area.

- **Noise.** Temporary noise impacts are anticipated during the construction period as a result of the operation of construction equipment. However, the Project is located approximately 3,800 feet or 3/4ths of a mile from the Nation’s Territory at its closest point. Based on this distance and the fact that these impacts will be during daylight hours when noise sensitivity is lowest, noise from construction should create virtually no disturbance upon surrounding properties.
- **Visibility.** As detailed and as depicted in the Visual Assessment, the Project will be located approximately 3,800 feet or 3/4ths of a mile from the Nation’s Territory at its closest point. The Nation’s Territory, particularly along its eastern edge abutting the STAMP Site, is substantially wooded with mature deciduous and mixed evergreen species approximately 50-70’ in height. As such, the Project will not be substantially visible above intervening vegetation from the Nation’s Territory. The Visual Analysis extensively investigates the potential to view the Project from the easternmost edge of the Nation’s Territory. As described therein, the existing woodland on the Nation’s Territory provides a substantial visual buffer for the Project, and additional screening is expected to be provided as the buffer areas provided for the in the Settlement Agreement are allowed to grow in their natural state. In particular, the Settlement Agreement provides for the protection certain forested areas of the STAMP Site, such that substantial on-Site screening exists between the Nation’s Territory and the Project. As such, the Visual Assessment concludes that no significant adverse visual impact to the Nation’s Territory will result from the Project. Visual simulations are included therein.

Based on the foregoing, the Project will not have an adverse effect on the S/NRHP-E resources within the Study Area.

5.0 SUMMARY

5.1 Summary of Cultural Resource Screening

On behalf of the Genesee County Economic Development Center, *kta preservation specialists* has prepared a Cultural Resource Screening Report and Initial Assessment for the proposed 345/115kV STAMP Substation Project pursuant to the requirements of the LOR.

No previously identified historic resources are located within the Study Area for this Project. The Ely S. Parker House (USN 03701.000001), identified in CRIS has been demolished.

There is one (1) additional resource: one (1) site identified as part of the Cultural Resource Screening conducted by *kta*. This resource was determined S/NRHP-E, as a site by *kta* as a result of the Screening. Other resources, including buildings, objects, structures, districts, and sites may be identified as NRHP-E as significant religious or cultural resources in the TCP Evaluation.

No adverse effects are anticipated as a result of the Project on any of the resources identified by the Screening and in this Report.

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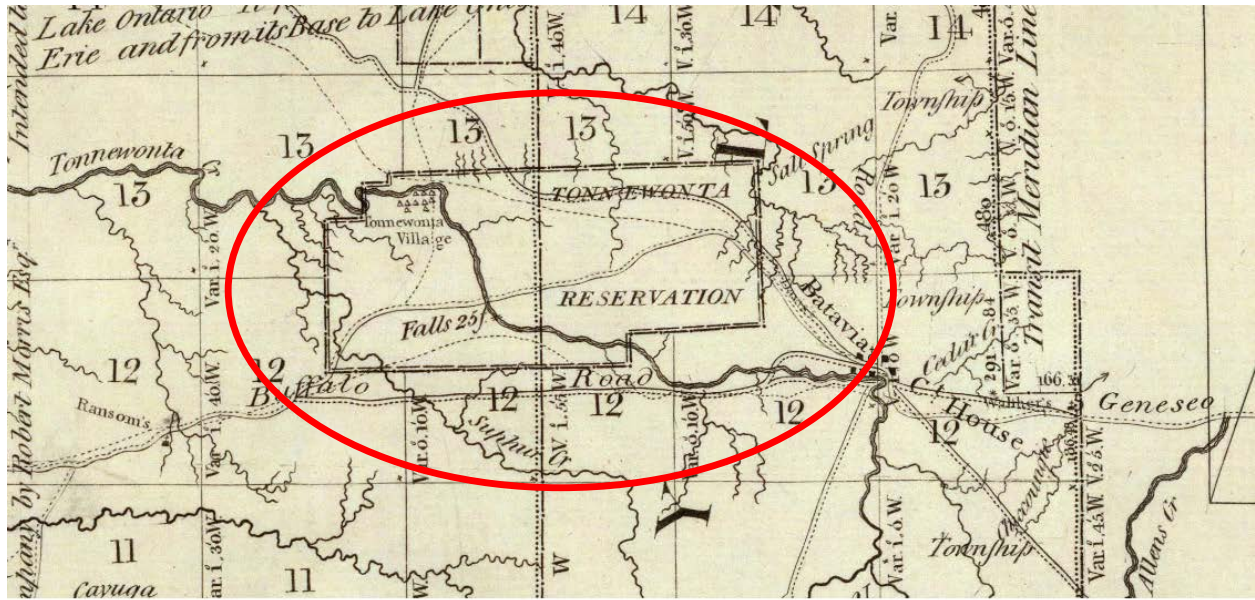
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APPENDIX

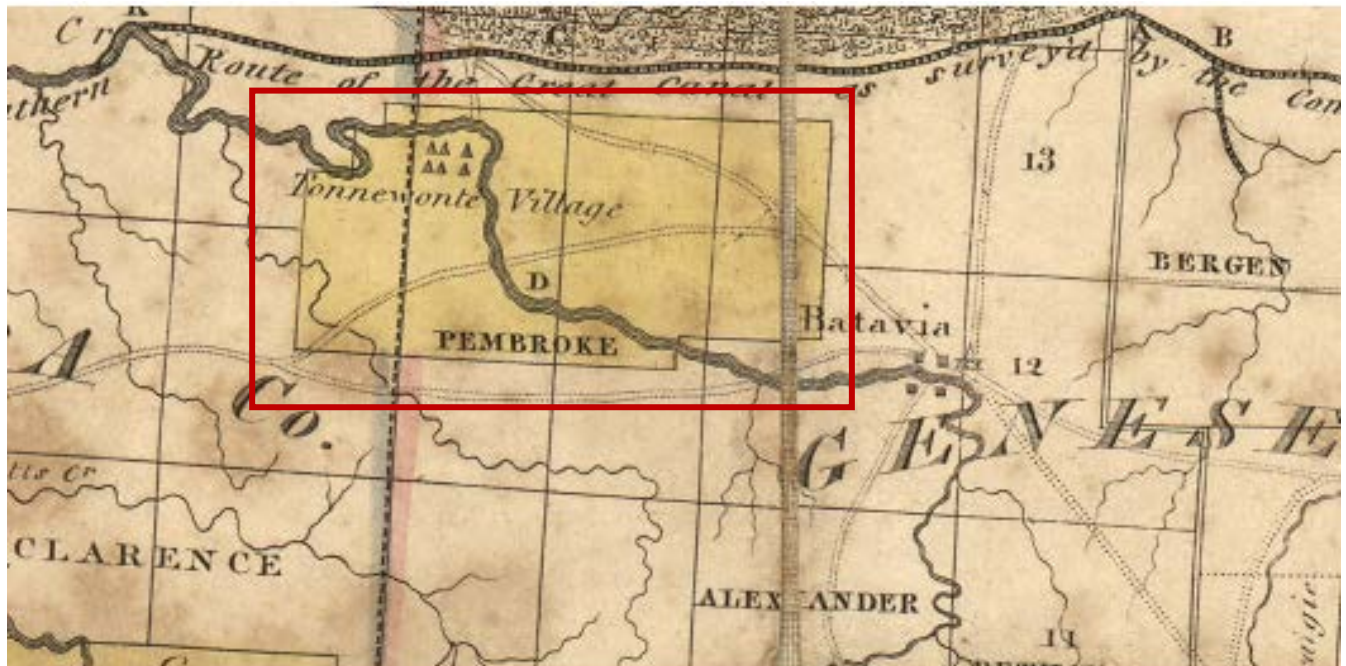
Map 1: 1804 Morris Purchase Map showing the "Tonnewonta Reservation." Note the Tonnewonta Village at the northwest corner of the map on Map 2 below.



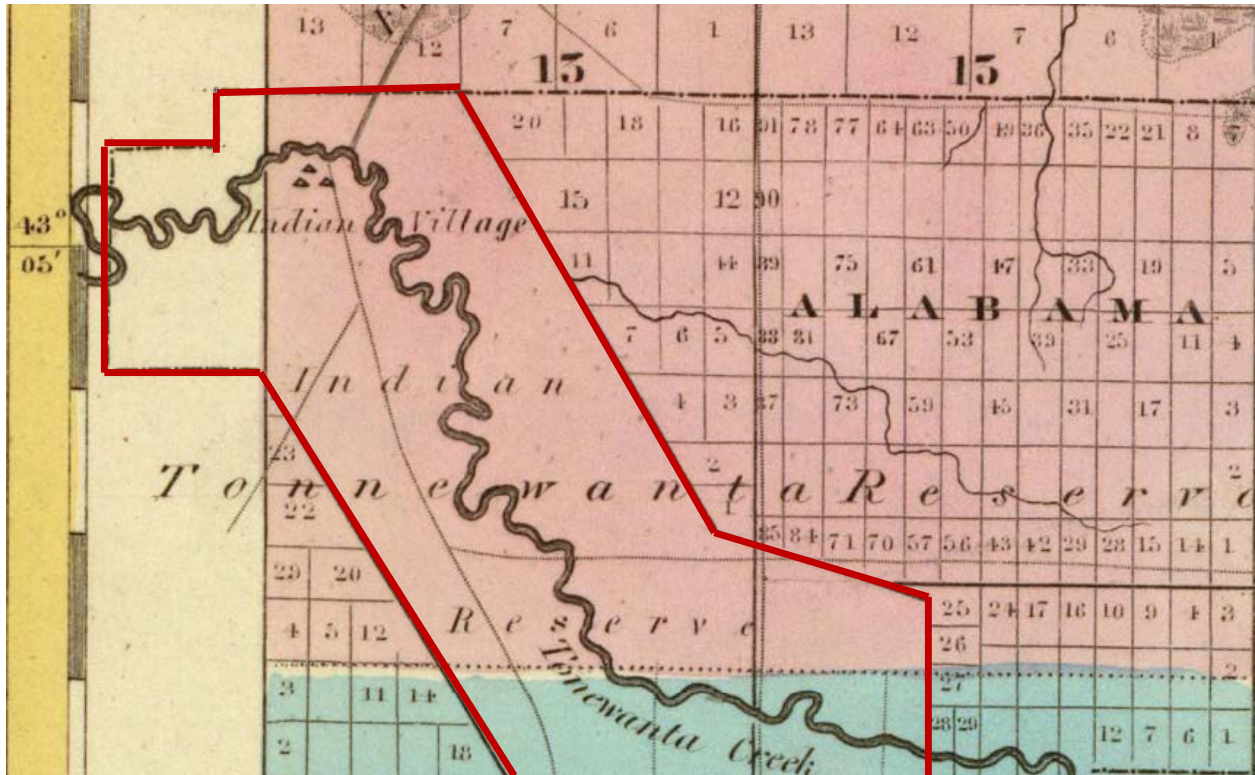
Map 2: Portion of the 1804 Morris Purchase Map showing the “Tonnewonta Reservation.” Note detail of Tonnewonta Village at the northwest corner of the map.



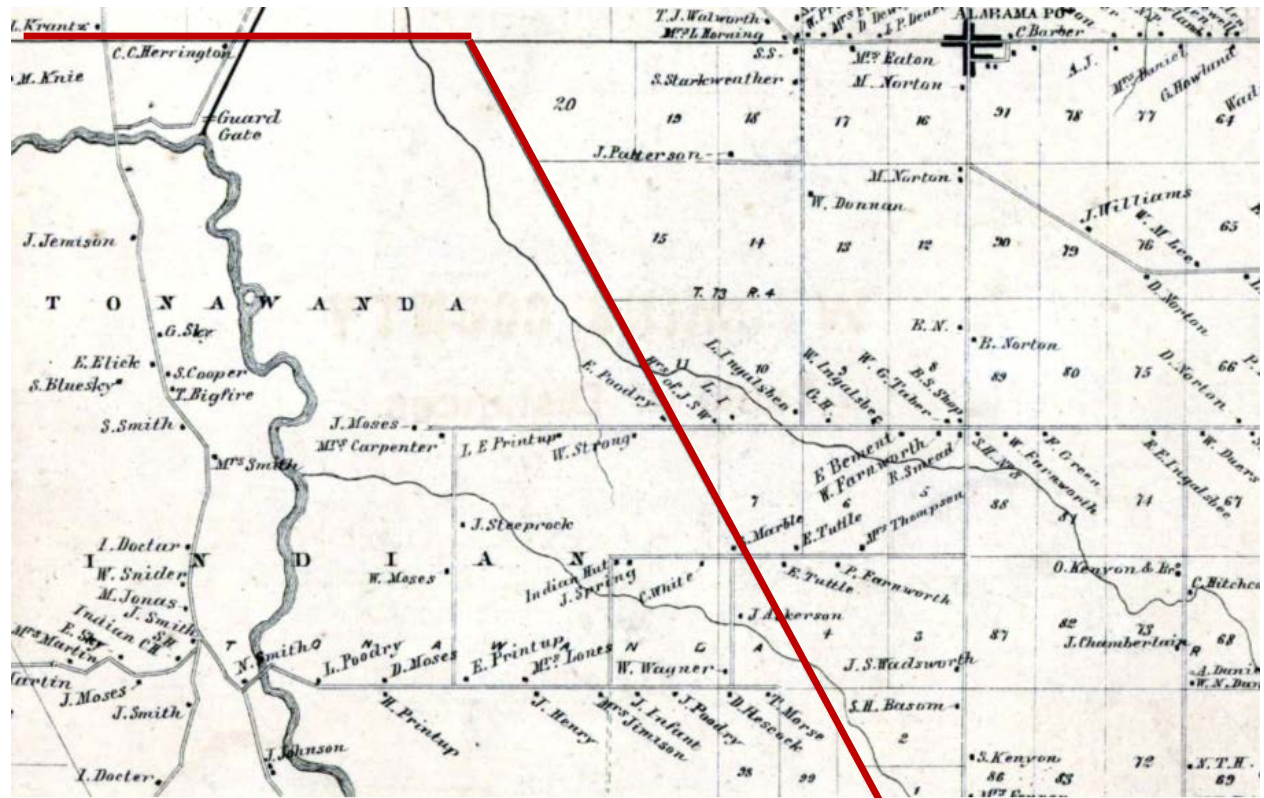
Map 3: 1817 Lay Map of New York State showing the “Tonnewonte Village.”



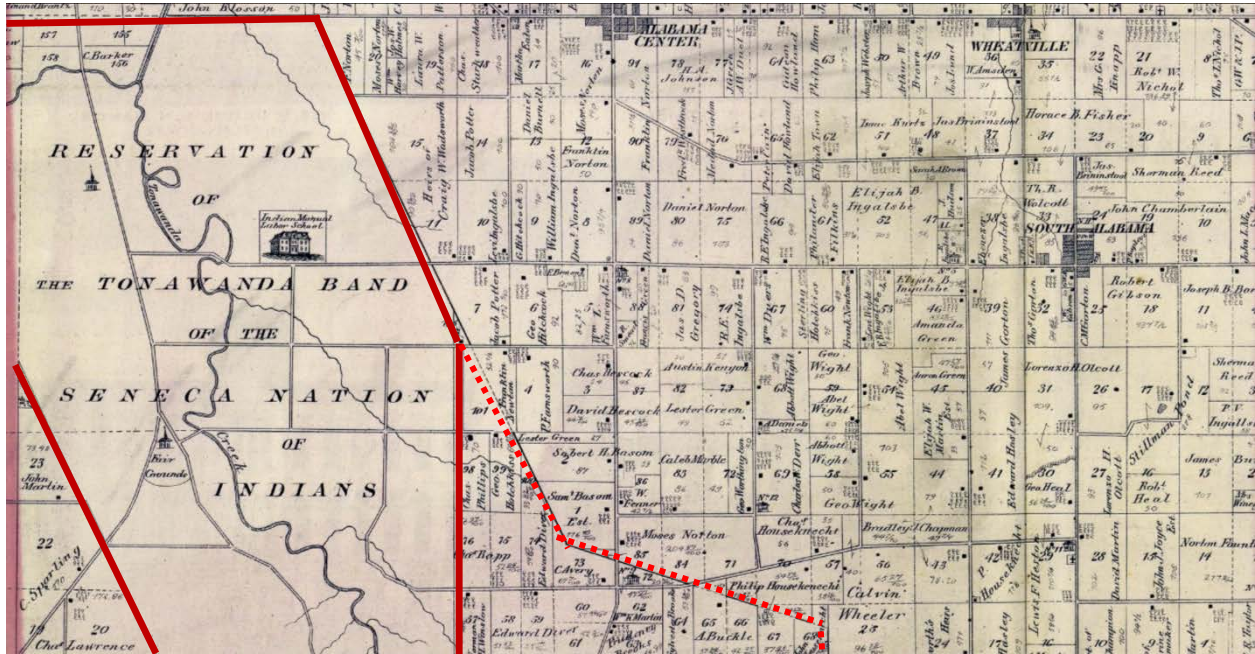
Map 4: 1829 Burr Genesee County Map showing the "Indian Village."



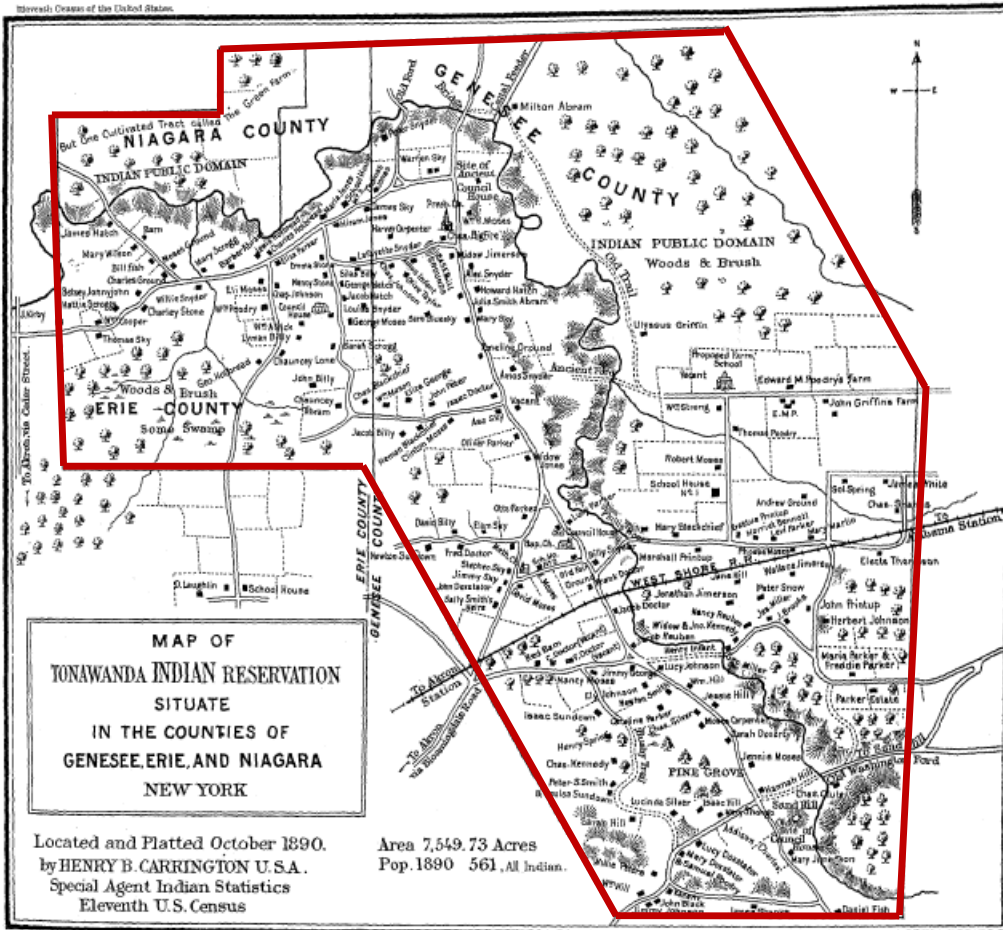
Map 5: 1866 Stone and Stuart map showing a portion of the "Tonawanda Indian Reservation." Study Area is shown in red.



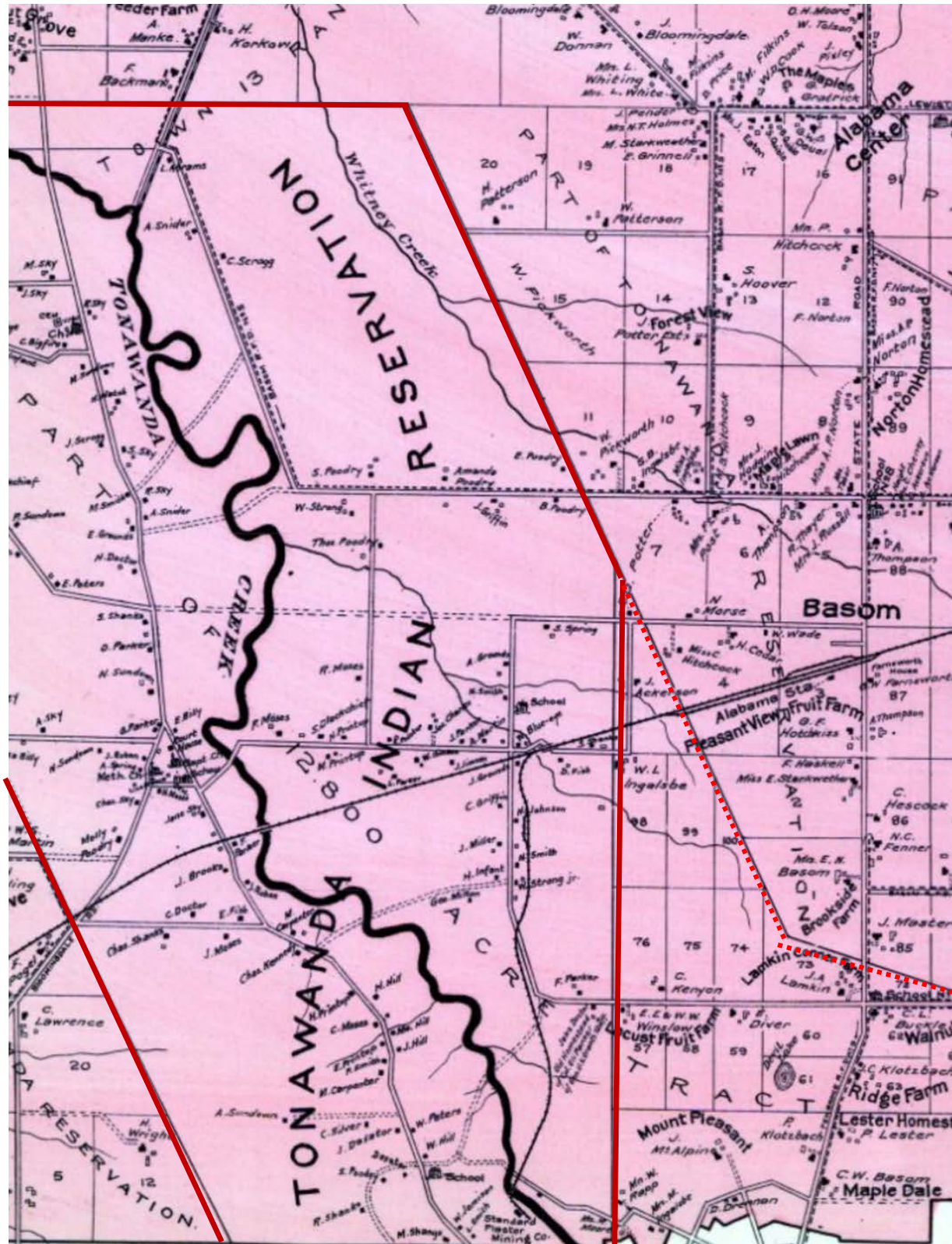
Map 6: 1876 Century Map Co Alabama Town. Study Area is shown in red. Note change at eastern boundary. Previous boundary illustrated by dotted line.



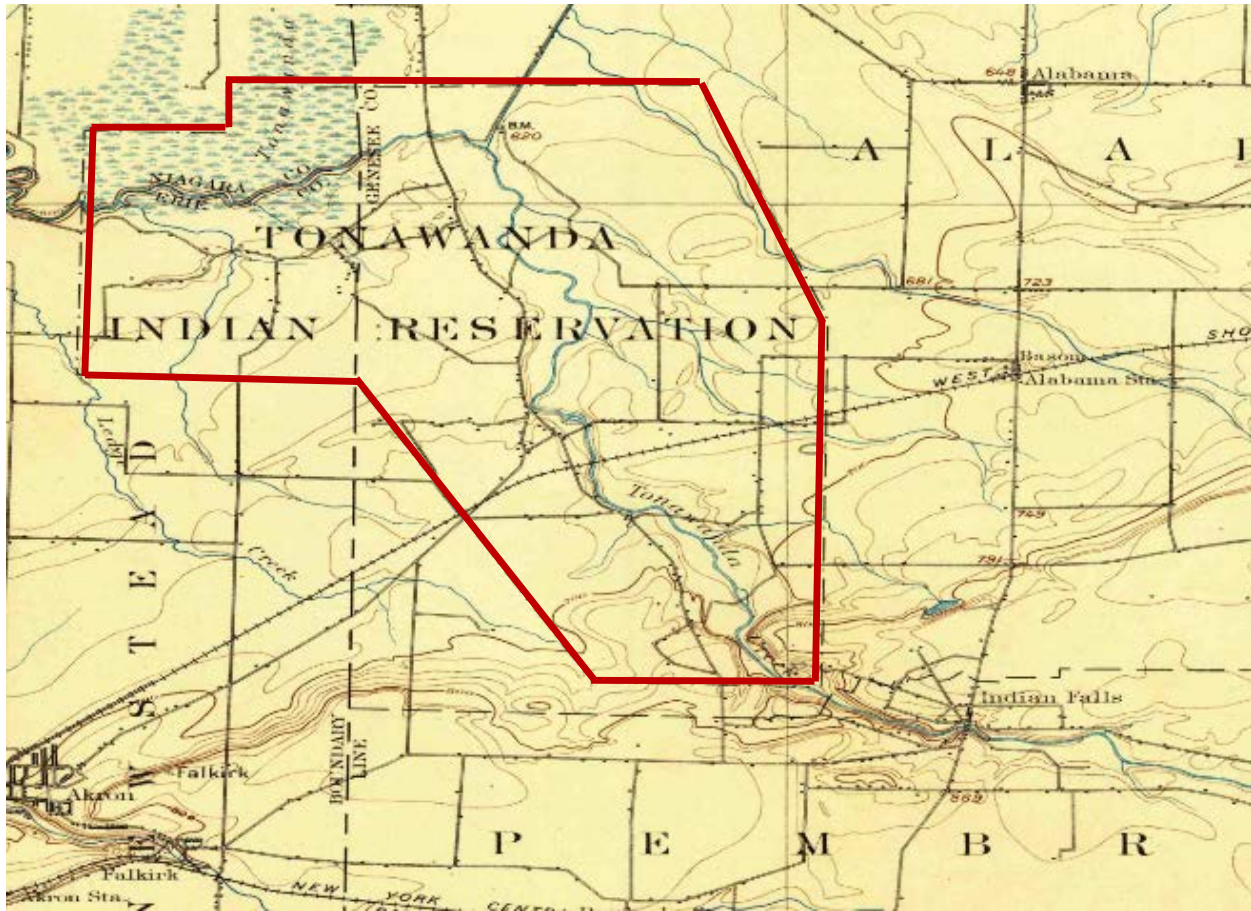
Map 7: 1890 Census Map of Tonawanda Indian Reservation. Study Area is outlined in red.



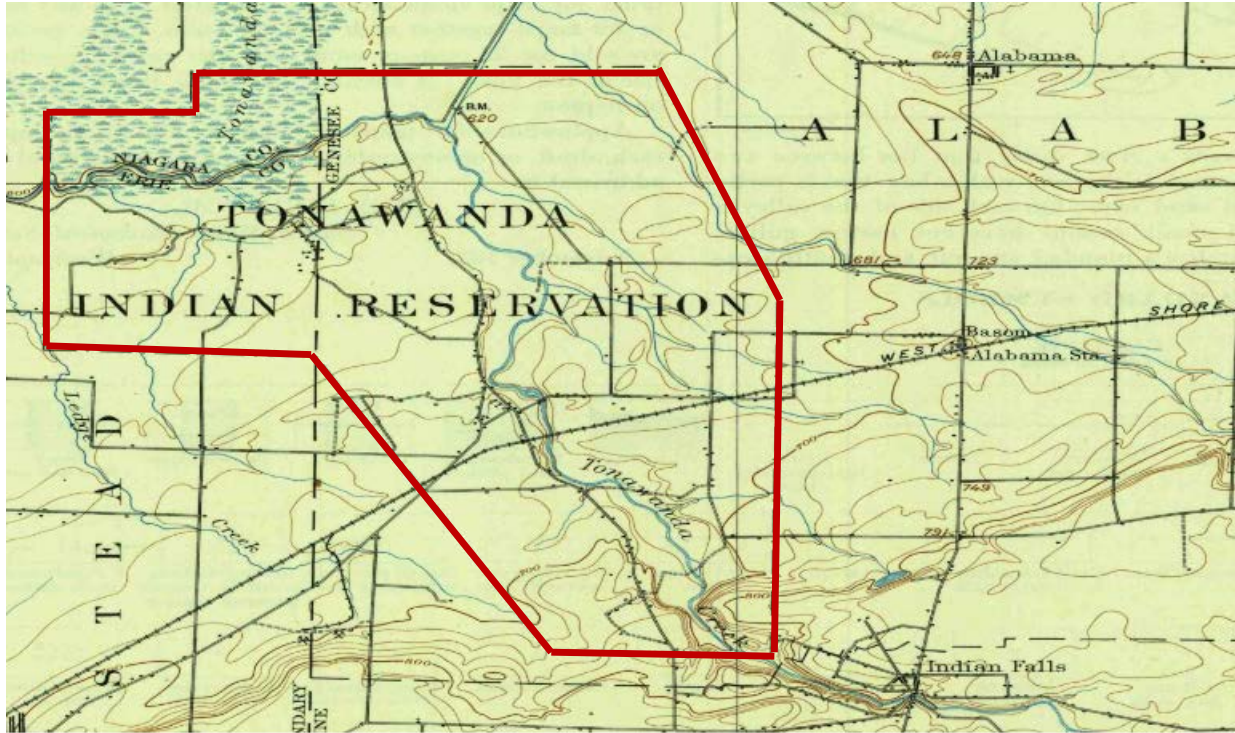
Map 8: 1904 Century Map Co Alabama Town. Study Area is shown in red. Note change at eastern boundary. Previous boundary illustrated by dotted line.



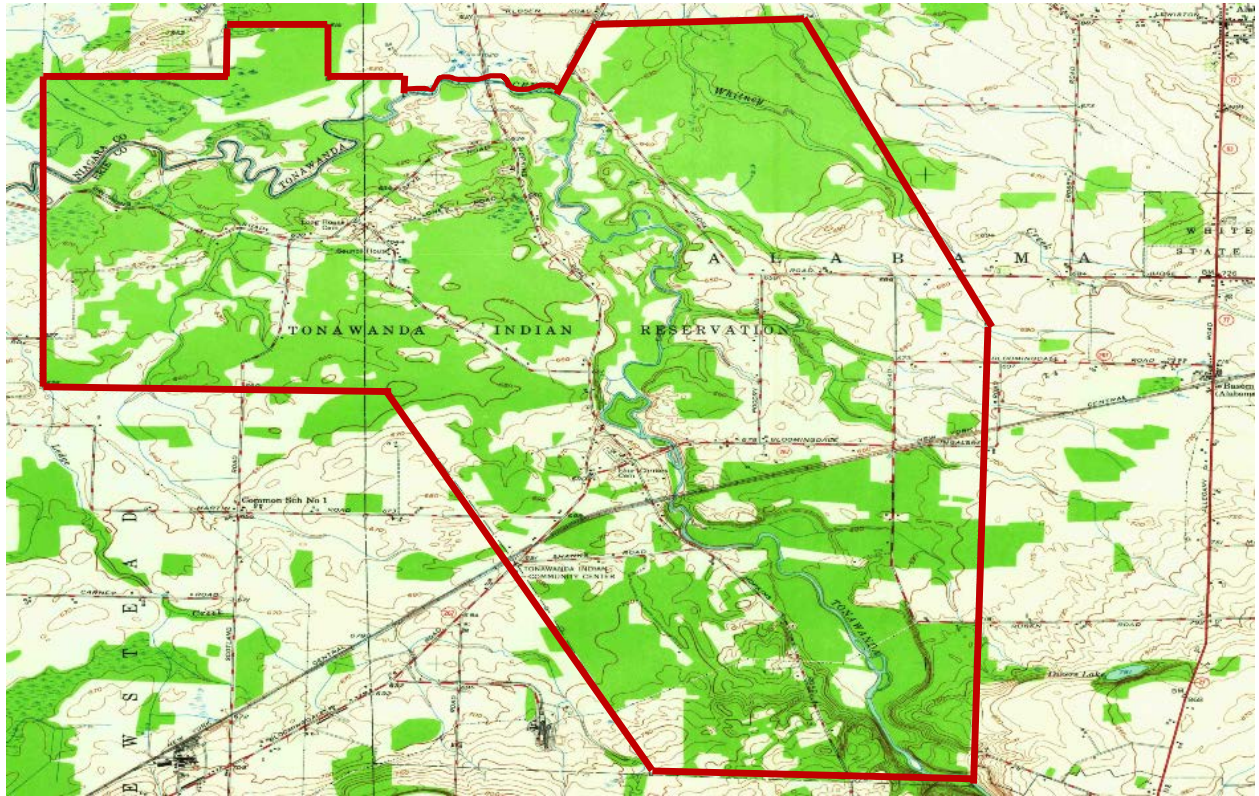
Map 9: 1897 Medina USGS 1:62500 topographic quadrangles. Study Area is outlined in red.



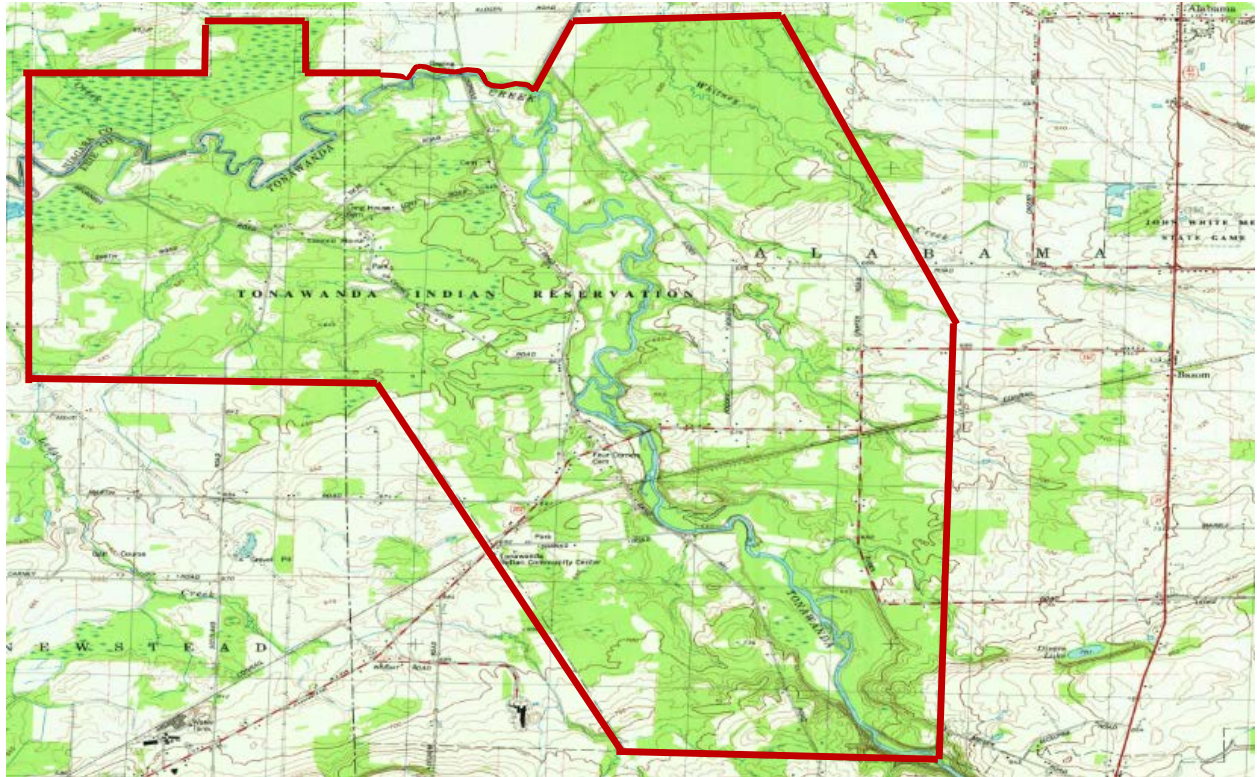
Map 10: 1944 Medina USGS 1:62500 topographic quadrangles. Study Area is outlined in red.



Map 11: 1949 Akron USGS 1:25000 topographic quadrangles. Study Area is outlined in red.



Map 12: 1981 Akron USGS 1:25000 topographic quadrangles. Study Area is outlined in red.



Traynor, Kerry March., MS Architectural History

36 CFR 61 and CFR Part 44738-9 Qualified

Principal Investigator - Architecture | Buffalo, NY

EXPERIENCE PROFILE

Kerry Traynor, principal investigator for historic architecture, has been working in the field, both the public (SHPO) and private sectors for over 25-years. She meets and exceeds the Federal Professional Qualification Standards under 36 CFR 61 (Professional Qualification Standards) and by the Secretary of the Interior (48 CFR Part 44738-9) for History, Architectural History, Architecture and Historic Architecture, and Historic Preservation.

PROJECT EXPERIENCE

Niagara Falls Intermodal Transportation Center | Wendel, City of Niagara Falls | Niagara Falls, NY.

Kerry drafted and provided consultation on all aspects of the project including Section 106 consultation in the restoration/adaptive re-use and new construction at the U.S. Customs House (National Register Listed, 1973-07-16) as part of the Niagara Falls Intermodal Transportation Center. Reviewed and consulted with client and architect on proposed design for an addition to the historic Customs House prior to SHPO submission to ensure compliance with *Secretary of the Interior's Standards*. Preparation of 4 (f) Statement as required by Federal Law. Preparation of Preservation Specifications for historic fabric restoration, including Protection Plan. On-site management of historic material fabric restoration in compliance with Section 106 and *Secretary of the Interior Standards*. Historic Research for educational and interpretative material relative to historic resources on and adjacent to the site. The project was completed and opened in 2017.

The Buffalo, New York Outer Harbor as a Cultural Landscape |Our Outer Harbor Coalition| Buffalo, NY.

This Cultural Landscape Report investigates and documents the landscape history and the existing conditions within the study area of the Buffalo, NY Outer Harbor, a site with a long, rich, and evolving history. This report focuses on the development of the area's history, inventories the site's existing conditions, and analyzes the historic and existing conditions in order to evaluate the significance and integrity of the site as a cultural landscape. The land use section provides a Landscape Analysis to include the National Register Status, Statement of Significance, and Landscape Integrity Overview. This report was released by the Our Outer Harbor Coalition in 2018.

Gates Circle Cultural Landscape Report | Olmsted Park System | Buffalo, NY.

This cultural landscape report provides guidance for the future landscape treatment of a particular node within the Olmsted Parks and Parkway system that considers the past, while incorporating a preservation approach that recognizes contemporary issues of traffic patterns and the need for better pedestrian access. The recommended treatment philosophy was established to ensure sound stewardship for historic character defining features that retains, stabilizes, and repairs existing historic features; restores or reconstructs missing features to re-establish integrity using means and methods that are consistent with the *Secretary of the Interior's Standards*; rehabilitates where necessary to accommodate physical and programmatic access, and develops a maintenance and preservation plan to guide future work.



Company Name

- kta preservation specialists
- Kentucky Heritage Council, SHPO Office

Education

- MArch., SUNY Buffalo, 1991
- MS Architectural History, Mississippi State University, 1993

Registrations/Certifications

- Qualified under Federal Regulations 36CFR 61; Secretary of the Interior Standards 48 CFR Part 44738-9

Affiliations

- Clinical Associate Professor, School of Architecture & Planning, SUNY, Buffalo

National Register of Historic Places Nomination for the Nies Block | Salamanca, NY.

This project, as part of a Historic Rehabilitation Tax Credit application, investigated the significance of a commercial building in Salamanca, NY in relation to the history of complex, fraught treaties obtained during Indian and non-Indian negotiations. The building served as the site of pivotal negotiations between the non-Indian Salamanca citizen's committee and the Seneca council in 1892, when Salamanca businessmen led by Charles Nies convinced the Seneca Nation of Indians to extend the terms of the land lease for Salamanca properties from 12 years to 99 years. This longer lease term was crucial to the development of Salamanca by American settlers on Seneca land, encouraging more construction and financial investment in the town and enabling its longevity. This project included consultation with THPO and SHPO.

National Register of Historic Places Eligibility, Archaeological Consultation and Local Landmarking for Buffum Street Cemetery | Buffalo, NY.

Kta provided several services regarding the cultural resource management of the Buffum Street Cemetery. This site contains a prehistoric Wenro burial ground as well as a Seneca burial ground once at the heart of the Buffalo Creek Reservation. Kta provided documentation to identify National Register Eligibility, provided archaeological consultation, and provided documentation for the successful local landmarking of the Buffum Street Cemetery in Buffalo, NY.

Schentag, Annie MUP, Ph.D. Architectural History

36 CFR 61 and CFR Part 44738-9 Qualified

Architectural Historian | Buffalo, NY

EXPERIENCE PROFILE

Annie Schentag brings nearly a decade of preservation experience to the firm. Working in the field in both the private sector and academia for the past nine years, Annie is trained as both an architectural historian and urban planner. She meets and exceeds the Federal Professional Qualification Standards under 36 CFR 61 (Professional Qualification Standards) and by the Secretary of the Interior (48 CFR Part 44738-9) for History, Architectural History and Historic Preservation.

PROJECT EXPERIENCE

National Register of Historic Places Eligibility, Archaeological Consultation and Local Landmarking for Buffum Street Cemetery | Buffalo, NY.

Kta provided several services regarding the cultural resource management of the Buffum Street Cemetery. This site contains a prehistoric Wenro burial ground as well as a Seneca burial ground once at the heart of the Buffalo Creek Reservation. Kta provided documentation to identify National Register Eligibility, provided archaeological consultation, and provided documentation for the successful local landmarking of the Buffum Street Cemetery in Buffalo, NY.

National Register of Historic Places Nomination for Allegany Council House | Jimersontown, NY.

Located on the Seneca Nation of Indians (SNI) Allegany Reservation in Cattaraugus County, New York, the Allegany Council House is a historically rich site of both local and state level SNI government. The Allegany Council House served as the primary gathering place for regular meeting of the Seneca Council and the socio-political epicenter for two major, nearly simultaneous Seneca Nation battles; to halt the Kinzua Dam Project and to obtain the right to vote for Seneca women.

The research required investigating sensitive SNI materials, oral history transcripts, historic maps, multiple legal treaty documents, and primary sources in order to give voice to a population often marginalized in non-Indian history. Annie researched, drafted, and provided consultation on all aspects of the nomination in compliance with Federal regulations and in discussion with the SNI. Upon review by THPO, SHPO and NPS, the building was listed on the National Register of Historic Places in 2017.

National Register of Historic Places Nomination for the Nies Block | Salamanca, NY.

This project investigated the significance of a commercial building in Salamanca, NY in relation to the history of complex, fraught treaties obtained during Indian and non-Indian negotiations. The building served as the site of pivotal negotiations between the non-Indian Salamanca citizen's committee and the Seneca council in 1892, when Salamanca businessmen led by Charles Nies convinced the Seneca Nation of Indians to extend the terms of the land lease for Salamanca properties from 12 years to 99 years. This longer lease term was crucial to the development of Salamanca by American settlers on Seneca land, encouraging more construction and financial investment in the town and enabling its longevity. This project was reviewed by the THPO, SHPO and NPS.



Company Name

- kta preservation specialists

Education

- MUP, SUNY Buffalo, 2011
- MA, Architectural History, Cornell University 2012
- PhD, Architectural History, Cornell University, 2017

Registrations/Certifications

- Qualified under Federal Regulations 36CFR 61; Secretary of the Interior Standards 48 CFR Part 44738-9

Affiliations

- Adjunct Professor, School of Architecture & Planning, SUNY Buffalo
- Adjunct Professor, School of Arts and Sciences, Buffalo State College
- Adjunct Professor, Department of Art, Villa Maria College

Miller, Camden; MUP, PhD Candidate

Urban Planner - Planning | Buffalo, NY

EXPERIENCE PROFILE

Camden Miller, research assistant and urban planner, has been working in both the public (University at Buffalo, US Army Corps of Engineers, US Department of Energy) and private sectors for over seven years. She specializes in housing, historic preservation, community development, and neighborhood planning.

PROJECT EXPERIENCE

The Buffalo, New York Outer Harbor as a Cultural Landscape |Our Outer Harbor Coalition| Buffalo, NY.

This Cultural Landscape Report investigates and documents the landscape history and the existing conditions within the study area of the Buffalo, NY Outer Harbor, a site with a long, rich, and evolving history. This report focuses on the development of the area's history, inventories the site's existing conditions, and analyzes the historic and existing conditions in order to evaluate the significance and integrity of the site as a cultural landscape. The land use section provides a Landscape Analysis to include the National Register Status, Statement of Significance, and Landscape Integrity Overview. This report was released by the Our Outer Harbor Coalition in 2018.

Gates Circle Cultural Landscape Report | Olmsted Park System | Buffalo, NY.

This cultural landscape report provides guidance for the future landscape treatment of a particular node within the Olmsted Parks and Parkway system that considers the past, while incorporating a preservation approach that recognizes contemporary issues of traffic patterns and the need for better pedestrian access. The recommended treatment philosophy was established to ensure sound stewardship for historic character defining features that retains, stabilizes, and repairs existing historic features; restores or reconstructs missing features to re-establish integrity using means and methods that are consistent with the *Secretary of the Interior's Standards*; rehabilitates where necessary to accommodate physical and programmatic access, and develops a maintenance and preservation plan to guide future work.

Buffalo Belt Line as a Cultural Landscape | Buffalo, NY.

This project focused on the historic preservation of the Buffalo Belt Line as a Cultural Landscape and recommended ways of incorporating didactic interpretation piloting a research model that monitors neighborhood change, drives informed government action, and supports displacement prevention and inclusive revitalization (completed in 2015).

Turning the Corner | Urban Institute | Buffalo, NY.

This study pilots a research model that monitors neighborhood change, drives informed government action, and supports displacement prevention and inclusive revitalization. This project is focused on developing an understanding of neighborhood dynamics within the context of recovering and moderate housing markets. Urban Institute's National Neighborhood Indicator Partnership (NNIP), the Funders' Network's Federal Reserve-Philanthropy Initiative, and the Kresge Foundation. This report was released by the Urban Institute in 2018.



Company Name

- kta preservation specialists

Education

- PhD, SUNY Buffalo, (expected) 2022
- MUP, SUNY Buffalo, 2016
- BS Conservation Resource Studies; Minor in Sustainable Design, University of California, Berkeley, 2013

Registrations/Certifications

- Advance Certificate in Historic Preservation, SUNY Buffalo

Affiliations

- Professor, Graduate Researcher; School of Architecture & Planning, SUNY, Buffalo
- Member, Staff; Association of Collegiate Schools in Planning
- Member; Urban Affairs Association

