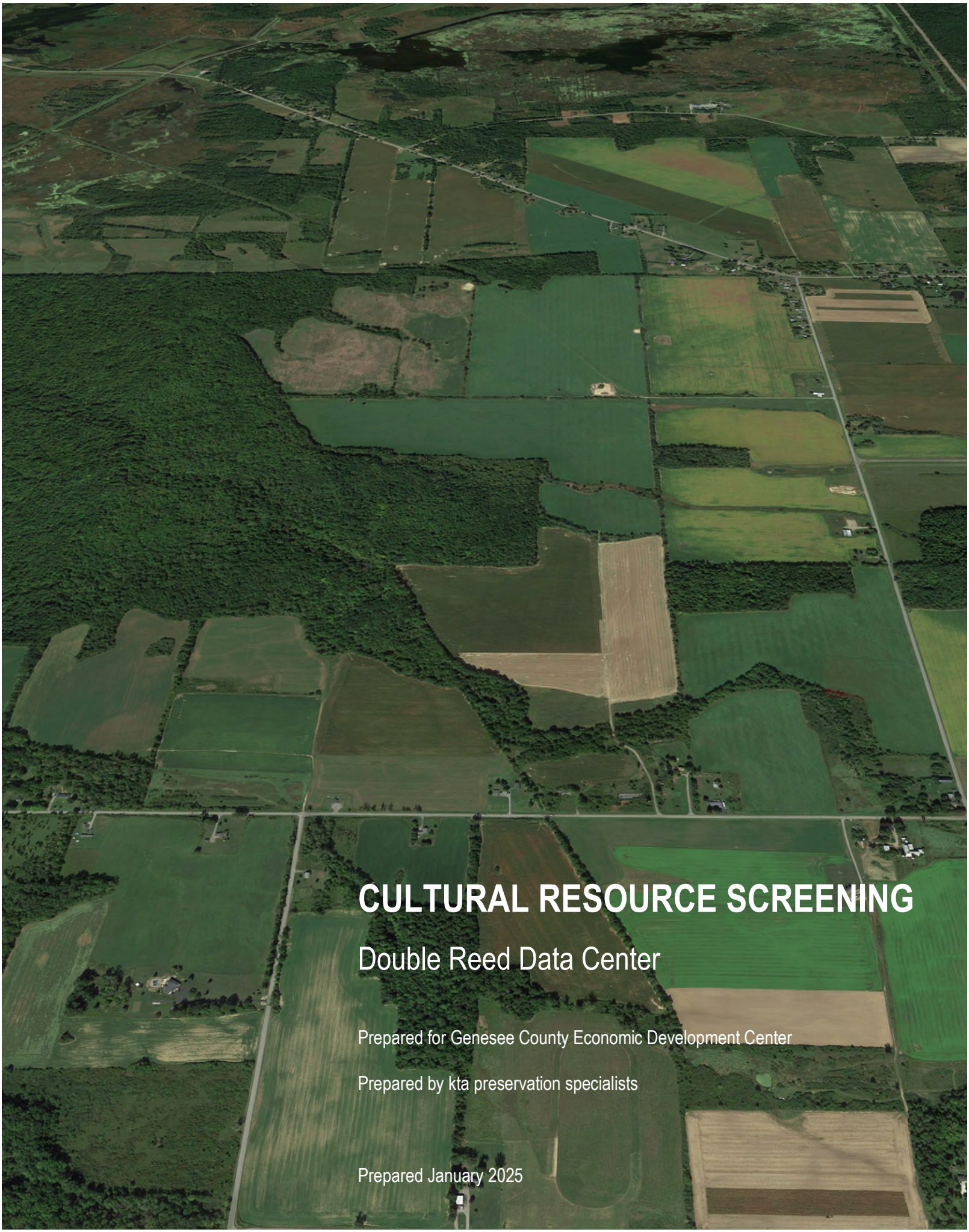

CULTURAL RESOURCE SCREENING

Double Reed Data Center

Prepared for Genesee County Economic Development Center

Prepared by kta preservation specialists

Prepared January 2025

kta.

CULTURAL RESOURCE SCREENING

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

Double Reed Data Center

Town of Alabama, Genesee County, New York

Prepared for: Genesee County Economic Development Center

Prepared by: kta preservation specialists
https://kta-preservation.com

Prepared on: January 2025

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

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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:	STAMP Double Reed Data Center Addendum to 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 Study Area has been identified as the Tonawanda Seneca Reservation, which is adjacent to the western STAMP site (1261.7 acres) boundary.
Project Description:	SDC Technology Services, LLC has selected the STAMP Site for the location of the proposed construction of a new 250 MW data center totaling approximately 900,000 square feet, across a 60-acre parcel, together with supporting infrastructure ("**Project Double Reed**"). Located in the northwestern quadrant of the STAMP Site, Project Double Reed proposes the construction of three data center structures totaling 900,000 square feet. Supporting infrastructure includes parking lots with a total of approximately 180 spaces, up to four ingress and egress driveway access points, new utility services and connections including electric, gas, water, and sanitary sewer, equipment storage and operation yards, emergency power generators, and associated storm water management facilities. The emergency generators, and equipment storage and operation yards will be located adjacent to each building.
USGS 7.5 –Mile Quadrangles:	Figure 4: 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: January 2025

1.0 Project Description

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).

SDC Technology Services, LLC has selected the STAMP Site for the location of the proposed construction of a new 250 MW data center totaling approximately 900,000 square feet, across a 60-acre parcel, together with supporting infrastructure ("**Project Double Reed**" or the "**Project**"). Located in the northwestern quadrant of the STAMP Site, Project Double Reed proposes the construction of three data center structures totaling 900,000 square feet. Supporting infrastructure includes parking lots with a total of approximately 180 spaces, up to four ingress and egress driveway access points, new utility services and connections including electric, gas, water, and sanitary sewer, equipment storage and operation yards, emergency power generators, and associated storm water management facilities. The emergency generators, and equipment storage and operation yards will be located adjacent to each building.

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.

The conceptual master plan of the STAMP Site is shown in Figure 1. A conceptual site plan depicting the location of the Double Reed Data Center is shown in Figure 2.

Figure 1: Conceptual Master Plan Layout of STAMP Site. Double Reed Data Center Site depicted in purple.

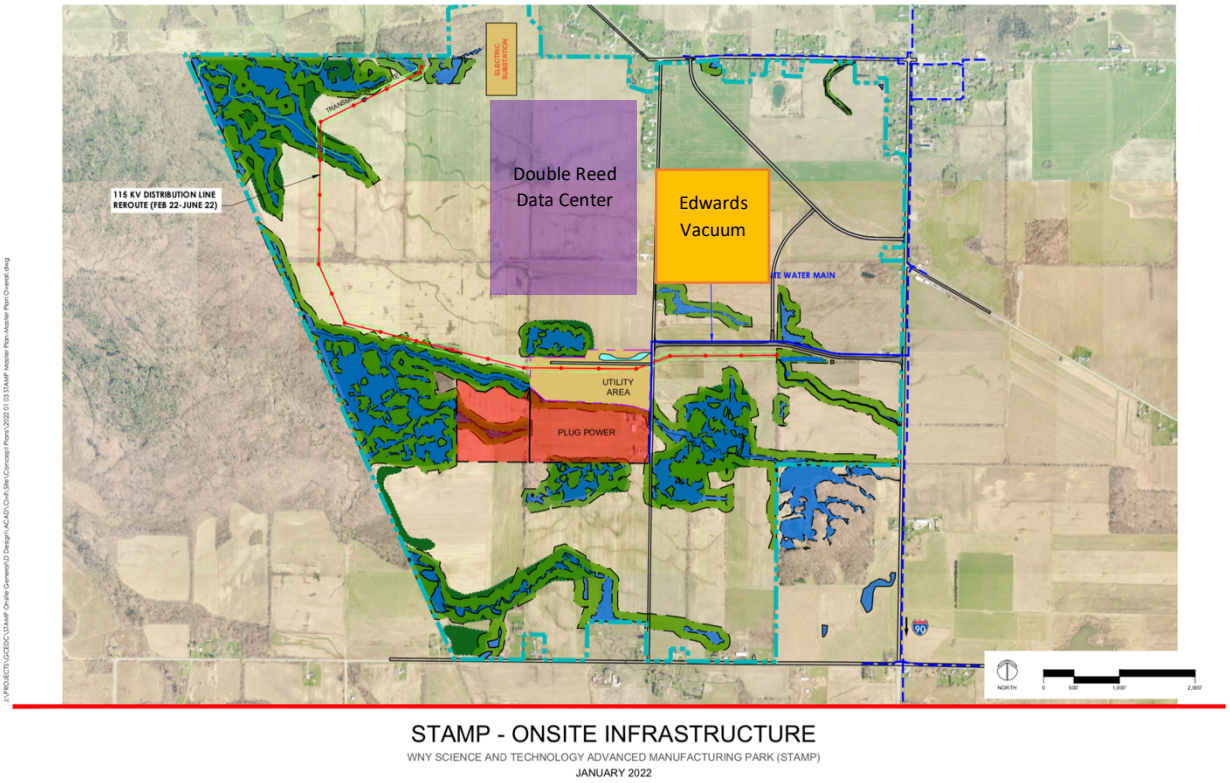


Figure 2: Conceptual Site Plan of the Double Reed Data Center

BUF01 - GCEDC Application

The Study Area encompasses Nation's Territory, which is adjacent to the western boundary of the STAMP Site (Figure 3). 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 3. 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.

1.2.2 Project Location

The Project is located in western New York state (Figure 3), at 6840 Crosby Road, in the Town of Alabama, Genesee County.

Figure 4 depicts the location of the STAMP Site; Project, and Study Area on the 1981 Akron, New York USGS 7.5 Minute Series Quadrangle. Figure 5 depicts the location of the STAMP Site; Project, and Study Area on a 2018 aerial photograph.

Figure 3: General Location of Study Area and Project in western New York State

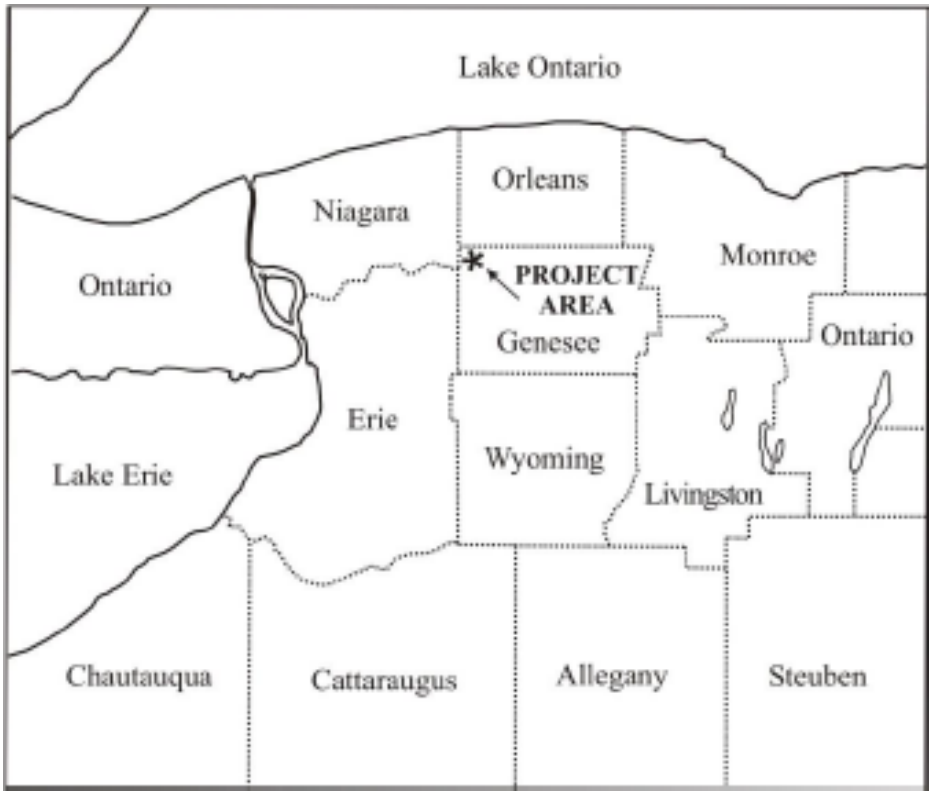


Figure 4: Location of STAMP Site and Study Area boundaries on the 1981 Akron, New York USGS 7.5 Minute Series Quadrangle.

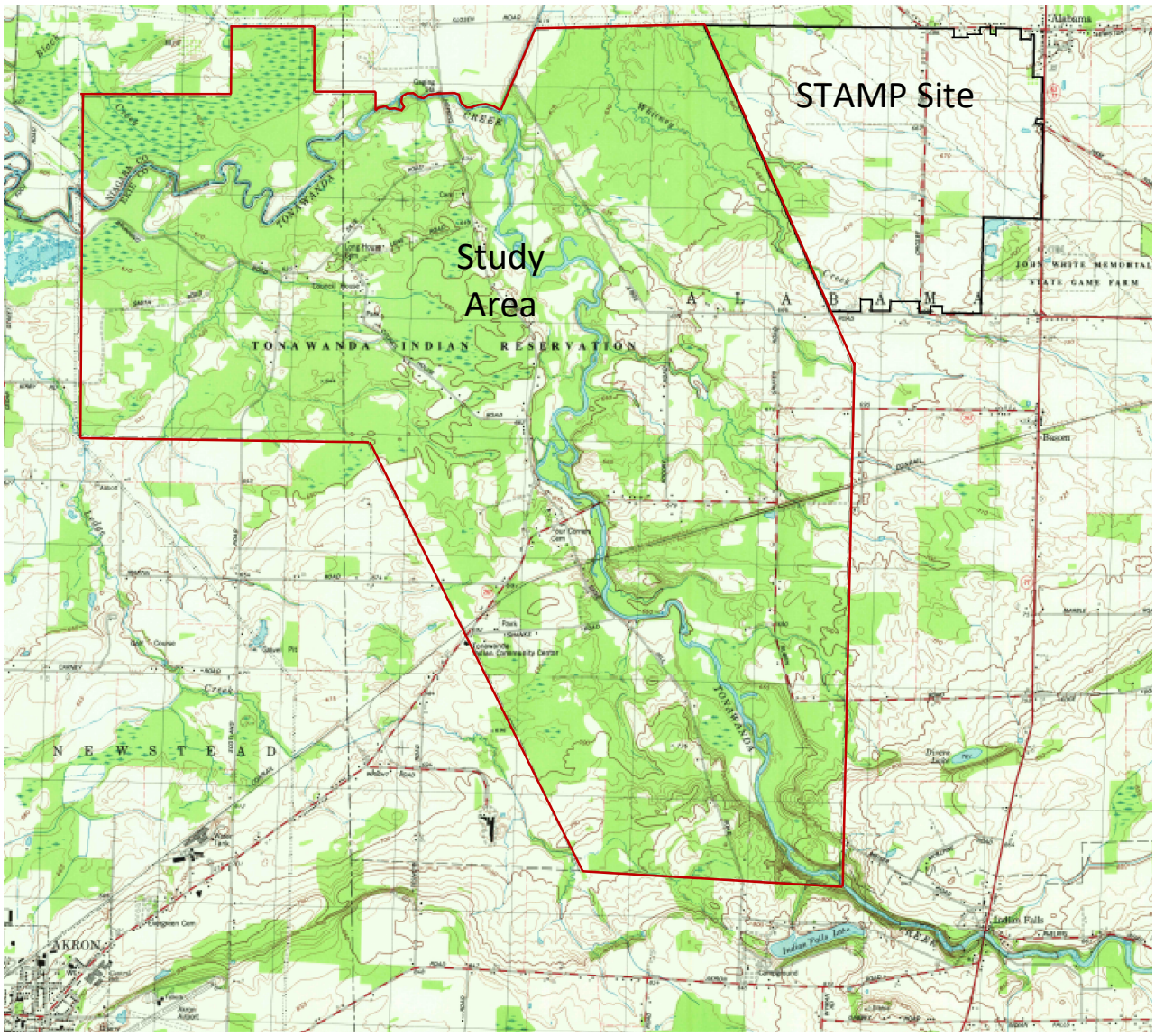
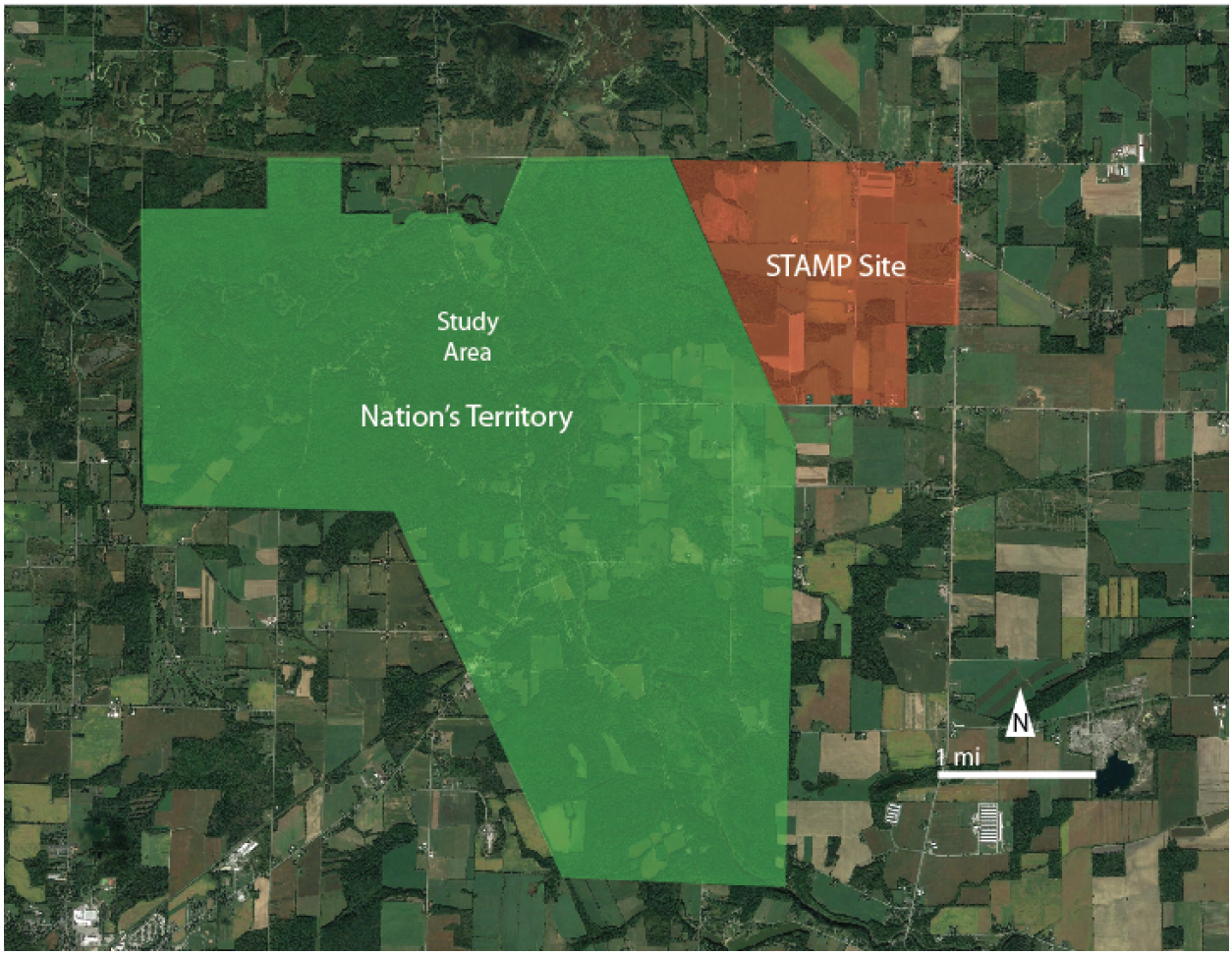


Figure 5: Location of STAMP Site and Study Area on a 2018 Aerial Photo



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, archival and online digital collections of the UB Native American Primary Resources Collection, 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, *May 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 Situated 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 to the Nation's Territory. The map analysis has focused on the Nation's Territory for context, with a focus on the Study Area (Figure 4 and Figure 5). The map analysis and historical context section of this Report focuses on the historical trends and themes that influenced the use of this land over time.

Literature Review: On the Limitations of Sources

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 nor permit any in-person visits to the Nation's Territory. Given this, much of the materials used in conducting historical research tend to privilege non-Indian perspectives and perceptions, which usually do not include those of the Nation. The limitations of these materials are thus explicitly acknowledged throughout this Report. The following historical context does not include the very valuable perspective of the TSN, except as historically provided by affidavits in court documents recently filed in the Supreme Court of New York, County of Genesee.

Representatives of the TSN would clearly be the best people to provide information about culturally specific information, both current and ancestral, about particular fishing, hunting, and medicine gathering practices, and other existing cultural and religious resources. There is no way that the authors of this report, as white women raised and living completely outside of the Tonawanda Seneca Nation, can provide the type of culturally specific and sensitive knowledge regarding the land practices, relationships, histories, and their cultural and spiritual contexts required about the Project site and vicinity. This should 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 outside the Nation's Territory. It specifically acknowledges the limitations in scope and perspective that accompany that methodology, expressing major concerns over the gaps in this knowledge that many generations of non-Indian biases have enforced and perpetuated to result in these disparities.

There are many reasons that the available secondary source literature provides a very flawed, skewed view of the history of the TSN and the Nation's Territory. These include but are not limited to: a long history of injustice, the non-Indian prioritization of written over oral histories, lack of fluency between non-Indians and Indian languages and poor translations, histories of white coercion to unjustly obtain land through creative interpretations, and an understandable hesitancy to communicate across fraught national borders. Historian Arthur C. Parker, a Seneca descendent of Ely Parker, has referred to "the long record of white and Indian dealings, usually so full of fraud and iniquity, of wrong and evil of every sort."[1] This Report similarly points to that record, and the highly skewed publications that were written and disseminated by non-Indian authors in that vein.

[1] Arthur C. Parker, *The Life of General Ely S. Parker: Last Grand Sachem of the Iroquois and General Grant's Military Secretary (*Buffalo, NY: Buffalo Historical Society, 1919) iv.

Several of the sources utilized in this report date to the mid-1800s, a time of highly fraught dealings between the TSN, the Ogden Land Company, and the American government. This was also a time, outside of the Nation's Territory, when the academic fields of Ethnology and Anthropology were newly established. This occurred in direct relationship with the TSN, who graciously welcomed one of the leading American figures of Ethnology onto the Territory.

The foundation of American ethnology is directly related to Lewis Henry Morgan's engagement with the Tonawanda Seneca Nation in the mid-nineteenth century. As Hauptman reflected, "The history of American anthropology owes much to the Seneca, most notably to the Parker family at Tonawanda, who opted their farmstead to Lewis Henry Morgan*."*[2] After spending over two years living and studying at the Parker homestead in the TSN Territory during the 1840s, ethnologist Lewis Henry Morgan published *The League of the Ho-de-nau-sau-nee, or Iroquois* in 1851. Morgan stated, in the preface, that the purpose of his work was "to encourage a kinder feeling towards the Indian, founded upon a truer knowledge of his civil and domestic institutions."[3] He developed his understanding of the Iroquois through visits to several communities, but his time with the TSN was the primary focus of the volume. His time in Tonawanda led to his eventual adoption by the Seneca, where he was accepted into the Hawk clan in a ceremony led by Jimmy Johnson at the Tonawanda Council House in 1847.[4] Morgan's work became the first ethnography ever written on a Native American nation, and several scholars point to its publication as the beginning of North American ethnology as a scientific field of study.[5] It was not without flaws, as scholars have since recognized. "Notwithstanding its great value," Arthur C. Parker wrote in 1916, Morgan's work "contains a number of errors both in statement of fact and in the viewpoint of certain matters, but these circumstances do not detract from the fact that the book is a valuable guide and a classic."[6] This report utilizes Morgan's work primarily for its descriptions of the TSN in the mid-1800s, while acknowledging the era, biased perspectives, and context of its publication.

Morgan's 1851 volume was followed closely by a few more publications on the Iroquois that were produced by non-Indian, American ethnologists in subsequent years. Historian Henry R. Schoolcraft published *Notes on the Iroquois: Or, Contributions to American History, Antiquities, and General Ethnology* in 1847, before Morgan's volume was released, taking a more distant approach to the subject. Schoolcraft was also the former U.S. Indian Agent, and in that role he had completed a six-volume work for the US

[2] Laurence Hauptman, *Tribes and Tribulations: Misconceptions about American Indians and their Histories (*Albuquerque: University of New Mexico Press, 1995), 27.
[3] Lewis Henry Morgan, *League of the Ho-Dé-No-Sau-Nee or Iroquois, by Lewis H. Morgan* (New York: Dodd, 1904), ix.
[4] Morgan, ix.
[5] Hauptman, *Tribes and Tribulations…*, 27; William Fenton, *The Great Law and the Longhouse: A Political History of the Iroquois Confederacy* (Oklahoma: University of Oklahoma Press, 1998), 66.
[6] Arthur C. Parker, *The Life of General…*, 85.

Congress in the 1850s. In 1855, Minnie Myrtle [Anna Cummings Johnson] published *The Iroquois, or the Bright Side of Indian Character* which was written based on knowledge gained while in Nicholson Parker's home on the TSN Territory. These each share the strengths and weaknesses of Morgan's volume to varying degrees, as they emerged from somewhat similar non-Indian biases, historic contexts, and motives. James E. Seaver's *The Life of Mary Jemison* was also published in this era, in 1856, recording a biography of Mary Jemison as told him at the end of her life.[7] These are all utilized in this Report primarily for descriptive information of the TSN Territory from the 1850s.

The early twentieth century brought a small wave of publications that focused on the Iroquois, and occasionally on the TSN more specifically. The most notable of these sources for the purpose of this Report was written by Arthur C. Parker, who was born on the Cattaraugus Reservation in 1881. A Seneca descendant of the prophet Handsome Lake, Arthur C. Parker also studied anthropology under Frederic W. Putnam at Harvard University in the early 1900s. In 1919, he published *The Life of General Ely S. Parker: Last Grand Sachem of the Iroquois and General Grant's Military Secretary.*[8] This work, which largely discusses Parker's great-uncle, provides early-twentieth-century descriptions and interpretations of mid-nineteenth-century conditions, customs, and values at the TSN within a broader context of Ely Parker's life.

By the late twentieth century, non-Indian anthropologists again turned their focus towards the Iroquois as a focus of study, utilizing newer methodologies that had evolved since the field's nineteenth-century examples. Anthropologist William Fenton was the first non-Indian to pursue anthropological studies of ethnobotany, social organization, and ceremonialism at the Allegany Reservation of the Seneca Nation of Indians. He spent two summers and a winter at Cold Spring on the Allegany River, where he wrote his dissertation on Seneca ceremonialism. After that experience, Longhouse leaders introduced him to Tonawanda during a Six Nations meeting. He subsequently spent over two years at the TSN Territory in Tonawanda, assisted most closely by Yankee Spring during his time there, and was eventually adopted by the Hawk clan. It was there that he learned of the three periods of Iroquoian history, each marked by teachings of a prophet: the age of Sapling, the good twin of Creation; the age of the Peacemaker, who brought the Great Law and founded the League; and the age since Handsome Lake, the Seneca prophet.[9] Fenton then used this as a frame of reference for structuring Iroquois political history in his 1998 volume *The Great Law and the Longhouse: A Political History of the Iroquois Confederacy.* This is utilized in this Report for insight on historic hunting, farming, and fishing practices at the TSN as well as the broader historic context.[10]

[7] James E. Seaver, *The Life of Mary Jemison: Deh-He-wa-Mis* (New York: Miller, Orton, and Mulligan, 1856).

[8] Arthur Caswell Parker, *The Life of General Ely S. Parker: Last Grand Sachem of the Iroquois and General Grant's Military Secretary* (United States: Buffalo Historical Society, 1919).

[9] Fenton, xiv.

[10] William Nelson Fenton, *The Great Law and the Longhouse: A Political History of the Iroquois Confederacy* (United Kingdom: University of Oklahoma Press, 1998).

Recent journalistic endeavors provide some insight into the contemporary Tonawanda Seneca perspectives, albeit conducted by non-Indian authors outside the Nation. In *Indian Voices: Listening to Native Americans*, author Alison Owings conducts interviews with members of Indian nations across America, forming a kind of oral history of contemporary Indian experiences in 2016. In one of her chapters, she visits the Tonawanda Seneca Nation, as well as the Cattaraugus Reservation. According to Owings, many Tonawanda Seneca reject the word 'reservation,' but 'rez' has been used as 'affectionate insider slang.'[11] Therefore, the TSN 'Reservation' has also been referred to as the TSN Territory in this Report.

Historian Laurence Hauptman's work has provided essential insight into nuanced interpretations of TSN history for this Report. With over ten books on Indian-white relations over time, Hauptman has been an important scholar for this study. His work acknowledges the gaps in nineteenth and early-twentieth-century histories of the Iroquois as well as the dangerous biases inherent in those gaps and non-Indian interpretations. Several of his works were utilized in this study, providing a wide range of contemporary information and interpretations that privilege Seneca perspectives more so than the above sources. Historian Michael Leroy Oberg is a professor of Native American studies at SUNY Geneseo, and has also worked as a historical consultant for native communities in New York. His work *Peacekeepers* has also provided some analysis of nineteenth-century treaties and their ongoing impacts on the Haudenosaunee, utilized in this Report.

These sources, and many others, were examined in order to elucidate an imperfect, multifaceted historic context for the Project area within the scope of this Report. Additionally, the Native American Primary Resources Collections at SUNY at Buffalo have been instrumental in developing an understanding of multiple, often opposing, perspectives threaded throughout this historic context. These include the Iroquois Books of Marilyn L. Haas, Howard R. Berman Collection, and Seneca Land Claims Records. These have been consulted, with a research focus primarily on the TSN specifically, in order to produce the historic context of this Report.

History is always a creative process. The stories that get told, and how they are told, implicitly and explicitly influence any understanding of cultural, let alone architectural, values. It is essential to address the power relations embedded in the prioritized perspectives of some narratives and in the absences or silence of others. Given that the scope of this work was based on the LOR, it is impossible to provide a 'complete' history of the project site. This land has deep and complex connections to the TSN, unfathomable and difficult to ascertain for authors outside of the TSN. The historic contexts provided in this Report are therefore the product of an outsiders' perspective, crafted with the attempt to prioritize Seneca perspectives, a task that is impossible to do within the scope of the LOR . The most insightful,

[11] Alison Owings, *Indian Voices: Listening to Native Americans (*Piscataway: Rutgers University Press, 2011), 63.

accurate, and nuanced perspectives and interpretations of the Project site and its historic significance should be, and perhaps only can be, provided by the TSN in the TCP.

The Tonawanda Territory Prior to 1770

Long before 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.[12]

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.[13] While each nation maintained their own land distinct from one another throughout the state, the banding together of these nations promoted peace amongst these communities as well as strengthened the influence of all these nations against any other potentially threatening enemies. As Fenton has noted, "Iroqouia, the territory covered by the metaphorical Longhouse of the Five Nations, south of Lake Ontario, is one physiographic and vegetational unit."[14]

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.

[12] 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.

[13] 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.

[14] Fenton, 20.

The Seneca settlement along Tonawanda Creek can be traced to the years before the American Revolution.[15] 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."[16] The exact date of the founding of a permanent Seneca community at Tonawanda is unknown, but likely by the mid-1600s or mid-1700s.[17] Another source suggests it was 1651, stating: "The Tonawanda valley to the Seneca was a chosen region, and after the bloody war of 1651, in which the Five Nations triumphed over the Neuters and adopted the survivors, all of this fair country fell into the keeping of the Seneca…The Tonawanda land and water trail became a commoner highway than before."[18] This was land they had fought for, as Arthur Parker reflected: "The Senecas did not gain this country [the Tonawanda area] without a struggle nor did they retain it after the white man came, without another. They won it in a fair fight in the field against a hostile, treacherous foe; they again fought for it, this time in courts and with brains and wit- but the foe, as before, was a treacherous one, and hostile."[19]

During the late 1600s, the Seneca lived in what has been described by non-Indian settlers in the Tonawanda 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."[20]

The exact condition of the land around the Project by the early 1700s is not known for certain in available sources, although several descriptions do appear. These descriptions are mostly written many decades later, after contact with European settlers, and thus are biased by both their non-Indian perspectives and by the lack of firsthand observation and knowledge through the filter of time.

Tonawanda Creek had long been a means of transportation and fishing, serving as a trail connecting the Genesee Valley to the Niagara River, with settlements along it for some time. This land and water trail became a commoner highway by the mid 1600s, but likely long before as well, connecting with the Neutrals to the northeast near Lewiston.[21] Rivers and creeks served not just as sources of fresh water and fish, but also as trade and communication routes. Like surrounding rivers and creeks, the Tonawanda Creek served as "the communication routes of the Iroquois and their neighbors. They were

[15] 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.
[16] Lockwood Richard Doty, *History of the Genesee Country* (Chicago: S.J. Clarke Publishing Company, 1925), 134.
[17] Laurence M. Hauptman, *The Tonawanda Senecas' Heroic Battle Against Removal: Conservative Activist Indians* (Albany: SUNY Press, 2011), 1.
[18] Parker, *The Life of…,* 17.
[19] Parker, *The Life of…*, 17.
[20] Doty, *History of the Genesee Country* (Chicago: S.J. Clarke Publishing Company, 1925), 172.
[21] Parker, *The Life of…*, 17.

the corridors of trade, war, and peace; for Europeans they became avenues of exploration, invasion, and westward expansion."[22]

Iroquoia was heavily forested before the Europeans arrived, with a diversity of trees functioning for many uses by the Seneca in the region. It was described as "an almost continuous forest of deciduous birch, beech, and maple with admixtures of pine and hemlock, giving way in the north to aspen, fir, spruce, and cedar. In the hunting range of the Seneca, deciduous trees and herbaceous plants typical of the Ohio River drainage were present."[23] There were many hickory trees, which served as a source of food, oil, and staves. Elm bark was crucial for shelter, containers, and vessels, and elm wood was used in home construction and cooking fires. Basswood bark or slippery elm bast was used for making rope. There was oak or basswood "for stanching wounds, and several hundred herbaceous plants for medicines."[24] Sugar maple trees, American elm trees, and white pine were utilized and venerated by the Iroquois, appealed to in political metaphors and in seasonal ceremonies such as the Maple Tree Tobacco Burning in early spring.[25]

Regarding the Tonawanda Territory more specifically, Ely Parker stated, "we once had very good timber upon the Tonawanda Reservation. We had large and tall pines, plenty of whitewood, walnut, ash, basswood, oaks, hemlock, and chestnut. We had plenty of all kinds of wood, with which to build a house and make good fences."[26] His descendant Arthur Parker stated, "The Tonawanda valley was not entirely wooded; there were ancient clearings here and there, but in general there were thick forests of basswood, of pine and hemlock, together with tracts of hardwood timber, such as oak,…Along the creek for several miles west of this point, the Tonawanda Seneca have their modern reservation. It is a fertile country in general with rolling uplands above the limestone escarpment and sandy loam that in denuded spots show stuff clay."[27]

Less is known in available sources about specific hunting practices in the Tonawanda region prior to European contact. As Fenton discussed, "Hunting is less well described, but a recurring theme in Iroquois folklore runs, 'they went to the woods to hunt for meat.' Next to warfare and attending council, hunting enjoyed great prestige; it was an economic necessity, and no amount of cajoling would bring the

[22] Fenton, 20.
[23] Fenton, 20.
[24] Fenton, 20.
[25] Randy Cornelius (As Told To), "Iroquois Traditional Ceremonies," Oneida Cultural Heritage Department August 2017. Accessed via web at https://oneida-nsn.gov/wp-content/uploads/2016/04/IROQUOIS-TRADITIONAL-CEREMONIES-8.17.pdf
[26] Parker, *The Life of…*291, quoting Ely Parker, "To the Chiefs and People of the Tonawanda Band of Seneca Indians" March 2, 1861.
[27] Parker, *The Life of…, 17.*

old men to a treaty side during the spring or fall hunt."[28] Men hunted deer, rabbits, wild turkeys, and other animals.

Hunting practices were described by non-Indian observers the 1800s, but they were apparently difficult to comprehend for these outsiders. As Charles Talbot Porter later reminisced, "I was full of admiration of these old men, who in their youth had hunted over all Western New York, and who showed such a wonderful acquaintance with the location and course of every river and stream. In fact, the whole map appeared to exist in their minds…They were men of the woods, who, with nothing to depend on but their powers of observation and memory, in trackless forests could never lose their way."[29] The lack of knowledge, understanding, or skills of these outsiders was apparent when attempting to document Seneca hunting practices at Tonawanda Territory.

Fishing was an important activity at Tonawanda Creek, where men fished using baskets made by Seneca women. Lewis Henry Morgan described these baskets in the mid 1800s, which were about three feet long with fifteen inches diameter at mouth, in a conical basket shape. To use these, the fisherman would "stand in the rapids of the creek or river, where the water rippled over the stony bottom, and with a stick or rod managed to direct the fish into the partly submerged basket, as they attempted to shoot down the rapid. When one was heard to flutter in the basket, it was at once raised from the water, and the fish was found secure within it."[30] This not only illustrates fishing practices, but indicates the historic importance of sound as a key element of Seneca fishing at Tonawanda.

Farming practices were used to cultivate foods to supplement hunting and fishing. This was typically a women's task, whereas men conducted the hunting and fishing. As Fenton observed, "The village and surrounding fields constituted women's domain: they planted, cultivated, and harvested in work parties under the direction of a senior matron."[31] Women planted the 'three sisters' crops of maize, beans, and squash, as well as oats, wheat, potatoes, and a variety of garden crops.[32] By the 1840s, there were "thousands of fruit trees in Seneca orchards," and they also raised cattle and kept pigs, horses, and sheep.[33] These food sources provided the foundation of year-round subsistence in conjunction with hunting and fishing, and "afforded the leisure to develop and maintain institutions of sedentary life" in the Tonawanda area.[34]

[28] Fenton, 22.
[29] Reminisces by Charles Talbot Porter in 1901, printed in Appendix B of Morgan, 158.
[30] Morgan, 42.
[31] Fenton, 23.
[32] Fenton, 22.
[33] Michael Leroy Oberg, *Native America: A History* (Newark: John Wiley and Sons, 2017).
[34] Fenton, 22.

Non-Indian descriptions of Seneca towns prior to the 1900s tend to be vague in terms of location, population, settlement patterns, and architectural details. Generally, they tend to agree that "the longhouse was the most conspicuous feature of an Iroquois settlement."[35] In Haudenosaunee thought, Fenton claimed, "the longhouse was synonymous with a residential unit, the household or maternal linage; it was their own symbol of identity, and together the Iroquois were 'the people of the Longhouse,' as they called their confederacy."[36] Not only did they house multiple families, but they would also serve as the site of many ceremonies as well. Typically, a longhouse would be shared by multiple nuclear families, with three to five fires inside. These could be on average about twenty-five feet wide, and the length depended on the number of families inside.[37]

The physical size, population, and specific locations of these pre-1650s settlements is not conveyed with certainty in the available sources. For a larger town, there could have been a "cluster of 30-150 longhouses surrounded by a palisade and situated on a height of land accessible to drinking water and not too far removed from navigable water."[38] One historian stated there were two large Seneca towns (ca. 150 people each) and two smaller settlements (ca. 30 people each) that were in the region until 1687, when Denonville's expedition destroyed them.[39] By the 1770s, the Seneca had already established settlements along Tonawanda Creek, Genesee River, and Allegheny River.[40]

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, including the aforementioned Denonville expedition that destroyed Seneca towns.

U.S. Treaties and Land Grabs, 1770s-1800s

"The history of Treaties is by far the darkest of all the pages of Indian history."[41]

[35] Fenton, 23.
[36] Fenton, 23-24.
[37] Fenton, 24.
[38] Fenton, 24.
[39] Fenton, 227, 231.
[40] 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.
[41] Johnson, *The Iroquois, or, The Bright Side of Indian Character* (New York: D. Appleton, 1855), 9.

Beginning in the late 1700s, Seneca life around the Project area and beyond was deeply, and often violently, impacted by the Euro-American presence and their aggressive land-grab initiatives. While contact with Euro-Americans had occurred in Western New York during the 1600s, a series of Euro-American led violent expeditions, imposed treaties, and displacement efforts characterized the late 1700s-1800s. This era of numerous, contentious treaties could be characterized as "by far the darkest of all the pages of Indian history." The impact of these treaties extends beyond legal cases and land boundaries, with major psychological, spiritual, physical, and cultural damages inflicted upon the Seneca by Euro-American governments, soldiers, and individuals.

Many Euro-American campaigns against the Seneca created upheaval and dispersion from their villages during the 1770s and 1780s.[42] The outcome of the American Revolution and the negotiations that followed resulted in the devastating 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 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."[43]

One group of Seneca refugees from Sullivans campaign and affiliated expeditions settled along the Tonawanda Creek.[44] 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.[45] In her memoir, Mary Jemison described the Seneca's world of interconnected towns and villages during the late 1700s. She described a system of movement where Seneca moved frequently back and forth from one village to another, visiting relatives, conducting trade, and attending religious observances. Among these settlements, she referenced the Tonawanda Indian Village at Tonawanda Creek.[46]

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 heavily contested territory. From the perspective of many late-eighteenth-century Euro-Americans, the Iroquois represented one of the

[42] Congdon, 18.
[43] 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.
[44] Arthur C. Parker, *The History of the Seneca Indians* (Port Washington, NY: Ira J. Friedman, Inc., 1967), 151-152.
[45] Laurence M. Hauptman, *The Iroquois and the New Deal* (Syracuse: Syracuse University Press, 1981).

[46] Seaver, *The Life of Mary Jemison*, 92-96.

most significant Indigenous groups with whom the United States had to negotiate.[47] At this time, the State of New York aggressively sought the land of the Six Nations that they, 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 some western tracts in the 1794 Pickering Treaty.[48]

The Pickering Treaty of 1794, also known as the Treaty of Canandaigua, was 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.

Many scholars have acknowledged that both the making of treaties and the outright purchases of Seneca 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.[49] In fact, it is well-settled that the federal Nonintercourse Act barred states from purchasing Indian land- by treaty or otherwise- absent the consent of Congress.[50] 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.

[47] 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.

[48] Genetin-Pilawa, 31.

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

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

In 1797 the Treaty of Big Tree was signed, creating the Tonawanda Reservation, Allegany Reservation, and several other reservations in New York State.[51] 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.[52] 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.[53]

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."[54] 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.[55]

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

[51] B. Delores Thompson, *Jamestown & Chautauqua County: An Illustrated History* (Woodland Hills, CA: Windsor Publications, 1984), 1-15.
[52] Elisha Woodward Vanderhoof, *Historical Sketches of Western New York* (Buffalo, NY: Matthews-Northrup Works, 1907), 41.
[53] Hauptman, "On Our Terms…," 214.
[54] Norman B. Wilkinson, "Robert Morris and the Treaty of Big Tree," *The Mississippi Valley Historical Review* 40.2 (September 1953), 277.
[55] Hauptman, *The Tonawanda Seneca' Heroic Battle…,* 2.

and Surveyor of the Holland Land Company., to a general Council of Indians held at Tonawanda around 1904.[56]

The 1804 Map of Morris's Purchase (Maps 1 & 2) is the first available 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, greatly resisted this effort.[57]

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 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

[56] 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.

[57] Genetin-Pilawa, 32.

exist today in New York."[58] 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. [59] 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.[60]

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.[61] 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.[62] While many Seneca began to work seasonally in the logging industry, the declaration that the Allegheny River was a public highway was controversial.[63] This type of resource-driven tension between the Federal government and the Seneca continued into the 1830s, when

[58] Hauptman, *The Tonawanda Seneca' Heroic Battle…,* 12.
[59] Genetin-Pilawa, 33.
[60] Genetin-Pilawa, 33.
[61] Congdon, 30.
[62] William Adams, *Historical Gazetteer and Biographical Memorial of Cattaraugus County* (Syracuse, N.Y.: Lyman, Horton, and Company, 1893), 491.
[63] Bilharz, 22; Adams, 58.

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."[64] 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.[65] 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.

Indian-American 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. Unfortunately, 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, attempted to manipulate Indian leaders, as well as state and federal officials, in an effort to dispossess an Indigenous nation from their homeland.[66] This occurred for the Tonawanda Seneca Nation as well, where scholar Genetin-Pilawa has stated, "The Tonawanda experience typified the increasingly powerful and pervasive national assault on tribal sovereignty."[67] In the TSN case, the Ogden Land Company manipulated Seneca leaders and government officials in order to claim their land for profit.

[64] Hauptman, *The Tonawanda Senecas' Heroic Battle…,* 16.
[65] Winfield W Robinson, "The Tonawanda Valley Lines," *The Railway and Locomotive Historical Society Bulletin* 40 (May 1936), 36-44.
[66] Genetin-Pilawa, 29.
[67] Genetin-Pilawa, 30.

The Buffalo Creek Treaty of 1838 was, as Hauptman has stated, "one of the major frauds in American Indian History."[68] Oberg has similarly stated, "The 1828 Treaty of Buffalo Creek is the most crooked treaty in the history of this country [the United States]. That is saying something."[69] 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. The Federal government also agreed to provide a 1,824,000-acre Kansas reservation, west of the Missouri, to be settled by all six of the Iroquois nations as well as for the Stockbridge-Munsee. For good reasons, 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."[70]

This 1838 treaty led to the loss of the Seneca's Buffalo Creek reservation, once recognized as the center of Iroquois traditional life after the American Revolution. It also led to the removal of many Indians from the State of New York. Under this fraudulent treaty, the Seneca ceded all of their remaining New York lands to the Ogden Land Company and relinquished their rights to Menominee lands in Wisconsin, which had been purchased for them by the United States government. This treaty was "forced upon the Seneca by the Ogden Land Company, under very questionable circumstances. It was well known that fifteen-sixteenths of the people, almost the entire nation, were unwilling to sell…The proceedings by which this end was finally accomplished were utterly objectionable, as is abundantly proved by printed documents, now before the Senate [in 1851]."[71]

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."[72] Every chief of the Tonawanda band of Senecas had refused to sign the treaty, had refused to accept the bribes of the Ogden Land Company's agents and had spurned every overture.[73] The Tonawandas did not sign the treaty nor agree to the conditions, yet they found themselves expatriated, with their lands sold without their consent.

[68] Hauptman, *The Tonawanda Senecas' Heroic Battle…,* 35.
[69] Oberg, "Tonawanda Seneca." May 11, 2023. Accessed via web March 21, 2024 at https://michaelleroyoberg.com/tag/tonawanda-senecas/.
[70] *Natural History 76* (New York: American Museum of Natural History, 1967).
[71] Morgan, 200.
[72] Doty, 282.
[73] Parker, *The Life of…*, 70

Much like the Cherokee 'Trail of Tears,' the 1838 Treaty had far reaching results, including the loss of life and displacement of many Seneca.[74] Many members of the New York Iroquois died while on route to their supposed new land to the west, of cholera, exposure to the elements, or starvation. 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."[75] As Oberg reflected, "the damage had been done, and by doing nothing, the U.S. Government in effect acquiesced in a fraudulent, unethical, and illegal treaty that carved a huge gash of territory out of the Seneca estate."[76] Other forms of removal occurred during the nineteenth and twentieth centuries, including the infamous Indian Boarding Schools.[77] Dozens of Tonawandas attended, or were forced to attend, Carlisle Boarding School, while hundreds attended the Thomas Indian School.[78] While both of these schools were located far off the Tonawanda Reservation, they both deeply affected generations of Tonawanda students and their families.

After four years of intense protest and resistance, 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. However, it not return either the Buffalo Creek or Tonawanda Reservations, and thus the Seneca were asked to 'compromise' by continuing to give up two territories that had already been taken from them in exchange for getting back another two.

The Tonawanda band of Seneca, having never signed either treaty, were, as Morgan wrote in 1851, "deprived of their homes, without their consent, or without an equivalent paid."[79] Tonawanda representatives "voiced dissent, again refusing to sign the treaty and claiming that the 'negotiations' were predetermined."[80] At critical moments during the 1842 meeting, "prominent Tonawanda leaders spoke out against the proceedings and the Seneca who signed the document."[81] This contributed to the split

[74] Hauptman, *Tribes and Tribulations,* 48.
[75] Veronica Evaneshko, *Tonawanda Seneca Ethnic Identity: Functional And Processual Analyses*, The University of Arizona, Ann Arbor, 1974*),* 84.
[76] Oberg, *Peacekeeper…,* 143.
[77] The Indian Boarding Schools are a topic in and of themselves, and the TSN was effected by them along with many other Indian nations. This nationwide movement occurred across America, often pulling Indian students away from their reservations to endure forced assimilation into non-Indian cultures. More on this can be found in: Margaret Szasz, *Education and the American Indian : The Road to Self-Determination, 1928- 1973*. 1st ed. Albuquerque: University of New Mexico Press, 1974.; Sally J. Southwick, *Building on a Borrowed Past: Place and Identity in Pipestone, Minnesota*. 1st ed. Athens: Ohio University Press, 2005.
[78] Oberg, "Tonawanda Seneca." May 11, 2023. Accessed via web March 21, 2024 at https://michaelleroyoberg.com/tag/tonawanda-senecas/.

[79] Morgan, 201.
[80] Francis Paul Prucha, *American Indian Treaties: The History of a Political Anomaly* (Berkeley: University of California Press, 1994), 21.
[81] Genetin-Pilawa, 34.

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 Territory in large numbers. They stated, "The Ogden settlers dispossess us of large quantities of our forest lands...and of improvements actually made by our own hands."[82] The Company had moved non-Indian 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.[83] Unfortunately, Governor Wright was one of many politicians who supported Indian Removal.

The Tonawanda Seneca provided an impressive three-pronged strategy for resisting 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."[84]

One of the most significant forms of resistance was devised in direct relation to the land itself. The savvy Ely Parker, a full blood Seneca of the Wolf Clan who was born on Tonawanda Territory, conceived of a way to stall and disrupt the legal process required to ratify the treaty by transforming the landscape. 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."[85] 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 unjust 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

[82] *Blacksmith v. Fellows,* 7 N.Y. 401 (1852); *Fellows v. Blacksmith*, 19 How. U.S., 761 (1857).
[83] Genetin-Pilawa, 35.
[84] Genetin-Pilawa, 36.
[85] Genetin-Pilawa, 36.

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.[86] 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 amendments on the part of the Federal government continued to affect the Seneca Nation during the late nineteenth century.[87]

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.[88] Generally, its one chief for each clan and a subchief for each clan. In the Tonawanda Council, the chiefs are male. They're not always equally distributed among the eight clans, for instance, not all clans have a title. In 2011, the Snipe clan had three of the titles, the Turtle clan had two of the titles, meaning three other clans didn't have a title at that time.[89]

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."[90] 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."[91]

[86] Joy A. Bilharz, "Ghosts of Broken Hearts and Laws: The Allegany Seneca and Kinzua Dam" (PhD dissertation, Bryn Mawr College, 1987), 33.

[87] Adams, 39.

[88] *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.

[89] Owings, 68.

[90] Mary H. Conable, "A Steady Enemy: The Ogden Land Company and the Seneca Indians" (Ph.D. diss., University of Rochester, 1994).

[91] Nichols, dissertation, 248-249, quoted in Genetin-Pilawa, 45.

Ethnologist Lewis Henry Morgan described some of the impacts he perceived amongst the Tonawanda Band of Seneca in 1851, stating:

> To embitter their sense of desolation as a nation…the Ogden Land Company have pursued and hunted them for the last fourteen years, with a degree of wickedness hardly to be paralleled in the history of human avarice…It is no small crime against humanity to seize the firesides and the property of a whole community, without an equivalent, and against their will…and yet this is the exact scheme of the Ogden Land Company; the one in which they have long been engaged, and the one which they still continue to prosecute.[92]

Words like 'pursued' and 'hunted' emphasize the immensely negative impact the Ogden Land Company and its governmental supporters had on the Seneca, in and of this land. This 'crime against humanity' has continued to be felt and remembered by many Seneca. It has also been discussed and revealed through the imperfect writing and rewriting of these histories in the generations since this occurred.

Only in 1857 was the Tonawanda Band of Seneca finally 'allowed' to buy back a small part of its reservation from the Ogden Land Company. 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.[93] 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.[94] 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 and uphill battle for the Seneca 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 Ogden Land Company. Second, there were non-Indian settlers who had already purchased land from the Ogden Land Company. Third, there were also non-Indian squatters who refused to leave the land outright.[95] 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.[96]

[92] Morgan, 30-31.
[93] Genetin-Pilawa, 44
[94] Hauptman, *The Tonawanda Senecas' Heroic Battle,* 115.
[95] Hauptman, *The Tonawanda Senecas' Heroic Battle,* 115.
[96] Hauptman, *The Tonawanda Senecas' Heroic Battle,* 115.

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."[97]

Within a few years, the Tonawanda Band was able to repurchase only a portion, 7,549 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.[98] 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.

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

[97] Hauptman, *The Tonawanda Senecas' Heroic Battle,* 121.
[98] Conable, 316.

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 twentieth century brought with it new challenges for the TSN, while the impact of the previous century of treaties continued to provide challenges as well. The intergenerational trauma this has caused amongst the TSN cannot be truly understood from the outside, but with radical empathy its stories can be honored to the degree in which they are shared. As Fenton reflected,

> When a pattern of culture is shattered, a people loses its vital spark. The Iroquois had long done things in common, and having reached one mind, they acted…Scattered on reservations, they were dealt with separately and were forced to act independently of each other. Reduction in the size of their territory increased population density, and formerly automonous tribes were thrown together on reservations where old lines of tribal distinction and local custom were soon obliterated. Life on the reservation was a new ball game with new rules.[99]

The damage that these treaties inflicted, and continue to inflict in some cases, upon the Seneca, and Haudenosaunee overall, cannot be overstated in this Report.

The historical TSN peoples and practices have been intrinsically born of and related directly to their relationship to land. Therefore, the nineteenth century treaties and changes to TSN land rights had a major impact on their relationship to land. Far beyond legal matters, these treaties impacted the way that the TSN lived, worked, and related to their land at a broader cultural level. Before they moved to the reservation, the TSN typically lived in compact matrilineal villages, but on the reservation, settlement families spread out along the waterways where they planted their crops, hunted animals, and collected fruits and herbs. From early settlement into the middle of the twentieth century, some typical area properties could be described as relatively self-sufficient farms. Area residents raised their own vegetables and livestock, and many depended on hunting wild animals like deer and gathering wild herbs and plants for medicines. Many managed to survive comfortably through the Great Depression of the 1930s because of their self-sufficiency and because members of the community helped each other.

Notable Figures and Teachings at the TSN

[99] Fenton, 16.

There are several notable figures associated with the TSN peoples and land throughout its history and present. While this document does not provide a complete list, it does feature a few of some of the most well-known figures, known even by informed non-Indians.

Handsome Lake (1735-1815) is one of the most prominent figures in TSN history. He was a leader and a prophet who played a major role in reviving and perpetuating traditional spiritual practices among the Haudenosaunee. He was born ca. 1735 in the Seneca village of Canawagus, southeast of the present day TSN on the Genesee River near present-day Avon, New York. He was born into the Wolf clan, at a time when the Seneca nation was experiencing prosperity through fur trading. His half-brother, Cornplanter, was also an important in figure in Seneca history, whose actions helped establish the land that became the Allegany Reservation as well as several plots of Seneca land just over the border in northern Pennsylvania during the late eighteenth century. He was also related to Governor Blacksnake, Red Jacket, and Half-Town. While Cornplanter served as an important political figure for the Seneca, his half-brother Handsome Lake was an important spiritual figure in the community.

As Handsome Lake grew, he began to notice that the morale and spiritual welfare of his peoples were deteriorating. Several factors contributed to this deterioration, many of which can be attributed to the cultural clash between the growing United States and the Haudenosaunee. The loss of land, the introduction of alcohol to excess, direct and indirect involvement in violent instances and wars in the area, and the destruction of villages occurred during Handsome Lake's lifetime, as well as many others.

In 1799, after a period of illness due to many years of excessive alcohol consumption, Handsome Lake had the visions that enabled him to become a prophet. In his vision, he was warned by spiritual messengers who presented him with ideals that he must enforce among his people. When he regained his health, he began bringing a message of *Gaiiwhio*, or the "Good Word," to his people. He preached against drunkenness and outlined a moral code that was eventually referred to as the Code of Handsome Lake. Today it is also called the Longhouse Religion. After experiencing these prophetic visions, he created the Code of Handsome Lake in 1799.[100]

Established as a mix of traditional Seneca and Christian ideas, the Code of Handsome Lake was designed to guide the Seneca through the transition from subsistence and longhouse life to Euro-American agricultural practices and living in single-family homes.[101] He wrote the Code partly in response to his observations that Seneca traditions and spirituality were threatened by encroaching settlers and the introduction of alcohol into Seneca life. Merging traditional Seneca beliefs with Quaker influences and Christian ideas, Handsome Lake promoted an adaptation of new ideas with older traditions. While some

[100] Anthony Wallace, *The Death and Rebirth of the Seneca* (New York: Knopf Doubleday Publishing, 2010), 358.
[101] Bilharz, *The Allegany Senecas and Kinzua Dam*, 14-15.

believed this diluted the older spiritual practices of the Seneca, the Code of Handsome Lake was overall very successful.

Endorsed by Thomas Jefferson in 1803, the Code of Handsome Lake was widely distributed amongst the Seneca and the entire Six Nations, and was generally praised for its ability to merge traditional ideas with new ones in a dramatically evolving cultural environment.[102] Handsome Lake moved to the Allegany Reservation hamlet of Cold Spring around 1804, and the Cold Spring Longhouse that was associated with the Handsome Lake religion remained there until the 1960s, when construction of the Kinzua Dam forced its removal to Steamburg.[103]

Ernest Smith, *Handsome Lake Preaching in the Longhouse,* 1936. Watercolor.

In this watercolor painting, artist Ernest Smith provides a historical depiction of Handsome Lake preaching the Good Word at the Tonawanda Longhouse.

Around 1809, Handsome Lake and his followers moved to the Tonawanda Reservation. At Tonawanda, his message gained support. Handsome Lake thus permanently settled at Tonawanda, which accepted and welcomed his teachings. He lived there until his death in 1815. Beginning in the 1820s, it became traditional for the Code to be recited every September at Tonawanda in the Seneca Nation. Today the Code of Handsome Lake remains practiced among the Seneca Nation of Indians and TSN, indicating the long-term impact this religious leader had on the spiritual community for subsequent generations.

[102] Wallace, 270.
[103] Congdon, 87.

Ely Parker is another major figure in TSN history. Born in 1828 on the TSN at Indian Falls, New York, his mother was the granddaughter of Sos-he-o-wa, the successor of Handsome Lake.[104] He was one of seven children born of Elizabeth and William Parker. His father was a Tonawanda Seneca chief, a miller, and minister who fought for the United States in the War of 1812. Ely was educated through college, studying engineering and law, and was bilingual, speaking both Seneca and English fluently.

Beginning in the 1840s, when Ely was a teenager, the Parker house became a meeting place of non-Indian scholars who were interested in the Haudenosaunee and helped shape the field of anthropology, including Lewis Henry Morgan, Henry Rowe Schoolcraft, and John Wesley Powell (discussed above in Literature Review section of this document). This exposure between Seneca and non-Indian cultures was mutually beneficial in some ways: Parker helped Morgan become an anthropological pioneer, and Morgan helped Parker make connections in the white-dominated society in which he later worked and lived.[105]

Born and raised on the TSN land, Ely Parker held many important, influential positions outside the Tonawanda Reservation in adulthood. He began his career in public service by working as an interpreter and diplomat for the Seneca chiefs in their negotiations with the United States government about land and treaty rights, providing helpful strategies for the Seneca (discussed in previous section). In 1852, Parker was made sachem of the Seneca, chief of his clan, and given the name Donehogawa, "Keeper of the Western Door of the Long House of the Iroquois."[106]

Parker worked as a civil engineer until the American Civil War began. He worked on upgrades and maintenance of the Erie Canal, as well as supervising government projects in Illinois, where he befriended Ulysses S. Grant. He was later appointed by U.S. President Ulysses S. Grant to Commissioner of Indian Affairs in 1869. He was the first Indian American to hold the office.[107]

Once the Civil War broke out, Parker served in many important roles. He worked as chief engineer of his Seventh Division during the siege of Vicksburg, and later became Grant's adjutant during the Chattanooga Campaign. At Petersburg, Parker was appointed as the military secretary to Grant, with the rank of lieutenant colonel. He wrote much of Grant's correspondence. Parker was present when

[104] Historic Seneca Leaders", Seneca Nation of Indians Official Website". Archived from the original on November 19, 2020. Retrieved May 2, 2024.
[105] Noah Moses, *The Life and Work of Lewis Henry Morgan* (Columbia, Missouri: University of Missouri Press, 2009), 52.
[106] Dee Brown, *Bury My Heart at Wounded Knee* (New York: Holt, Rhinehart & Winston, 1970).
[107] "Commissioner Parker on Trial," *Warrior in Two Worlds* (PBS, March 10, 2004).

Confederate general Robert E. Lee surrendered at Appomattox Courthouse in April 1865. He helped draft the surrender documents, which are in his handwriting.[108]

Parker had a massive influence on a broad range of key moments in both Seneca and American histories: the Civil War, Indian Policy, engineering marvels, Seneca resistance tactics, and treaty negotiations amongst others. His upbringing at the TSN on Tonawanda Reservation land planted the seeds for his influential career and life.

TSN in the Twentieth Century

Generally, there is a disproportionate emphasis on nineteenth-century histories of Indian-American relations in comparison to those regarding twentieth-century topics. Among others, historian Francis Prucha has lamented this, pointing to the plethora of organized primary and secondary sources on nineteenth-century topics in comparison to an unorganized, scattered collection of twentieth-century materials. Furthermore, it can be difficult for historians to discuss more recent events, as time provides important perspectives, particularly on topics so emotionally and politically charged. While things have improved somewhat since Prucha stated this in the 1980s, contemporary historians still tend to focus on pre-1900 histories of Indian Nations overall. One of the major errors of this is that it does not enable the historic understanding of Indian Nations, Territories, and communities to evolve beyond discussions of the tumultuous nineteenth century. To correct this, Prucha hoped that newer studies would see Indian nations for what he believed them to be: "vibrant human societies, not frozen in some romantic past, but alive and changing to meet the challenges of the modern age."[109]

The 1904 Century Map Company Map of Genesee County, Alabama Town (Map 8) depicts the TSN Territory 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.

[108] "Ely Parker - Chief, Lawyer, Engineer, and Brigadier General". U.S. Department of the Interior. Retrieved May 3, 2017.
[109] Francis Paul Prucha, "American Indian Policy in the Twentieth Century," *The Western Historical Quarterly* 15, no. 1 (1984): 5–18): 18.

By the early 1900s, gypsum mines had been established and productive on the Tonawanda Reservation land. Some sources state that gypsum mining had begun there as early as the 1880s. In 1899, the Standard Plaster Co. of Buffalo made a contract with the Tonawandas for mining gypsum on their Reservation. By 1909, the National Gypsum Company contracted with the TSN to mine gypsum on TSN land, with payment to the TSN for some value of the minerals extracted using these contracted rights.[110] Gypsum mining continued for many decades. In 1929, for instance, the Universal Gypsum & Mine Company was engaged at the TSN site. The exact historic location of this underground mine (s), located 'near Akron,' has not been readily identified in available sources, but maps of gypsum mines across New York State are known to be difficult to obtain and/or vague in their above-ground locations.

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.

The early twentieth century was a time of large scale American government initiatives, nationwide. These included legislative acts, the continuation and evolution of Indian Boarding School educational and disciplinary practices, and health care initiatives, among others. The TSN often resisted these early twentieth-century federal government acts and initiatives, as it was not their government. In 1924, for instance, the passage of a U.S. federal law declared that Indians were citizens. The Tonawanda Seneca, like some other nations, rejected this. One Tonawanda Seneca responded to this, stating "we are not citizens of the United States and I hope we never will be. We must insist on our rights as a separate territory not responsible to any other government. We must rule ourselves. We must not pay taxes to the United States or we will lose our status as a separate nation."[111]

In 1928, the Meriam Report was commissioned by the Institute for Government Research to study and report on the conditions of Native Americans in reservations and in boarding schools across 26 states. The

[110] *United States v. National Gypsum Co.*, 141 F.2d 859, (2d Cir. 1944).
[111] Qtd in Oberg, *Peacemakers: The Iroquois, the United States, and the Treaty of Canandaigua 1794*. 1st ed. (Cary: Oxford University Press, Incorporated, 2015), 157.

team visited a total of 95 reservations, agencies, hospitals, and schools. The Tonawanda Reservation does not appear to have been visited, although it is mentioned at several different points in historic context regarding New York State Reservations and in a discussion about gypsum mining royalties.[112] At one point, however, the report does estimate the population there in 1928 as 489.[113] Overall, the report stated that the federal government was failing to protect Native Americans, their land, and their cultural resources.[114] The Meriam Report of 1928 strongly influenced succeeding policies in land allotment, education, and health care, as it was used as a basis to reform American Indian policy through new legislation, most notably the Indian Reorganization Act of 1934.

The Indian Reorganization Act of 1934 was the pinnacle of Commissioner of Indian Affairs John Collier's "Indian New Deal." The Iroquois nations in New York overwhelmingly rejected this, with one Tonawanda Seneca stating in 1935, "we are a nation, living on land of our own."[115] As historian Michael Oberg summarized Seneca motivations, he stated "They wanted less, not more, interference in their internal affairs, and they feared the Indian Reorganization Act would bring complete control by outsiders over Iroquois communities."[116]

As the New Deal era gave way to World War II, many Seneca viewed the Selective Service Act as a threat to their sovereignty. In 1940, the Seneca Nation declared that the United States had no right to draft Seneca young men for military service. They based this statement on the 1794 Canandaigua treaty, reminding the U.S. Government that they were a distinct nation on their own land. In 1942, a federal court ruled that Iroquois people were subject to conscription. In June of that year, delegates of the Six Nations declared war on the Axis powers. This demonstrated that the Six Nations still believed strongly in and valued greatly their sovereignty, and that they would send their men to fight and die only in wars that they declared themselves.[117]

The formation of the Tonawanda Seneca Band of Indians is specific to this land, and has been described as a "heroic epic." Several scholars, including Hauptman and Genetin-Pilawa, have studied the persistent and strategic efforts of the Tonawanda Band of Seneca to resist removal efforts since the mid-nineteenth century. 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

[112] Lewis Meriam, *The Problem of Indian Administration; Report of a Survey Made at the Request of Hubert Work, Secretary of the Interior, and Submitted to Him, February 21, 1928 (*Baltimore: Johns Hopkins Press, 1928), 4986.
[113] Meriam, 4902.
[114] Meriam, Lewis. *The Problem of Indian Administration; Report of a Survey Made at the Request of Hubert Work, Secretary of the Interior, and Submitted to Him, February 21, 1928.* Baltimore: Johns Hopkins Press, 1928.
[115] Qtd in Oberg, Michael Leroy. *Peacemakers: The Iroquois, the United States, and the Treaty of Canandaigua 1794*. 1st ed. Cary: Oxford University Press, Incorporated, 2015., p 157
[116] Oberg, *Peacekeeper…,* 157.
[117] Oberg, *Peacekeeper…,* 159.

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."[118] 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 value of this land to the Tonawanda Seneca is inconceivable to non-Indians. This understanding is further limited by the biased perspective of many non-Indian sources used to compile this history. 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."[119] In her discussion with author Alison Ownings, Seneca LuAnn Jamieson stated, "In the cultural and spiritual sense, we pursue this connection with all living things. That's what we see we've been put here for. We assume that as our responsibility as longhouse people…Our whole union of Nations comes forms the concept of peace."[120] The information provided in the TCP report will be immensely useful to providing an ethnohistorical perspective and discussion of contemporary and traditional land use that is outside the scope of this project.

The wooded area in the Study Area, referred to as "The Big Woods," has special importance to the Nation and the Haudenosaunee. This has been documented by affidavits included in court documents recently filed in the Supreme Court of New York, County of Genesee. The Big Woods are used for "cultural and traditional purposes including hunting, fishing, traditional medicine gathering, and trapping," and have been for generations.[121] The Big Woods is a place where medicines are harvested and subsistence hunting and fishing takes place. Therefore, if this place is damaged, it would likely also threaten to damage the health and welfare of the Tonawanda Seneca Nation and the Haudenosaunee, who with Tonawanda's permission, hunt, fish, and gather there too.[122]

Sovereignty is central and essential for the TSN, which, as this history has shown, has been hard-fought and earned at the Tonawanda Territory over the last few centuries. There is a principle that Oberg describes from the Iroquois, called 'Guswenta.' Today it is represented by a specific wampum belt known as the Two-Row, which depicts two parallel lines on a field of white. The lines represent the Iroquois and their non-native neighbors. They share the same land, they occupy the same country, but they remain

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

[119] Hauptman, *The Tonawanda Senecas' Heroic Battle,* 125.
[120] Owings, 64.
[121]The 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.
[122] Michael Leroy Oberg, "Tonawanda Seneca," May 11 2023. Accessed via web March 21, 2024 at https://michaelleroyoberg.com/tag/tonawanda-senecas/.

independent and autonomous. The lines do not cross, and neither Indians nor newcomers should interfere in the affairs of the other. The Tonawanda Seneca Nation has maintained their side of this bargain, despite many instances of fraudulent treaties and impingements from the federal governments. This Report's history of Indian-American relations since the late 1700s, while imperfect and from a non-Indian perspective, clearly demonstrates why sovereignty has remained a key principle for the TSN. As Oberg has stated, "It is a history of despoliation, devastation, and avarice, that is appalling even without reference to state boarding schools, military campaigns, and dishonesty in its dealing with the Indigenous Nations."[123] Their relationship to land, nationhood, and cultural traditions can best be told by the TSN, but even an outsider can acknowledge and begin to comprehend the complex history of land claims and other injustices inflicted upon this Nation over time.

Historic Resources within the TSN Territory

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 nor permit any in-person visits to the Nation's Territory. Because the authors of this Report could not visit the Territory in-person, this has limited their analysis of the existing extant resources on that land.

In New York State's Cultural Resource Information System (CRIS), there are a few entries that can assist an off-site inventory of select existing resources on the Tonawanda Reservation. A large, roughly L-shaped boundary has been drawn to identify a single district in the vicinity, the "Tonawanda Seneca Historic District." The boundaries of the district are drawn to span the Town of Newstead in Erie County, the Towns of Alabama and Pembroke in Genesee County, and the Town of Royalton in Niagara County. This district has been identified as Undetermined by SHPO in CRIS, with a single Unique Site Number (USN) of 02919.000062. At the time of writing in May 2024, there are no affiliated documents, determinations, photographs, nor inventory forms as attachments in the CRIS system to illuminate the nature, potential significance, or historic context of this district.

The Tonawanda Seneca Historic District (Undetermined status; 02919.000062) includes

a total of nine affiliated resources as 'children' in CRIS. Each of these nine resources has been given a USN, manually geocoded to a location within the Tonawanda Reservation. Their current status of determination by SHPO is Undetermined, for all of these resources. All nine resources are marked as Contributing to the (Undetermined) Tonawanda Seneca Historic District. Seven of these resources are identified with parcel addresses, while two only state the road location of the resource. Each resource entry has a single

[123] Michael Leroy Oberg, "Tonawanda Seneca," May 11 2023. Accessed via web March 21, 2024 at https://michaelleroyoberg.com/tag/tonawanda-senecas/

photograph attached, although the photographs are not dated. Some have been sourced from Google Streetviews in 2019, while others appear to be historic photographs in black and white and do indicate the current, or even more recent, conditions of the building. No verbal building descriptions regarding materials, condition, style, or historic construction dates are included for any of these resources. No inventory forms are provided in the CRIS system for any of these nine entries.

The nine resources are identified by name and USN in CRIS as follows: Ely S. Parker House (03701.000001); Log Dwelling (03701.000198); Dwelling (03701.000199); Log Dwelling (03701.000200); Dwelling (03701.000201); Tonawanda Indian Baptist Church (03701.000202); Log Dwelling (03701.000203); Dwelling (03701.000204); Tonawanda Indian Presbyterian Church (03701.000205).

The names of some of these resources suggest that they may be of great historic significance. The Ely S. Parker House, if intact enough to convey architectural integrity and/or historic associations, could be of great significance to the TSN, due to its affiliations with the Ely S. Parker family (discussed in above sections). The Tonawanda Indian Baptist Church and the Tonawanda Indian Presbyterian Church may also be of religious significance, based solely on their names as inputted into the CRIS system. For these three properties, no current photograph of the resource is available in CRIS. The other properties, all six dwellings, do not have recent photographs (2019 Google Streetviews). More research is required, including on site visitation for documentation of existing conditions, to understand their potential historic significance, individually and collected.

Given the limitations of the work scope for this Report and the limitations of up to date materials in the CRIS system, the authors of this Report cannot make any determinations regarding the historic significance, potential National Register eligibility, or existing conditions of any of these resources.

3.0 Existing Conditions and Historic Resources

3.1 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.

3.2 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.

3.2.1 S/NRHP-Listed Resources

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

3.2.2 S/NRHP-Eligible Historic Resources

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

3.2.3 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.

3.2.4 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.

3.3 STAMP Previous Environmental Reviews

The previous environmental reviews for the STAMP site can be referenced in the previously approved Initial Assessment (IA).

4.0 CULTURAL RESOURCE SCREENING

4.1. Criteria for Evaluating the Significance of Historic Resources

Criteria for evaluating the significance of historic resources and the cultural screening resource methodology can be referenced in the previously approved Initial Assessment (IA).

4.2 Historic Resource Screening

As noted in Section 2.2, 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.

4.2.1 S/NRHP-Listed Resources

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

4.2.2 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.

4.2.3 S/NHRP 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.

4.2.4 Newly Identified Resources

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. The previous discussion regarding the architectural significance throughout the Reservation can be referenced in the previously approved Initial Assessment (IA).

4.3 Efforts to Include Nation Members' Perspective on the Project in this IA

GCEDC has performed extensive outreach to TSN to consult with TSN regarding the Project and, in particular, to solicit Nation input of how the Nation feels that the Project could impact the Nation's Territory as a Traditional Cultural Property. These include, but are not limited to:

- Via e-mail on December 6, 2024. As part of the GCEDC's Weekly Report to the Nation, this email included a description of the Project, a copy of the Project EAF and a formal notice letter to TSN advising TSN of the Project. The email requested consultation with the Nation to give perspective on this project and any concerns about potential impacts of this project to the Nation's Territory as a TCP.
- Via e-mail on December 13, 2024. As part of the GCEDC's Weekly Report to the Nation, this email included a description of the Project and its likely permitting and utility needs. This email also requested consultation with the Nation to give perspective on this project and any concerns about potential impacts of this project to the Nation's Territory as a TCP.

- Via e-mail on December 17, 2024. This email, which was separate from the Weekly Email Report to the Nation, reiterated GCEDC's invitation to the Nation to meet with the GCEDC to discuss the Project and noted that the GCEDC would welcome the opportunity to get the Nation's perspective on the Project, particularly as it relates to the Nation's territory as a Traditional Cultural Property.
- Via e-mail on January 2, 2024. This email, which was separate from the Weekly Email Report to the Nation, once again reiterated GCEDC's invitation to the Nation to meet with the GCEDC to discuss the Project and noted that the GCEDC would welcome the opportunity to get the Nation's perspective on the Project, particularly as it relates to the Nation's territory as a Traditional Cultural Property.
- Via e-mail on January 3, 2024. As part of the GCEDC's Weekly Report to the Nation, this email included a description of the Project and its likely permitting and utility needs. This email also requested that TSN advise if the Nation would like to meet with GCEDC to discuss the Project or any concerns the Nation may have regarding potential impacts relating to the Project, particularly any concerns about potential impacts to the Nation's Territory as a TCP.

To date, the Nation has not responded to GCEDC's requests to engage in consultation on the Project or to provide feedback on if and how the Nation feels that the Project could impact the Nation's Territory as a Traditional Cultural Property. GCEDC will continue to offer to consult with the Nation regarding the Project, and should the Nation accept this offer, this IA will be revised based upon any information provided by the Nation including if and how the Nation feels that the Project could impact the Nation's Territory as a Traditional Cultural Property.

5.0 POTENTIAL IMPACTS

5.1 Evaluation of Project Impacts to the Study Area

Starting in late 2024, GCEDC reviewed the Project to confirm whether a Supplemental Generic Environmental Impact Statement (SGEIS) would be required in accordance with SEQRA. On January 3, 2024, in response to requests for more detailed information, the applicant provided a series of technical reviews analyzing the potential environmental impacts of the Project. In addition to the prior environmental reviews conducted to date (including the GEIS and STAMP Findings), the information provided with the technical reviews included:

1. Conceptual site plan
2. Conceptual stormwater plan
3. Conceptual landscape plan
4. Conceptual construction logistics plan

5. Conceptual architectural elevations
6. Visual Impact Analysis
7. Backup power and air emissions summary
8. Traffic Analysis
9. Stormwater management summary
10. Noise Study
11. Geotechnical Report
12. Emergency services summary
13. Emergency response procedures
14. Updated Environmental Assessment Form Part 1

The following summarizes potential Project impacts by various topics from the GCEDC environmental record pursuant to SEQRA. Reference is generally made to the GEIS and other documents cited above for further details regarding various areas of potential 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 of the Project). The Project is located on 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. As detailed in the GEIS, ambient noise levels at the STAMP Site can range from 63 dBa to 73 dBa. All projects located at STAMP are required to abide by the GEIS noise limitation threshold of 65 dBa during the day and 45 dBa at night at the boundary of the STAMP Site. As detailed in the GEIS, NYSDEC guidelines state that noise sources should not increase levels above 65 dBa in non-industrial areas. The proposed property line requirement of 65 dBa during the day and 45 dBa at night will ensure that the 65 dBa level referenced by NYSDEC for non-industrial areas is not exceeded. With respect to the Project, temporary noise impacts are anticipated during the construction period as a result of the operation of construction equipment. However, the Project is separated from the Nation's Territory by the substantial buffer agreed to in the Settlement Agreement. 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 no disturbance upon surrounding properties. During operations, the Acoustics Summary provides a detailed analysis of noise levels resulting from three different stages of operation. Under even the most noise-intensive operations, noise levels resulting from the Project are only modeled to reach 14-18 dBA at the border of the Nation's Territory. Accordingly, no impact to wildlife or individuals on the Nation's Territory is anticipated.

- Visibility. As detailed and as depicted in the Visual Assessment, the Project will be located at varying distances from the Nation's Territory and is only 41' in height at its highest architectural point. Notably, 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 generally not be 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, and provides two viewpoints along Patterson Road as conservative estimates of visibility from the northern portion of the Nation’s Territory. As described therein, the existing woodland on the STAMP Site and the Nation’s Territory provides a substantial visual buffer for the Project. Nonetheless, the Project will be partially visible from locations at the edge of the Nation’s Territory, where farming previously occurred up to the boundary of the nation’s Territory, However, the Project is a sufficient distance from the Nation’s Territory such that the Project is not prominent on the horizon. In addition, the relocated power lines run between the Nation’s Territory and the Project providing intervening visual attention. In addition, additional vegetative screening will develop over time as the buffer areas provided for the in the Settlement Agreement (the area between the Nation’s boundary and the relocated power lines) are allowed to grow in their natural state. As such, there will be no significant adverse visual impact to the Nation’s Territory will result from the Project. Visual simulations are included therein.

- Surface waters. The Project does not include any disturbance of wetlands or streams located on the STAMP Site. Per the stormwater management summary, the Project subcomponents each include stormwater management controls to prevent the discharge of untreated stormwater to the Nation’s Territory. Full stormwater pollution prevention plans (SWPPPs) will be prepared for the subcomponents of the Project in conformance with the requirements set forth in the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges from Construction Activity. Notably, stormwater runoff reduction techniques and best-management practices will be implemented which will replace existing untreated agricultural runoff with on-site management to treat and manage both runoff quality and quantity. The Project will not discharge any process or sanitary wastewater to the Nation’s Territory. While the Project does include the bulk storage of approximately 60,000 gallons of petroleum, all such storage will be regulated by NYSDEC pursuant to NYSDEC’s Petroleum Bulk Storage registration requirements and other applicable regulatory programs. Such requirements include secondary containment and frequent inspections to ensure that no petroleum enters waterways adjacent to the Project.

- Traffic. As detailed in the Traffic Summary, the Project will result in minor increased traffic on roadways servicing the STAMP Site. As further detailed in the GEIS, however, the Nation’s Territory does not include any roadways expected to service traffic coming to or from the STAMP Site, with such traffic primarily accessing the STAMP Site from STAMP Drive (on the opposite side of the STAMP Site from the Nation), with Route 63/77 providing primary access to the same. The Project will result in only 2 to 3 heavy duty vehicle trips per day during operations, with all remaining trips coming from passenger vehicles. The Traffic Summary projects a maximum AM peak hour trip count of 81 trips, and a maximum PM peak hour trip count of 27 trips to accommodate the Project’s 140 employees working in three, 8-hour shifts.

- Air. The Nation has previously expressed concern that impacts from air pollution from the STAMP Site could adversely impact the Nation’s Territory. The Backup Power and Air Emissions Summary details that the Project will utilize diesel back up generators to support operations. The Backup

Power and Air Emissions Summary further details that the Project is not anticipated to require permitting under the Clean Air Act, and that the Project is expected to qualify for an Air Facility Registration. The EAF for the Project recites that the Project is anticipated to emit approximately 533 tons of CO2 per year, 8.6 TPY of NOX, and less than 1 TPY of PM, VOC, and CO, but that perfluorocarbons, hydrofluorocarbons, and sulfur hexafluorides would not be emitted. As detailed in the GEIS, the Nation's Territory is located upwind of the STAMP Site rather than downwind, as the prevailing winds in the Study Area travel from west to east. Further, as the GEIS notes, the STAMP Site and Nation's Territory are not located in a nonattainment zone for air quality. As extensively laid out in the GEIS, the Project (and the GEIS thresholds for STAMP, more broadly) do not meet the criteria for more detailed mesoscale air quality analysis due to the mitigation and thresholds already established in the GEIS.

- Public Health and Safety. As detailed in the Emergency Services Summary, the Project can be appropriately serviced by existing emergency service provides. Further, the Project does not entail the types of activities (such as the generation, treatment, or disposal of hazardous waste) which would typically create a concern relative to public health and safety. While the Project does include the bulk storage of petroleum, such storage is subject to strict regulatory controls and will include secondary containment measures designed to ensure that no petroleum enters adjacent surface waters or groundwater.

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

6.0 SUMMARY

6.1 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 Double Reed Data Center 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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