

PREFACE TO THE CULTURAL RESOURCE STUDIES

I. INITIAL STUDIES

During the initial development of environmental studies for the Williamsville Toll Barrier Improvement Project, the following documents were prepared and submitted to the New York State Office of Parks, Recreation, and Historic Preservation (OPRHP)

A. Phase 1A Cultural Resources Assessment ([Appendix M-1](#))

The Phase 1A Cultural Resources Assessment was developed to document the existing conditions in the area potentially affected by the project. It summarizes the pre-historic and historic background of the area and identifies known cultural resources in the area. This knowledge was then utilized in conjunction with field observations to identify locations where additional archeological resources were likely to be discovered within the proposed right-of-way. Those areas were then recommended for inclusion in a Phase 1B Cultural Resources Investigation.

The Phase 1A Cultural Resources Assessment ([Appendix M-1](#)) was prepared in 2001 and reflects the scope of the proposed project identified at that time. The report was submitted to OPRHP in the Fall of 2001. On November 27, 2001, OPHRP responded to the report with a letter that stated that they had reviewed the report in accordance with Section 106 of the National Historic Preservation Act of 1966, and the State Historic Preservation Office (SHPO) “accepts and approves the Phase 1A Cultural Resource Assessment Report, and concurs with its recommendations for Phase 1B study.”

B. Phase 1B Cultural Resources Investigation ([Appendix M-2](#))

The Phase 1B Cultural Resources Investigation documents field testing of previously undisturbed areas identified as likely to contain archeological resources. It includes photographic documentation and excavation of shovel tests at 50 foot intervals. The field investigations identified no archeological resources within the areas studied.

The Phase 1B Cultural Resources Investigation report was submitted to OPRHP in April 2002. On May 24, 2002, OPHRP responded to the report with a letter stating that they had “reviewed the project in accordance with the New York State Parks, Recreation, and Historic Preservation Law, Section 14.09”, and that it is their “opinion that your project will have No Impact upon cultural resources in or eligible for inclusion in the State and National Registers of Historic Places.” On November 5, 2004, OPRHP issued a letter revising the language to a finding of “No Effect”, as required for a federal project.

II. ADDITIONAL STUDIES

A. Project Changes Subsequent to Determination of No Effect

Prior to July 2004, the preliminary design for bridges affected by the relocation alternative had been predicated on use of an exemption from the standard bridge clearance standard for the segment of Interstate 90 that contains the project. In July 2004, NYSTA decided that any bridges that would require reconstruction to accommodate Relocation Alternative approach and departure lanes would be designed to meet vertical clearance standards for bridges over interstate highways (i.e. 16.5 feet) if the Relocation Alternative was implemented at that site. For the bridges associated with the three most suitable sites, this would require providing an additional two feet of vertical clearance over Interstate 90 over the existing condition. Therefore, the area project limits were adjusted to incorporate the additional area required for grading around the bridge approaches along Ransom Road, North Millgrove Road, South Newstead Road, and Crittenden Road. The revised limits of proposed ground disturbance were then reviewed to identify any areas not evaluated in [Appendices M-1 and M-2](#). In July 2005 the changes to the project were discussed with OPRHP and discussions initiated regarding the limits of an expanded Area of Potential Effect (APE) in accordance with Section 106 of the Code of Federal Regulations (36 CFR 800). Because OPRHP had already reviewed and concurred with the information in [Appendices M-1 and M-2](#), the additional evaluation is documented separately in [Appendices M-3 and M-4](#). On March 22, 2006, OPRHP issued a letter stating that the project will have “No Adverse Effect upon historic properties in or eligible for inclusion in the State and National Registers of Historic Places” based on the updated documentation provided in [Appendices M-3 and M-4](#).

B. Supplemental Phase 1A & 1B Cultural Resources Evaluation ([Appendix M-3](#))

The Supplemental Phase 1A & 1B Cultural Resources Evaluation documents the field reconnaissance and archeological sensitivity assessment for the areas added to the project APE for below-ground resources. A summary of the results was submitted to OPRHP in letter format and included recommendations for Phase 1B investigation and Ground Penetrating Radar (GPR) survey within the right-of-way adjacent to Mount Olive Cemetery. On November 3, 2005, OPRHP concurred with those recommendations. Therefore, the Phase 1B and GPR surveys were conducted. The Phase 1B survey did not identify any cultural resources within the APE considered eligible for listing in the National Register of Historic Places (NRHP). The GPR survey identified unmarked graves within the right-of-way adjacent to Mount Olive Cemetery on both the Nice Road and South Newstead Road sides. In order to avoid impacting unmarked graves identified by that evaluation, the profile of South Newstead Road over Interstate 90 was redesigned with a non-standard stopping sight distance. The revised profile does not require retaining wall construction adjacent to the cemetery and avoids the associated impacts to unmarked graves. Appendix M-3, the GPR survey report, and a plan sheet showing the revised profile of South Newstead Road were submitted to OPRHP on December 15, 2006.

C. Evaluation of Above-Ground Cultural Resources (**Appendix M-4**)

As the initial step in identifying and evaluating potential impacts to above-ground resources located within the expanded APE, a total of 67 parcels of land adjacent to the areas identified as expanded right of way (beyond what was previously studied), were documented. Photographs were taken of each parcel, identifying any improvements to those parcels. The information was compiled using the Federal Building Inventory Form (Blue Form) format and submitted to OPRHP for review to determine properties eligible for inclusion on the National Register (attached as part of this appendix). A determination was made by OPRHP that two parcels (comprised of three tax addresses) were eligible for the National Register: 4055 Ransom Road and the former Trinity Lutheran Church and cemetery complex located at the corner of South Newstead and Nice Roads. The Evaluation of Above-Ground Cultural Resources discusses the potential effects the Relocation Alternative would have on these NRHP-eligible sites and was submitted to OPRHP on January 20, 2006.

III. MOUNT OLIVE CEMETERY

Under Relocation Alternative Site Milepost 408, the South Newstead Road bridge over Interstate 90 would require reconstruction to accommodate the proposed approach and departure lanes associated with a relocated toll barrier. Initial conceptual design efforts identified that a profile providing a standard stopping sight distance of 610 feet (185 m) would necessitate the construction of a retaining wall within the South Newstead Road and Nice Road right-of-way adjacent to the cemetery. Due to the age of Mount Olive Cemetery and the potential for unmarked graves encroaching the ROW for South Newstead Road and Nice Road, additional evaluation was warranted. On November 22, 2005 a Ground Penetrating Radar (GPR) survey was conducted to determine if burial sites associated with the cemetery extend into the ROW for South Newstead Road and Nice Road. The survey identified nine (9) burial plots encroaching on the western ROW of South Newstead Road, seven (7) additional burial plots located entirely within the ROW of South Newstead Road, and two (2) possible burial plots located within the northern ROW of Nice Road. In order to avoid impacting the burial plots due to excavation associated with a retaining wall, a modified profile for South Newstead Road was developed. This profile features a steeper vertical curve over Interstate 90 that minimizes the grade changes adjacent to the cemetery and eliminates the need for a retaining wall. In order to maintain the integrity of formally approved documents, **Appendix M-1** was not revised to reflect this change. However, updated discussion of impacts to the cemetery may be found in **Appendices M-3 and M-4**.