



**Parks, Recreation,  
and Historic Preservation**

ANDREW M. CUOMO  
Governor

ERIK KULLESEID  
Commissioner

July 1, 2019

Ms. Lesta Ammons  
USACE  
1776 Niagara Street  
Buffalo, NY 14207

Re: USACE  
4300 Millerspoort Highway 67-Lot Residential Subdivision Construction Project  
4300 Millerspoort Highway, Amherst, Erie County, NY  
**19PR01607**  
2006-00698

Dear Ms. Ammons:

The New York State Historic Preservation Office (SHPO) is in the process of reviewing the above noted project in accordance with Section 106 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to Historic/Cultural resources.

Based upon discussions with Dr. Doug Perrelli of the University at Buffalo's Archaeological Survey, it is the SHPO's understanding that the project sponsor intends to avoid impacts to the previously identified PCI/Smith Road-1 Historic Site (USN 02902.000856) located within/adjacent to the proposed project's Area of Potential Effects (APE). The SHPO thus recommends that the attached Short- and Long-term Avoidance/Protection Plan measures be implemented to ensure the protection and preservation of the archaeological site.

Please submit 1) site construction plans with the intended site avoidance language and boundaries clearly mapped; 2) site avoidance boundary area mapped on a modified aerial photo; and 3) a written commitment from the sponsor to follow the attached OPRHP/SHPO Site Avoidance Plan for the Protection of Archaeological Sites. Once the SHPO has received these documents we will rescind our recommendation for further archaeological investigations and render our effect finding.

If you have any questions, I can be reached at 518-268-2218 or via e-mail at [Josalyn.Ferguson@parks.ny.gov](mailto:Josalyn.Ferguson@parks.ny.gov). Please refer to the project number (PR) noted above if further correspondence regarding this project is required.

Sincerely,

Josalyn Ferguson, Ph.D.  
Scientist Archaeology

*via e-mail only*

Encl.

c.c. Doug Perrelli, Archaeological Survey

c.c. Scott Livingstone, Earth Dimensions

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Division for Historic Preservation

P.O. Box 189, Waterford, New York 12188-0189 • (518) 237-8643 • parks.ny.gov

**Office of Parks, Recreation and Historic Preservation (OPRHP)/New York State Historic  
Preservation Office (SHPO)  
Avoidance Plan for the Protection of Archeological Sites**

**Short Term Site Avoidance/Protection**

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

**Long Term Site Avoidance/Protection**

- State and federal regulations that include restrictions associated with this project will include provisions for site(s) avoidance/protection.
- Unauthorized activities within the site boundaries will require notification to the SHPO at (518) 237-8643.
- Should impacts to the site be proposed in the future, SHPO must be consulted prior to construction and the project submitted to our office for review and comment.