



New York State Office of Parks, Recreation and Historic Preservation
Historic Preservation Field Services Bureau
Peebles Island, PO Box 189, Waterford, New York 12188-0189

518-237-8643

February 26, 2007

Cece Saunders
Historical Perspectives, Inc.
PO Box 3037
Westport, CT 06880

Dear Ms. Saunders,

Re: SEQRA
Tuxedo Reserve Quarry
Data Recovery Investigation Repo
Tuxedo/Sloatsburg, Orange/Rockland Co.s, NY
06PRO5280, formerly 00PRO4426 & 95PRO960

Thank you for requesting the comments of the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) with regard to the potential for this project to affect significant historical/cultural resources. OPRHP has received and reviewed the Data Recovery Report you prepared for this project. This report fulfills the conditions of the Data Recovery Plan agreed to for this project.

Please contact me at extension 3291, or by e-mail at douglas.mackey@oprhp.state.ny.us, if you have any questions regarding these comments.

Sincerely

Douglas P. Mackey
Historic Preservation Program Analyst
Archaeology



David A. Paterson
Governor

New York State Office of Parks, Recreation and Historic Preservation

Carol Ash
Commissioner

Historic Preservation Field Services Bureau • Peebles Island, PO Box 189, Waterford, New York 12188-0189

518-237-8643

April 27, 2009

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Cece Saunders
Historical Perspectives, Inc.
PO Box 3037
Westport, CT 06880

Dear Ms. Saunders

Re: OPRHP
Tuxedo Reserve Project, Phases 2/3 Phase 1 changes
Archaeological Review
Tuxedo, Orange County, NY
09PRO2019

Thank you for requesting the comments of the New York State Historic Preservation Office (SHPO) with regard to the potential for this project to affect significant historical/cultural resources. SHPO has reviewed the two documents you recently submitted for this project – "Phase 1B Cultural Resource Survey Addendum: Tuxedo Reserve Development Property: Development of Phase 1, Town of Tuxedo, Orange County, and Village of Sloatsburg, Town of Ramapo Rockland County, New York" and "Phase 1B Cultural Resource Survey, Tuxedo Reserve Development Property, Development of Phase 2 and 3, Town of Tuxedo, Orange County, and Village of Sloatsburg, Town of Ramapo Rockland County, New York".

Based on these reviews we offer the following comments.

1. With regard to the addendum Phase 1B work, while we can concur with your general findings, we are concerned that several apparently sensitive areas do not show as having been tested on the project maps, nor do those maps indicate why testing was not completed. Specifically portions of areas AC (Figure 6 several areas above the 630 foot contour); and Area AG (Figure 10 within/adjacent to outlined in bold areas). Please address these areas and provide our office with additional information.
2. With regard to the Development Phase 2 and 3 areas – We recognize the discovery of three new archaeological sites within or adjacent to the areas of impact. These Sites have been assigned the following designations:

| <u>Site Name</u> | <u>Unique Site Number</u> |
|---|---------------------------|
| Tuxedo Reserve Stone Quarry | A07116.000435 |
| Tuxedo Reserve South Gate House | A07116.000436 |
| Tuxedo Reserve Iron Mining Pits | A07116.000437 |
| As well as previously identified: Smith –Jefferson Homestead | A07116.000321 |

3. We concur with your recommendations that each of the sites should be avoided or subjected to Phase 2 testing.

Please have your client submit for our review an avoidance plan for each location that illustrates how each site and a sufficient buffer area will be avoided and protected, both during construction and longer term. Please contact me at extension 3291, or by e-mail at douglas.mackey@oprhp.state.ny.us, if you have any questions regarding these comments.

Sincerely

Douglas P. Mackey
Historic Preservation Program Analyst
Archaeology



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David A. Paterson
Governor

Carol Ash
Commissioner

July 26, 2010

Nils Gerling
Town Planning Board
One Temple Drive
Tuxedo, NY 10987

Dear Mr. Gerling

Re: OPRHP -- SEIS review
Tuxedo Reserve Project, Phases 2/3
Tuxedo, Orange County, NY
09PR02019

The State Historic Preservation Office (SHPO) has recently received three letters related to the archaeological investigations and Supplemental Environmental Impact Statement (SEIS) associated with the proposed Tuxedo Reserve project. It does not appear that we received a copy of, or notice of publication for, the SEIS, however the letters from concerned local citizens alerted us to its publication. These letters are from Stephen Gross, a concerned local citizen; Ed Lenik, a professional archaeologist that has previously worked on this project, and Carol Griggs, the dendrochronology specialist at Cornell University who has submitted work for this project. In these letters each author raises issues about the SEIS that they believe are inaccurate or in error and each has some valid concerns. In this letter I will address a number of points which we believe need to be addressed from the letters and the SEIS itself.

A primary area of concern is the potential presence of rockshelters which may contain important cultural sites. The sites of concern were originally identified by Mr. Lenik and he continues to have some concerns. The SEIS seems to suggest that all concerns have been addressed by the work which Mr. Lenik had carried out, however his own letter serves to illustrate that concerns remain. Several issues about the rockshelters need to be considered. First, several are outside of the proposed building envelopes of the current project and therefore were not examined in subsequent archaeological reports. The SEIS indicates that our office expressed no concerns about those sites. While that is technically accurate, it is because they were not addressed in the reports submitted for our review, which is all that SHPO was commenting on. Mr. Gross points out that while these locations are outside of the proposed building envelope, they are still very close to proposed development and are likely to suffer from secondary or indirect impacts once access to the area is improved. He indicates that an Area of Potential Effect/Impact should include any to be affected by a project in any way. SHPO concurs with this assessment – we have seen several cases where just this type of secondary impact has occurred and we have suggested that the potential be addressed at other locations. For example, the Merritt Park project in Dutchess County where an important rockshelter site has been identified and “avoided”

by direct impacts. However, as past experience had shown, such areas are attractive places for young people to play in and utilize for other purposes, resulting in extensive damage. Therefore we recommend that consideration be given to this potential and the town concurred, ultimately leading to professional investigation of the site to mitigate adverse impacts caused by the nearby housing.

A second issue regarding the possible rockshelters is the SEIS claim that "Disturbed rockshelters would never qualify for further levels of recognition" (page 3.4-2 – Response 4.11). This statement is not correct. While it is true that heavily disturbed sites are unlikely to be considered National Register Eligible, there are many sites that have some degree of disturbance which may still qualify. The only way to determine if a site would qualify is to have sufficient investigation carried out to document the level of disturbance and assess the research potential that deeper levels of the site may hold.

There is a concern expressed in the SEIS that the full length of the Continental Road should be examined for items associated with its use. While it is possible that individual travelling along the road dropped occasional items, SHPO would not concur with a call to test the entirety of the road for such items. Our concern would be more with the road itself, documenting its location and construction methods in any areas where it may be impacted. It seems from the SEIS that changes in the proposed development may result in damage to portions of the road not previously considered, and we would suggest that details of that work be provided so that potential impacts can be assessed.

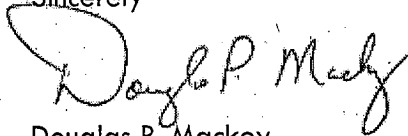
There remains concern about the origin and nature of a section of corduroy road that is not associated with the Continental Road. The applicant responded to previous concerns we had expressed by having this specific area examined by their archaeologist, who visited the site with Mr. Gross to insure that they were inspecting the area of his concerns. Several methods of investigation were utilized, including excavation, visual inspection of the road and its construction techniques and an attempt to use dendrochronology (tree ring dating) to identify the construction date. In the initial study, Dr. Griggs, seems to suggest that at least parts of this road system date to the 20th -21st Century. However, as here recent letter expresses, upon further reflection and consideration, she is less secure in that assessment than she was initially. Her current position is that the road may well date to before 1950, or even back to the 19th century. After reviewing each of the lines of investigation discussed in the SEIS it is the opinion of the SHPO that the following limited conclusions can be made regarding this road segment –

1. It is not part of the Continental Road system. The construction techniques employed and log diameters suggest that this section of road was built at a later date.
2. The segment may be associated with early carriage trails or with later access to interior portions of the property. In either case, the archaeological information to be gathered from further examination of the road seems to be minimal. While the presence of the road should be documented on project plans, it is unlikely that additional archaeological investigation of road would be productive. Had the road been part of the Continental Road system, its uniqueness would have been an argument for preservation of the segment, however, 19th and 20 century carriage trails are found in much greater abundance, and while recognition that the road existed in this area would be helpful in understanding the flow of "traffic" in the park, the road itself does not have the same importance as a Continental Road segment would have.

Finally, Mr. Gross points out that previous correspondence from our office indicates that we have yet to receive and review details on how identified sites will be avoided. While this is true, the SEIS does acknowledge this and indicates that the applicant will continue to consult with SHPO (OPRHP) on possible impacts to those sites as more detailed plans are developed. SHPO recommends that the town be well aware of this need and include compliance with that need to continue consultation as part of any approval it may give for the project.

I hope that you find these comments helpful during your review of this project. Please contact me at extension 3291, or by e-mail at douglas.mackey@oprhp.state.ny.us, if you have any questions regarding these comments.

Sincerely



Douglas P. Mackey
Historic Preservation Program Analyst
Archaeology

- Cc: Cece Saunders, HPI (e-mail)
Julian Adams, NYSOPRHP (e-mail)
Erik Kulleseid, NYSOPRHP (e-mail)
Carol Ash, Commissioner, NYSOPRHP (e-mail)
Stephen Gross (e-mail)
Carol Griggs (e-mail)



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July 23, 2010

Town of Tuxedo Town Board
1 Temple Drive
Tuxedo, N.Y. 10801

Re: Tuxedo Reserve
Comments on FEIS
Chapter 3.4

Dear Supervisor Dolan and Honorable Members of the Board:

On behalf of the Tuxedo Land Trust, please accept the following comments on FEIS Chapter 3.4, Archaeology.

Chapter 3.4: Archaeology

Comment/Response 4-1:

Definition of APE:

Response 4-1 in part states that the archaeological survey and related investigations were conducted in accordance with New York State standards, noting:

*“These standards...require shovel testing according to specific formulas on land that is to be **directly impacted by the proposed development**, classified as the Area of Potential Effect (APE).” (emphasis added)*

The authors have incorrectly characterized the definition of the APE. It is defined by the New York State Office of Parks, Recreation & Historic Preservation (OPRHP) on their website (<http://www.nysparks.state.ny.us/shpo/environmental-review/documents/PhaseIReportStandards.pdf>) thusly:

*“As defined in 36 CFR Section 800.16(d) the "Area of Potential Effect means the geographic area or areas within which an undertaking may directly **or indirectly** cause alterations in the character or use of historic properties, if any such properties exist". Therefore an APE definition needs to consider any areas of direct construction impact as well as access roads, staging areas, utility lines or any other areas that the construction contractor may have access to in association with a project. **It is also important to consider the indirect effects which may occur including increased access, increased erosion, increased run-off, deposition, etc. to adjacent areas.** While it may not be possible to test areas not under the ownership of the applicant, the potential*

impact to such areas needs to be considered if the potential for archaeological sites is present.” (emphasis added)

As is clearly evident, the APE is intended to not be limited to *only* areas of **direct** impact, as has been represented by the applicant, but necessarily must also include areas subject to **indirect** impacts as well. Tuxedo Reserve will introduce a large population into a rich archaeological environment, increasing access to resources that may otherwise be left undisturbed by construction, but may yet be nonetheless disturbed by human activity and looting after the project has been developed and occupied. This includes Native American sites, such as rock shelters, iron mining related sites, Revolutionary War related features, etc. In particular, the APE should be expanded to at least include the three identified rockshelters on the project site which have yet to be investigated.

“Acceptance” of survey by Doug Mackey (SHPO):

Response 4.1 goes on to note that *“Doug Mackey, Historic Preservation Program Analyst with the State Historic Preservation Office (SHPO), accepted the Phase IB reports prepared for the Proposed Modifications in a letter dated August 24, 2009.”* However, this letter is not provided in either the FSEIS or the SEIS (which was published after the date of the letter) so that it can be reviewed. What *has* been provided in the FSEIS, though, is a later letter from Doug Mackey, dated December 29, 2009. In that letter, Mr. Mackey notes that the SHPO “has previously reviewed” the archaeological studies completed for the project, and then remarks:

“During that work several archaeological sites were identified which we recommended be avoided and we continue to await word from you on just how that avoidance will occur.”

Mr. Mackey goes on to discuss the Continental Road, and requests additional study be done by the applicant.

Further, Mr. Mackey goes on to state that SHPO never *“received a project plan that shows the specifics of the proposed development”* and requests that plans be provided to that office to aid in further review.

While, as noted, Mr. Mackey’s August 24 letter is not available for review, his December 29 letter seems to indicate, rather than acceptance, that Mr. Mackey is instead still waiting for information not received, asking for additional study, and that he still has not had the opportunity to review the project plans nor their potential impact on identified cultural resources.

Rockshelters and Ed Lenik:

In response to the commenter’s points regarding rockshelters, Response 4.1 points to the work done by archaeologist Ed Lenik as Historical Perspectives’ Field Director and Primary Author of the initial Field Testing Report (1998). The response implies that Lenik’s investigation of the rockshelters on site was complete and definitive, noting that *“his inspection and extensive knowledge of this site was invaluable for the Tuxedo Reserve project.”* Then, as if to put the “period” on the response dismissing the commenter’s concern, the authors once again cites SHPO as having reviewed and concurred with the HPI reports. Yet this response ignores the

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fact that Ed Lenik himself wrote his own comment letter (see Comment 4.13), in part raising the very *same* concerns cited by the commenter. The authors are therefore in error citing Mr. Lenik's work as answering the commenter's concerns, as Mr. Lenik himself agrees with the commenter, and obviously does not agree that his work answers the points raised conjunctively by himself and the commenter.

Also in regard to rockshelters, Response 4.1 states, "*Disturbed rockshelters would never qualify for further levels of recognition by state or federal agencies.*" I personally read this statement to Mr. Lenik in a telephone conversation on July 14, 2010, and he emphatically disagreed. He pointed out that most looters confine their efforts to the upper few inches, and that valuable archaeological material may easily lie beneath, still undisturbed. This determination, he says, can only be made by archaeologically investigating each site on its own, and that a disturbed site could in the end easily produce cultural resources that would qualify for recognition and protection by state and federal agencies.

I am attaching Mr. Lenik's own comments on Responses 4.1 and 4.13 to this letter.

Comment/Response 4-4/4-5:

The Project may not propose any direct impacts to the Village Of Tuxedo Park as a registered State and National Historic District, but it will impact identified cultural resources within the project site that are directly linked to the history and development of Tuxedo Park, and as such, are potentially eligible contributing elements to the Historic District that could receive protection if the boundary of the District were to be expanded. These include the remains of the South Gate House, the remains of the Smith-Jefferson House and associated features, and the system of bridle trails established by Lorrillard. The development of the project would permanently preclude any future possibility of expanding the District boundaries and affording protection to these features.

Comment/Response 4-6:

Dendrochronology Analysis:

In a series of telephone discussions with Carol Griggs, the author of the Cornell dendrochronology analysis, several things were discovered. First, Ms. Griggs revealed that she was never provided photos of the entire log, nor the roadbed from which it was taken. Once she was able to examine the photos, including the obvious evidence that the logs had been cut by ax and not a chain saw, she concluded that the logs were unlikely to date to 2004. Secondly, she said she was hampered by only having a comparative record dating back to the 1920s. She said it was entirely possible that the log could date to a year prior to this time, but that she had no records taken from appropriate trees in the same region to which to compare the samples she received. Upon further review, within the limited record to which she had access, she felt that a date somewhere around 1934-1938 was more likely. In a subsequent conversation, she said that she compared the samples to tree records from a different species, but that she did see a more closely matching pattern dating to the 19th century.

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Following these conversations, Ms. Griggs revisited her analysis, taking into account additional information, including, but not limited to, the photos of the subject roadway and the entire log from which the samples were taken. Ms. Griggs essentially concluded that she lacked sufficient data to make a definitive age determination. Her original findings should therefore be removed, and any conclusions drawn from it, either in the FEIS responses or in other reports contained in the Appendices, should be thrown out.

I am attaching Ms. Griggs' revised findings to this letter.

Disturbance of Continental Road:

Response 4:6 discusses the Continental Road in the vicinity of the site of the South Gate House, noting,

“Potential impacts to this section of the dirt road right-of-way for the Continental Road were analyzed in the Project Approvals, and although the proposed disturbance to the dirt road right-of-way for the Continental Road would be shifted south, the amount of disturbance would not be altered by the Proposed Modifications.”

This statement identifies that the Proposed Amendments would result in a shift in the specific area of the Continental Road that would be impacted by the proposed project. The fact that a different area of this identified cultural resource would be impacted than what had been previously proposed had not been disclosed in the SEIS or any other documents or representations to the Town Board. This change in impact should have been considered in the updated assessment of impacts on cultural resources. While this response discusses potential Phase 2 investigations, and notes that extant portions of the Continental Road “should” (not “would”) be photodocumented, and that a National Register inventory form “should” be completed for the feature, these steps, if they occur, would be taken outside the SEQRA process. The implication that further archaeological investigation under SEQRA is not necessary because the **amount of disturbance** has not changed is ridiculous. The authors are equating the disturbance of a cultural resource to the disturbance of a wetland or steep slopes. It is not. While the disturbance of some natural resources could be assessed based on area, the disturbance of cultural resources can only be assessed on the actual presence or absence of artifacts or other human alteration. By the above statement, the FEIS acknowledges that approximately 725 linear feet out of the 1200 linear feet (60%) of the Continental Road found within the project site “*would be disturbed by building lots, roadways, and the well water station lot.*” Through the above quoted statement, the FEIS also acknowledges that portions of this resource, arguably one of the most important historic features in the Town of Tuxedo, with national significance, is proposed to be disturbed with having NO archaeological investigation conducted under SEQRA. To dismiss this lack of investigation because the “amount of disturbance” would not change is disturbing. One section of the road may contain significant historical artifacts, while another section may not. There is no way of knowing without conducting field work in the specific area to be disturbed. While the proposed revisions to the approved plan are being considered, the Town Board should also give serious consideration to

completely removing all disturbances from the historic roadway in their entirety, with the possible exception of a single road crossing.

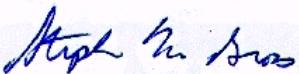
Comment/Response 4-11: As previously noted, Response 4.6 disclosed that 725 linear feet of the Continental Road, 60% of what remains extant on the project site, would be disturbed by building lots, roadways, and the well water station lot. As this is significantly greater than the length of two football fields, it is hard to conceive that this should be characterized as "small." In addition, as also discussed, the potential disturbance previously identified is not the same as what is now proposed.

Comment/Response 4-13: The commenter, archaeologist Ed Lenik, is referred back to Response 4-1 as a response to his concerns about rockshelters. Response 4-1, however, essentially says that all issues regarding rockshelters have been thoroughly analyzed and assessed by... Ed Lenik! The FEIS authors are therefore telling Ed Lenik that the issues he raises have already been addressed by Ed Lenik. Obviously, this can not be the case, and it isn't. In a telephone conversation with Mr. Lenik on July 14, he confirmed that the rockshelters he is writing about are not the same as the rockshelters he already investigated. This response therefore needs to be rewritten. Further onsite investigation would be necessary to adequately respond. Please see Mr. Lenik's own comments on this response attached.

Comment/Response 4-14: It would appear from comments provided by SHPO (Comments 4-11, 4-12), that the coordination with SHPO cited by the FEIS authors has been less than adequate. SHPO representative Doug Mackey remarks about still waiting for answers from the applicant, and not having a copy of the project plans. Mr. Mackey is also requesting further study be conducted.

Thank you for your attention to my comments. I am available to the Town Board should you wish to discuss any of the above.

Sincerely yours,



Stephen M. Gross
Principal

cc: T. Wilson, Tuxedo Land Trust

Response to discussions about the dendrochronological analysis of the Tuxedo Reserve Corduroy Road sample

The dendrochronological analysis for this site is based only on one log from the corduroy road of Tuxedo reserve, plus two logs of live ash trees cut down on the reserve in May 2010. Stephen Gross contacted me after reading my report (part of Appendix H of the FSEIS Appendices) on dating the log, and in multiple telephone and email conversations (June-July 2010), several issues were discussed. I now feel that my 2004 date of the construction of that road is questionable and should be designated as only a possible date. The discussion below is in response to the discussions.

In the analysis of the log from the Tuxedo reserve corduroy road, one key issue is that I never saw any photos of the entire log from which the samples were cut, nor of the corduroy road itself, where numerous logs are evident. I realize I should have asked for such, but a report on the construction date of the road was demanded with very little time for analysis. For a robust and secure dendrochronological analysis, samples are needed from at least 5 logs, preferably 10 or more. I was under the impression that there were very few logs, and was told that most contain only a small number of rings. However, I cannot believe that there are not at least 5 logs with at least 50 rings amongst all those in the photographs. Photographs 1 through 7 (in the Appendix) also show that the logs had been cut with an ax, not a chainsaw, and that does not make sense for a 2004 date, especially by a well-drilling crew.

I have since continued on the analyses of the data from the two modern ash trees and the one corduroy road log from the Tuxedo reserve, comparing their sequences to all other available data sets. Unfortunately, due to the single historic sample and the species, I cannot resolve this matter with any significant dendrochronological conclusions except that the 2004 date is tentative at best, rather than "secure" as stated in the report in the Appendix, and I apologize to all. Black ash is not a common species in dendrochronology, and it will take a considerably larger collection and analysis of the species to come to any definite conclusion. The short ring-count of the logs does indicate that their source was probably a non-primary forest, most likely post-18th century. The nature of the road (no rail logs), the use of an ax rather than a chain saw, and the preservation of the samples, more evident from the photographs than from my samples, indicate that the road could have been constructed from anytime in the 19th century to the 2004 date, but the use of an ax does suggest earlier than ca. 1950.

One additional note on a (mis)-quoted comment:

"Furthermore, she has personally reviewed other corduroy roads in upstate New York that were definitively part of the Continental Road, and found the Tuxedo samples to be in far better preservation, and lacking the degree of wear anticipated with over 200 years of use (personal communication to Faline Schneiderman-Fox, May 20, 2010)."

Rather, I said that I have analyzed wood from two other corduroy roads in upstate New York (not parts of the Continental Road). One road was up near Massena, NY, and was made entirely of hemlock; a chronology was built of seven samples that dated its construction and repair to 1785 and 1797, respectively. I also looked at samples from the Cato-Auburn road near Syracuse; one was of ash and the other of elm, and neither was datable due to their species. The Tuxedo sample is in very good condition, but any corduroy road log is very unevenly worn, depending on where

it was set in the road. The sample was probably taken from where there was little wear for better ring preservation. Again, in the Tuxedo reserve photographs, there is more wear evident in the logs than in my sample, but I am still surprised that the logs are in such good shape since they were not completely covered. Black ash, however, is a common habitant of boggy grounds, so its wood must contain some resistance to decomposition in that environment. Thus the lack of wear on the historic sample cannot be used to define its age.

Carol Griggs
Cornell Tree-Ring Lab
B48 Goldwin Smith Hall
Ithaca, NY 14853
cbg4@cornell.edu
22 July 2010

Edward J. Lenik: Response to Chapter 3.4 Comments and Responses – Archaeological Resources

Response to 4-1; 4-13

As I am referred to in several comments and responses (4-1), let me first clarify my involvement with Tuxedo Reserve.

I first became acquainted with part of this tract with HPI hired me to conduct the cultural resources investigation of the planned first phase of development. This resulted in the initial Cultural Resource Survey in 1992 and the Field Testing Report in 1998. As noted (4-1), I identified seven rockshelters within the first plan for development APE. I tested all seven even though three had been disturbed. I feel strongly that disturbed rockshelters are worth testing. The level of disturbance varies and even if looters have dug the shelters, there are often areas that are undisturbed. Over the years I have conducted productive data recovery operations at disturbed shelters such as Apshawa Rockshelter in Bloomingdale, NJ and Preakness Hills Rockshelter in Wayne, NJ.

When the Tuxedo Reserve project was revived with a new APE, I was not involved as I was working on other projects. I want to make it clear that I have respect for the professional expertise and ethics of HPI and those who work for this company.

That does not mean that I do not have questions about the work done at Tuxedo Reserve. The rockshelters of northern New Jersey and southeastern New York have long been a focus of my work and the looting of any of them disturbs me. Although the three additional rockshelters (two near Bog Meadow and one near Mountain Lake) I noted in my earlier comment (4-13) are outside the current APE and may have been disturbed, I feel that they should be tested and evaluated. As noted above, I find potential in disturbed shelters.

I also worry that development will make these three uninvestigated rockshelters accessible to looters and to others who will damage what is there by campfires and other recreational use of the shelters. My concern for a rockshelter to be made accessible by development at a site in neighboring Sloatsburg led to the full scale archaeological data recovery work at the Springhouse Rockshelter. This work resulted in the recovery of hundreds of artifacts which testified to thousands of years of utilization of that site and greater insight into how rockshelters were used in this area. Some were not only temporary shelters for traveling bands, but were, like Springhouse, seasonal camps for procurement and processing of game animals, fish and plant materials. We do not know if any of these three untested sites could yield similar results unless we test them.

For many years I have been the volunteer archaeologist for Harriman-Bear Mountain State Parks, an area with over 70 rockshelters, many of them still being looted today. A volunteer rockshelter monitoring group that I organized has had some impact on this devastation, but Tuxedo Reserve will not be setting up any kind of protective group for the archaeological sites it is exposing to depredation.

Therefore, I request that the Town of Tuxedo require testing of these three additional untested rockshelters and appropriate mitigation if any of them are found to have research potential. I feel strongly that they fall under the SHPO description of features that will be exposed to “indirect impact” by the proposed construction. Presently, these potential resources are protected by their relative inaccessibility. After construction, they will be unprotected and easily visited.

On a second matter (**4-13**), let me just note that while our 1992 report did note the importance of this area to the iron mining industry, it did not investigate the mines on the Tuxedo Reserve property as they are outside the APE of the development phase we were investigating. We did no research on these mines, no pedestrian survey and no archaeological testing. I also need to note that investigation of mined areas is not only an historic preservation issue, but a safety issue as well. Old mine workings have a nasty habit of turning into sinkholes as can be witnessed at the Peter's Mine area in nearby Ringwood, NJ.



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August 24, 2009

Cece Saunders
Historical Perspectives, Inc.
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Westport, CT 06880

Dear Ms. Saunders:

Re: OPRHP
Tuxedo Reserve Project, Phases 2/3 Phase 1 changes
Archaeological Review
Tuxedo, Orange County, NY
09PR02019

Thank you for requesting the comments of the New York State Historic Preservation Office (SHPO) with regard to the potential for this project to affect significant historical/cultural resources. SHPO has reviewed your July 1, 2009 response to our comments of "4/27/09". This submission addresses our previously identified concerns regarding the adequacy of testing in Areas AC and AG. As identified in your submission, maps in the original report did not accurately reflect the extent of the Area of Potential Effect or the extent or previous survey within these two areas. Thank you for clarifying these concerns. The maps provided in this submission will be used to replace those currently in the report.

With this clarification, SHPO has no further concerns regarding our previous comments for these two areas. We continue to look forward to reviewing any avoidance plans that may be developed to protect historic resources identified in your report.

Please contact me at extension 3291, or by e-mail at douglas.mackey@oprhp.state.ny.us, if you have any questions regarding these comments.

Sincerely

Douglas P. Mackey
Historic Preservation Program Analyst
Archaeology