

LETTER OF RESOLUTION

AMONG

**NEW YORK STATE OFFICE OF PARKS, RESTORATION AND HISTORIC PRESERVATION
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
NEW YORK STATE ADIRONDACK PARK AGENCY
NEW YORK STATE LAKE GEORGE PARK COMMISSION**

REGARDING: CONSTRUCTION OF A NEW SMALL OFFICE BUILDING ON THE LAKE GEORGE BATTLEFIELD PARK, WHICH IS A REGISTERED HISTORIC PLACE, PLUS REMOVAL OF EXISTING OFFICE STRUCTURE WHICH IS LISTED AS A ‘CONTRIBUTING RESOURCE’ TO THE PARK

WHEREAS, the People of the State of New York, acting by and through the Commissioner of the New York State Department of Environmental Conservation (Department), have previously acquired title to certain real property located in the Town of Lake George, Warren County known as the Lake George Battlefield Park and Day Use Area (Battlefield Park); and

WHEREAS, pursuant to Environmental Conservation Law (ECL) § 9-0901 the Department has care, custody and control of the Battlefield Park and pursuant to ECL § 41-0105 manages historic sites and services within the Sixth Park Region; and

WHEREAS, pursuant to Executive Law § 816 the Adirondack Park Agency (APA) is responsible for determining whether proposed management actions on State lands of the Adirondack Park are consistent with the Adirondack Park State Land Master Plan (APSLMP); and

WHEREAS, the Battlefield Park includes a building known as the Ramsey House which has served as the administrative headquarters of the Lake George Park Commission (LGPC) since 1988 under agreements with the Department; and

WHEREAS, due to its current condition and the limitations presented by the layout of the Ramsey House, the LGPC as project Sponsor, desires to demolish the Ramsey House and replace it with a new administrative building for the use and occupancy of the LGPC; and

WHEREAS, the planned building will facilitate the mission and purpose of the LGPC and will benefit both the LGPC and members of the public by providing continuity in the location of LGPC administrative headquarters; and

WHEREAS, in furtherance of the Department’s mission pursuant to ECL § 1-0101(1) “to conserve, improve and protect New York’s natural resources and environment and to prevent, abate and control water, land and air pollution, in order to enhance the health, safety and welfare of the people of the state and their overall economic and social well-being” the Department wishes to assist the LGPC with its desire to construct the administrative building and to include a Visitors Interpretive Center (VIC) that will promote the history and features of the Lake George Battlefield Park; and

WHEREAS, the VIC is intended to facilitate the presentation and display of educational information to the visiting public about the significant history of the Lake George region, specifically the French and Indian War and the Battle of Lake George; and

WHEREAS, the LGPC is authorized pursuant to ECL § 43-0107(29), to “promote the study of

the history, historical significance, natural science, and lore of Lake George and the area within the Lake George Park and in cooperation with the Education Department to preserve the historical relics found in or near Lake George”; and

WHEREAS, the new administrative building, VIC, any parking area(s) and exterior grounds, and any improvements thereto, are and will remain under the jurisdiction of the Department; and

WHEREAS, the Battlefield Park is listed in the State and National Registers of Historic Places as the Lake George Battlefield Park Historic District (Historic District); and

WHEREAS, the LGPC has been working closely with the New York State Office of Parks, Recreation, and Historic Preservation (OPRHP), APA and the Department to advance this initiative, and to comply with all appropriate state regulations and processes; and

WHEREAS, this project requires an Amendment to the Lake George Battlefield Park Unit Management Plan to accommodate the changes to the property, which requires APA determination of consistency with the APSLMP and Department approval by the Commissioner of the Department; and

WHEREAS, the LGPC has drafted and submitted an amendment to the Department and APA for review, with approvals, anticipated in June 2018; and

WHEREAS, the LGPC, the APA and the Department have consulted with OPRHP in accordance with the Section 14.09 of the New York State Parks, Recreation, and Historic Preservation Act of 1980 and 9 NYCRR §428; and

WHEREAS, pursuant to Commissioner Policy 42, Contact, Cooperation, and Consultation With Indian Nations (CP-42) the Department has engaged in consultation with the Stockbridge-Munsee Community (SMC) in connection with the proposed Project and has invited the SMC to sign this as a concurring party; and

WHEREAS, as a result, given the archaeological sensitivity of this site, the LGPC has conducted full Phase 1A/1B and Phase 2 archaeological studies of the proposed affected site; and

WHEREAS, these archaeological studies identified the Precontact Locus 1 Archaeological Site (OPRHP USN 11302.000066) and advised that no site work be conducted in this area, to which the LGPC has complied through modifications of the building plans; and

WHEREAS, these archaeological surveys also identified The Dowling Historic Archaeological Site (11302.000067) but determined that this archaeological site is non-contributing to the Lake George Battlefield Park Historic District and is not individually eligible for the National Register of Historic Places; and

WHEREAS, the existing ‘Ramsey House’ has been determined to be a contributing resource to the Lake George Battlefield Historic District, requiring a full alternatives analysis to be undertaken to ensure there are no prudent and feasible alternatives to demolition of this historic house; and

WHEREAS, the LGPC has undertaken an Alternatives Analysis dated February 6, 2018 related to the proposed demolition of the historic Ramsey House and that in a letter dated March 5, 2018 from OPRHP notes that OPRHP concurs that there are no prudent and feasible

alternatives to demolition and recommends appropriate mitigation measures to account for loss of the existing structure,

NOW, THEREFORE in accordance with Section 14.09 of the New York State Parks, Recreation and Historic Preservation Law (Section 14.09) OPRHP, the Department, APA and LGPC agree that the Project shall be implemented in accordance with the following stipulations in order to take into account the impact of the undertaking on historic properties and archaeological resources.

STIPULATIONS

The LGPC and Department will ensure that the following measures are carried out:

Archaeological Stipulations

1. All work on the Battlefield Park property in relation to this building project will conform to approved plans provided by the LGPC to all involved parties to this LOR, as vetted through the statutory approval processes.
2. The area of the precontact site shown in Attachment 1 shall be temporarily fenced and made off limits to all construction and related activity. No work related to this project shall disturb or impact the area noted as the 'Precontact Site Boundary' area identified by the Phase 2 Archaeological Survey of the Lake George Park Commission Office and Lake George Battlefield Park Visitors Interpretive Center prepared by Curtin Archaeological Consulting (Curtin and Hubin 2018, on Figure 13 in the Phase 2 archaeological study. (Attachment 1)
3. All project undertakings shall minimize, where possible, all ground disturbances on the project site where possible, to minimize impacts to archaeological resources and preserve the site as much as possible. Site disturbance limits noted on the approved plans will be physically delineated in the field to ensure conformance during construction.
4. All access to the project site during demolition or construction shall be from Fort George Road. No construction or related activities are permitted outside of the area shown as Limits of Construction. (Attachment 1)
5. If human remains, suspected human remains or unanticipated archaeological materials are encountered during construction, OPHRP's *Human Remains Discovery Protocol* will be followed. No work shall re-commence until all parties agree on how to best proceed forward. (Attachment 2)
6. If during construction any historical artifacts of significance are unearthed, these shall be retained as property of New York State, and every effort will be made to incorporate such artifacts, where possible, into the new Lake George Battlefield Park VIC following cataloguing and restoration.

Historic Building Stipulations

1. The Ramsey House shall be recorded as set forth in attached Attachment 3. The final report shall consist of one hard copy and one electronic file. The hard copy provided to OPRHP shall be forwarded to New York State Archives by OPRHP and must be printed on archivally stable paper. This documentation must be reviewed and accepted by OPRHP prior to demolition of the Ramsey House.
2. To honor the history of the Ramsey House, using the information revealed in the Historic Narrative under the Stipulation above, interpretive panels of the Ramsey House shall be created in consultation with OPRHP. These panels are to be reviewed by OPRHP at the preliminary and pre-final stages of development for review and comment. These panels are anticipated to be completed within two years of execution of this document and must be installed in the new building or as a freestanding kiosk. The panels and history must include information regarding the original occupants and its Civilian Conservation Corps occupancy.

Amendments

Any of the signatories to the LOR may propose that the LOR be amended, whereupon all parties shall confer to consider such amendment. Any amendment must be agreed upon in writing by all parties to this agreement.

This LOR shall take effect on the date it is signed by the last signatory and will remain in effect until the Stipulations set forth herein have been met.

Signature Pages Follow

Letter of Resolution: Signature Page

EXECUTION AND IMPLEMENTATION of this Letter of Resolution evidences that OPRHP, the Department, APA and LGPC have satisfied Section 14.09 responsibilities.

Lake George Park Commission



Dave Wick, Executive Director

Date: May 29, 2018

Letter of Resolution: Signature Page

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Adirondack Park Agency

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Kevin Prickett, Historic Preservation Officer

Date: May 29, 2018

Letter of Resolution: Signature Page

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New York State Department of Environmental Conservation

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Date: May 29, 2018

Charles E. Vandrei, Agency Historic Preservation Officer

Letter of Resolution: Signature Page

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New York Office of Parks, Recreation and Historic Preservation

Date: _____

Roger Daniel Mackay, Deputy Commissioner for Historic Preservation

Letter of Resolution: Signature Page

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CONCURRING PARTY

Stockbridge Munsee Community

Date: _____

Name:

Title:

ATTACHMENT 1: Site Map Referencing Archaeological Test Pits



ATTACHMENT 2: Procedures to Follow in the Event of an Unanticipated Discovery

1. The Permittee will immediately notify New York State Department of Environmental Conservation (Department) who will undertake additional notification of OPRHP and/or Indian Nations as appropriate.
2. The Permittee shall immediately cease all operations in the vicinity of the find and shall take steps to protect and secure the area from further disturbance.
3. The Permittee shall cooperate with the Department and OPRHP to undertake a detailed assessment of the find directed toward determining its significance and the potential for project impacts.
4. The Permittee shall cooperate with the Department and OPRHP in developing appropriate measures to avoid or mitigate project impacts to any resources found eligible for listing in the State or National Registers of Historic Places.
5. If the find is determined to be significant, and continuing construction may damage more of the site, the Department will request recommendations from OPRHP and other appropriate parties regarding the proper measures for site treatment. These measures may include:
 - a. Formal archaeological evaluation of the site;
 - b. Modifications to the project to avoid or reduce impacts;
 - c. Preparation of a mitigation plan to be approved by the Department, OPRHP and any other appropriate parties;
 - d. Implementation of the mitigation plan; and
 - e. Approval to resume construction following completion of the fieldwork component of the mitigation plan.
6. If the find is determined to be isolated or completely disturbed by prior activities, or found not to meet the criteria for listing in the State or National Registers, the Permittee can request authorization from the Department to resume project activities. The Department may grant such a request after consultation with OPRHP and other parties as appropriate.

(October 2016)

In the event that human remains are encountered during construction or archaeological investigations, the New York State Historic Preservation Office (SHPO) recommends that the following protocol is implemented:

- Human remains must be treated with the utmost dignity and respect at all times. Should human remains or suspected human remains be encountered, work in the general area of the discovery will stop immediately and the location will be secured and protected from damage and disturbance.
- If skeletal remains are identified and the archaeologist is not able to conclusively determine whether they are human, the remains and any associated materials must be left in place. A qualified forensic anthropologist, bioarchaeologist or physical anthropologist will assess the remains in situ to help determine if they are human.
- No skeletal remains or associated materials will be collected or removed until appropriate consultation has taken place and a plan of action has been developed.
- The SHPO, the appropriate Indian Nations, the involved state and federal agencies, the coroner, and local law enforcement will be notified immediately. Requirements of the coroner and local law enforcement will be adhered to. A qualified forensic anthropologist, bioarchaeologist or physical anthropologist will assess the remains in situ to help determine if the remains are Native American or non-Native American.
- If human remains are determined to be Native American, they will be left in place and protected from further disturbance until a plan for their avoidance or removal can be generated. Please note that avoidance is the option preferred by the SHPO and the Indian Nations. The LGPC or the Department will consult SHPO and the appropriate Indian Nations to develop a plan of action that is consistent with the Native American Graves Protection and Repatriation Act (NAGPRA) guidance. Photographs of Native American human remains and associated funerary objects should not be taken without consulting with SHPO and the involved Indian Nations.
- If human remains are determined to be non-Native American, the remains will be left in place and protected from further disturbance until a plan for their avoidance or removal can be generated. Please note that avoidance is the option preferred by the SHPO. Consultation with the SHPO and other appropriate parties will be required to determine a plan of action.
- To protect human remains from possible damage, the SHPO recommends that burial information not be released to the public.

ATTACHMENT 3: Recordation of Historic Structures

Photographs

- Photographs submitted as documentation should be clear, well-composed, and provide an accurate visual representation of the property and its significant features. Submit as many photographs as needed to depict the current condition and significant features of the property.
- Digital photographs should be taken using a ten (10) mega pixel or greater digital SLR camera.
- Selected images for documentation package should be printed as follows: 1-3, 8 by 10 inch views of the overall facility. Sufficient 5 by 7 inch additional images to fully document the present condition of all elevations at the facility (several interior images should be included).

Several historic images (if available) depicting the facility should be reprinted at the 5 by 7 inch size and included in the documentation.

- Images should be printed on a high-quality color printer on compatible high quality photographic paper stock (HP printer use HP Paper, Epson printer use Epson paper).
- Each photograph must be numbered and that number must correspond to the photograph number on a photo log or key. For simplicity, the name of the photographer, photo date, etc. may be listed once on the photograph log and doesn't need to be labeled on every photograph.
- Write the label information within the white margin on the front of the photograph using an archival photo labeling pen. Label information can also be generated by computer and printed directly in the white margin (no adhesive labels).
- Do not print information on the actual image – use only the photo margin or back of the photograph for labeling.
- At a minimum, photographic labels must include the following information: Photograph number, Name of the Property, County, and State.
- Photos should be placed in archival quality photo sleeves. Two (2) sets of images should be produced.

Historic Narrative

A narrative pertaining to the known history of the structure to illustrate the historic importance of the building should be prepared by pulling together existing historical information related to the building into a single document. The narrative will provide an appropriate historic context for the structure.

Report

Electronic Copy

The final report (including images and a PDF version of the Historic Narrative) should be saved on digital media (CD, DVD, or USB thumb drive) and included with each of the final bound documentation packages.

Report

One original printed hard copy of the report should be mailed to OPRHP, Division for Historic Preservation, P.O. Box 189, Waterford, NY 12188 for forwarding to the State Archives.