

**A. INTRODUCTION AND METHODOLOGY**

This chapter considers the potential of the Proposed Project to affect cultural resources, including architectural historic resources (“historic resources”) and buried archaeological resources. To enable the Proposed Project, the Applicant is seeking a number of permits from New York State agencies and from a Federal agency, the U.S. Army Corps of Engineers (USACE). As such, the Proposed Project is subject to Section 14.09 of the New York State Historic Preservation Act of 1980, as amended (SHPA) and Section 106 of the National Historic Preservation Act of 1966 (NHPA), as implemented by Federal regulations at 36 CFR Part 800.

**REGULATORY CONTEXT***NATIONAL HISTORIC PRESERVATION ACT (SECTION 106)*

The NHPA mandates that Federal agencies consider the effect of their actions, e.g., the issuance of a wetland permits by the USACE, on any properties listed on or determined eligible for listing on the National Register of Historic Places (NR). For the Proposed Project, the Applicant will be seeking an individual wetland permit for certain aspects from the USACE; therefore, compliance with the NHPA is required.

Properties on the NR may include historic structures, sites, and districts as well as buried archaeological sites. Federal agencies, in consultation with the New York State Historic Preservation Office (SHPO), must determine whether a proposed action would have any effects on the characteristics of a site that qualify it for the State and National Registers of Historic Places (S/NR). If a potentially adverse effect is identified, the SHPO, and in consultation with other parties with an interest in the historic resources and the Advisory Council on Historic Preservation (ACHP), in some cases (these parties are referred to as “Consulting Parties”) may enter into an agreement on ways to avoid, reduce, or otherwise mitigate the effects. An agreement regarding the mitigation measures that would be implemented is typically effectuated through a Memorandum of Agreement (MOA), Letter of Resolution or Programmatic Agreement between an applicant, the SHPO, and the Federal agency.

Because the views of the public are essential to informed Federal decision-making in the Section 106 process, the process calls for public involvement with respect to the project’s effects on historic properties. This public comment element is typically combined with the public participation component required by SEQRA following issuance of the Draft Environmental Impact Statement (DEIS).

*STATE HISTORIC PRESERVATION ACT*

The Applicant is seeking permits from several New York State agencies (see Chapter 1, “Project Description,” for a list of permits and approvals.) As such, the Proposed Project is subject to Section

14.09 of the SHPA. The SHPA closely resembles NHPA, and requires that State agencies consider potential impacts of their actions on properties listed on or determined eligible for listing on the State Register of Historic Places. Compliance with Section 106 satisfies the requirements of SHPA, as set forth in Section 14.09 of the New York State Parks Recreation and Historic Preservation Law.

## **METHODOLOGY**

### *DEFINITION OF THE AREA OF POTENTIAL EFFECT/STUDY AREA (APE)*

A required step in the Section 106 process is determining the Area of Potential Effect (APE). The APE is defined as “the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if such properties exist.” The APE is influenced by the scale and nature of an undertaking (36 CFR § 800.16[d]).

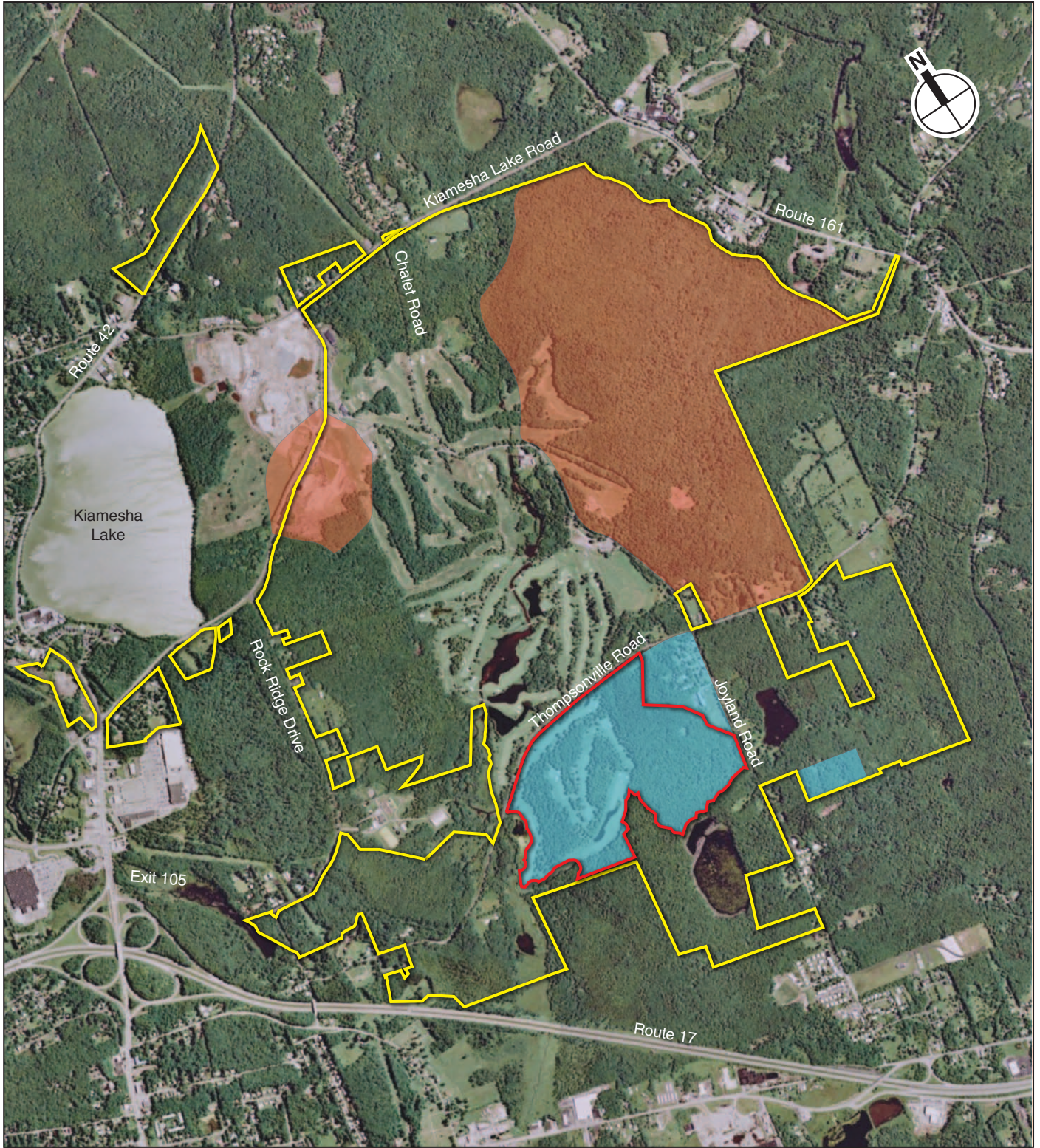
In general, as defined by the ACHP, adverse effects on historic resources can include both direct physical effects—demolition, alteration, or damage from construction—and indirect effects, such as the introduction of visual, audible, or atmospheric elements that may alter the characteristics of the historic property that qualify it for inclusion in the National Register in a manner that would diminish the integrity of the property’s significant historic features. Potential archaeological resources may be affected by construction activities resulting in disturbance to the ground surface such as excavation, grading, cutting and filling, and staging. Adverse effects may also include reasonably foreseeable effects caused by activities that may occur later in time, be farther removed in distance or be cumulative.

The APE for archaeological resources is defined as those areas that would be directly impacted by full development of the Proposed Project on the Project Site (the generic portion of this DGEIS) and impacts resulting from the development of Phase 1. Phase 1 includes the development of the casino, harness horse racetrack, hotel, parking areas, and accessory support facilities that are located southwest of the intersection of Thompsonville and Joyland Roads, and the proposed infrastructure that would serve Phase 1 such as areas of disturbance and excavation associated with proposed sanitary sewer, water, utility installations, and improvements to Thompsonville and Joyland Roads (see **Figure 15-1**).

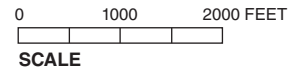
For historic resources, the APE for Phase 1 was developed based on the proposed limits of disturbance and their potential to have a direct or indirect adverse effect on historic properties. For the purpose of this DGEIS/DEIS, the APE for Phase 1 extends approximately ¼-mile from the primary project components (see **Figure 15-2**), which includes areas that would have the most proximate views of Phase 1.

### *IDENTIFYING CULTURAL RESOURCES*

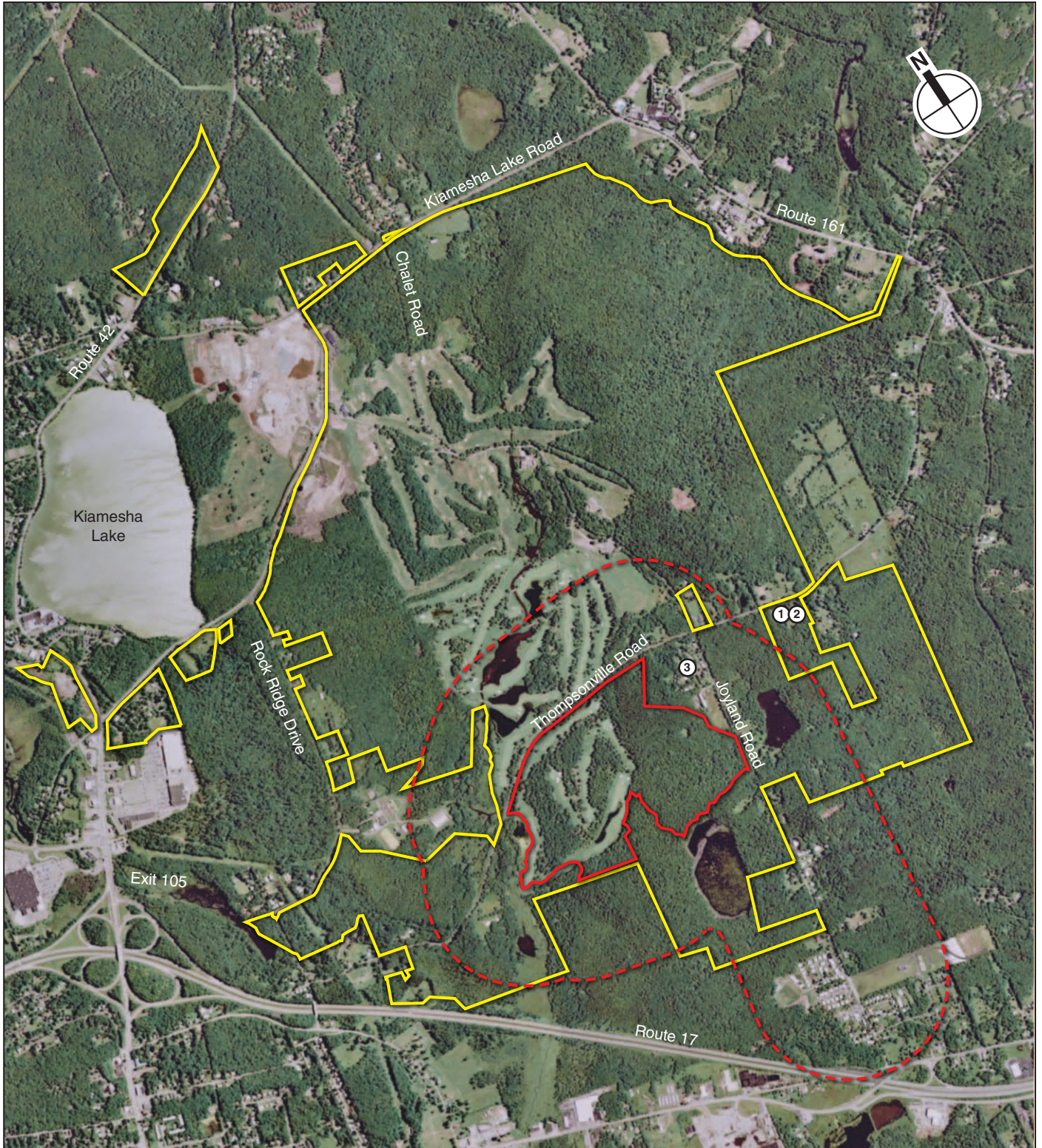
Cultural resources can include archaeological remains from Native American people who may have used or occupied a site, including tools, refuse from tool-making activities, habitation sites, etc. These resources are also referred to as “precontact,” since they were deposited before Native Americans’ contact with European settlers. Archaeological resources can also include remains from activities that occurred during the historic period (beginning with European settlement of the area) that include European contact with Native Americans, as well as battle sites and foundations. Historic resources also include significant built resources, such as structures, buildings, and objects (“historic resources”).



- Project Site Boundary
- Phase I Site Boundary
- Areas Previously Investigated Through Archaeological Testing for the Previous CALP Project
- Areas Investigated Through Archaeological Testing for the EPT Concord Resort DEIS



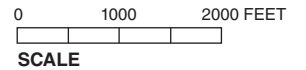




- Project Site Boundary
- Phase I Site Boundary
- - - Historic Resources Study Area Boundary

**Known Historic Resources**

- ① H. Rumsey House, 374 Thompsonville Road (S/NR Eligible)
- ② Echo Mountain Bungalow Colony, 374 Thompsonville Road (S/NR Eligible)
- ③ Breezy Corners Bungalow Colony, 253 Joyland Road (S/NR Eligible)





In general, cultural resources consist of properties determined to be eligible for listing on, or have been listed on the National Register (NR). Criteria for inclusion on the NR are listed in the Code of Federal Regulations, Title 36, Part 63 (“known historic resources”). Districts, sites, buildings, structures, and objects are eligible for the NR if they have integrity of location, design, setting, materials, workmanship, feeling and association, and:

- A. Are associated with events that have made a significant contribution to the broad patterns of history;
- B. Are associated with significant people;
- C. Embody distinctive characteristics of a type, period, or method of construction; represent the work of a master; possess high artistic value; or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- D. May yield [archaeological] information important in prehistory or history.

Properties less than 50 years old are ordinarily not eligible, unless they have achieved exceptional significance. Determinations of eligibility are made by the SHPO of the New York State Office of Parks, Recreation and Historic Preservation (OPRHP).

*Previously Completed Surveys*

The proposed 1,538-acre site was included in a number of cultural resources surveys that were conducted as part of the approximately 1,735-acre CALP proposed development of the Concord Resort. The CALP project completed Phase 1A and Phase 1B literature review and archaeological sensitivity assessments (Hartgen Archeological Associates, Inc.) and is described in greater detail below in “Existing Conditions”). The Phase 1A archaeological assessment was prepared for the full approximately 1,730-acre CALP proposed development that includes the Project Site and concluded that level areas in the vicinity of wetlands were sensitive for the presence of precontact resources and identified through cartographic analysis the location of several historic homesteads. Phase 1B archaeological testing was undertaken for specific parcels or sections of the Project Site located north and east of the proposed Phase 1 Site (formerly CALP parcels H2 and I) (see Figure 15-1). Based on the Historic Resources Inventory Forms, SHPO considered several properties were NR eligible. See SHPO correspondence dated February 15, 2008, in Appendix L.

To continue the cultural resource investigations and to determine the presence or absence of archaeological resources on the current EPT Phase 1 Site, Strata Cultural Resource Management, Inc. conducted an archaeological survey of the Phase 1 development area that is defined by the proposed EPT Concord Resort development. The survey entailed the excavation of shovel test pits across those portions of the Project Site previously determined to possess potentially sensitive archaeological resources and to analyze any artifacts recovered. In addition, an historic resources survey was also undertaken for Phase 1 including the ¼ mile study area to identify properties that could meet the above listed NR criteria but have not been reviewed by SHPO for eligibility. Properties identified in this category are described in this chapter as “potential historic resources.” Historic Resources Inventory Forms were prepared for these properties and submitted to SHPO for review on April 26 and May 7, 2012. In a letter dated June 14, 2012, SHPO provided determinations of eligibility on these properties.

A summary of findings from the prior CALP cultural resources surveys, as well as the recently completed studies on behalf of the Applicant, are presented below for the CDP and Phase 1

under “Existing Conditions.” Historic resources identified by SHPO as eligible for listing on the NR are shown on Figure 15-2.

## **B. COMPREHENSIVE DEVELOPMENT PLAN (CDP)**

### **EXISTING CONDITIONS**

#### *ARCHAEOLOGICAL RESOURCES*

As part of the generic review there are no S/NR listed or previously identified archaeological resources located on the 1,538-acre Project Site. The archaeological sensitivity of the Project Site was evaluated through the completion of the following cultural resource surveys between 2000 and 2008 on behalf of CALP (the predecessor in interest and affiliated companies) for the Site:

- Stage 1A Literature Review and Sensitivity Assessment of the Concord Resort and Convention Center (CityScape 2000).
- Phase 1A Literature Review and Archaeological Sensitivity Assessment. This assessment reviewed the approximately 1,730 acres of the prior CALP project and identified level areas near fresh water sources as sensitive for prehistoric resources and areas around historic structures or map documented structures as sensitive for historic resources (Hartgen 2006).
- Phase 1B Archaeological Field Investigation). Hartgen excavated 1,450 shovel test pits across a 425-acre portion of the CALP Project Site on the north east side (Parcel I). No archaeological resources were identified (Hartgen 2007).
- Phase 1B Archaeological Field Investigation. Hartgen excavated 305 shovel test pits across a 40-acre portion of the property on the west side of CALP Project Site, close to Kiamesha Lake (CALP Parcel H2). No archaeological resources were identified (Hartgen 2008).

The surveys conducted on behalf of the prior CALP project involved the completion of a site file search for previously identified resources, background research, a site walkover, and in some cases subsurface testing. In correspondence dated February 15, 2008, SHPO concurred with the findings of the above archaeological investigations. It was noted in the Hartgen 2006 report that undisturbed, level areas that were not the subject of subsurface testing would still require future analysis. See Figure 15- 1 for the areas investigated in 2007 and 2008.

As part of the DGEIS for the current EPT Concord Resort project, those portions of the Project Site that were not previously tested and would be disturbed as part of Phase 1 will be surveyed for the presence of archaeological resources. At the completion of these efforts, SHPO will be consulted to determine the need for evaluations of any identified resources.

#### *HISTORIC RESOURCES*

There is one known historic resource on the EPT Concord Resort Project Site: a portion of the Breezy Corners Bungalow Colony at 253 Joyland Road. Two additional properties, the H. Rumsey House and Echo Mountain Bungalow Colony on Thompsonville Road, are located adjacent to the Project Site (see Figure 15-2).

As part of their review of the previous CALP project, SHPO determined a property referred to as the J. Gray House and Barn, as NR eligible. The barn is located approximately 450 feet north of



Thompsonville Road, approximately 75 feet from the west side of Chalet Road. It is across Chalet Road from a former house at 18 Chalet Road.<sup>1</sup> The barn was originally associated with a mid-19th century house at 18 Chalet Road. The house and barn were determined S/NR eligible by SHPO on February 15, 2008.<sup>2</sup> The barn is two stories, with a rectangular plan and a gable roof. It is in poor condition and has been altered including changes to the south bay for use as a garage and alterations to the east (Chalet Road) façade including additional windows which are either open to the elements or sealed with plywood. The house associated with this barn was demolished prior to the acquisition of the Project Site by the current Applicant. On April 26, 2012, as part of the Proposed Project, the Applicant requested SHPO's re-evaluation of the eligibility of the barn in light of the demolition of the associated house. In a letter dated June 14, 2012, SHPO determined that the J. Gray Barn is not individually NR eligible.

As part of their review of the previous CALP project, SHPO determined two other properties S/NR eligible. These two properties, the H. Rumsey House and Echo Mountain Bungalow Colony, are located at 374 Thompsonville Road and are adjacent to the Project Site. Both properties were determined S/NR eligible by SHPO on February 15, 2008.<sup>3</sup> The H. Rumsey House is a two-story frame farmhouse sheathed in clapboard (see **Figure 15- 3**). The house has an L-shaped plan and is set on a high stone basement. The principal (Thompsonville Road) façade faces north. The building has a number of alterations that date to the late 19th or early 20th centuries, including the creation of multiple entries on the south elevation, likely associated with the conversion of the property to vacation bungalows (see below). The interior retains most of its original Greek Revival décor, including two-paneled doors and turned newel and balusters on the main staircase.

In the early 20th century the farm on which the farmhouse was situated was converted to a bungalow colony known as Echo Mountain Bungalow Colony. About a dozen one-story bungalows and a small community building were built along an old farm road to the east of the former H. Rumsey House and set around a small green. The bungalows are typically wood-framed structures clad in clapboards, set on concrete blocks. Most have enclosed porches. The community building is a larger rectangular wood-framed structure that is composed of one room with paneled wood walls. It is likely that the farmhouse also offered accommodations and served as an office for the bungalow colony.

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<sup>1</sup> There was a second historic resource, the Concord Resort Ski Chalet, formerly located on the east side of Chalet Road across from the Monster Golf Course. This one-story frame structure with large cobblestone chimney dated to the mid 20th century. It was determined S/NR eligible by SHPO on February 15, 2008 as part of the review of the previous CALP project. However, this building and an associated outbuilding, also included in the S/NR eligibility determination were demolished prior to the acquisition of the Project Site by the current applicant. A new clubhouse for the Monster Clubhouse which incorporated the large cobblestone chimney into the design was built in the location of this former historic property. Consequently, this historic resource is no longer extant.

<sup>2</sup> SHPO determined the J. Gray House and Barn S/NR eligible based on a Historic Resources Inventory Form submitted by Hartgen Archeological Associates for the previous CALP project. The Historic Resources Inventory Form was submitted to SHPO on January 9, 2008. Sometime after submission of the historic resources inventory form, the 19th century J. Gray House at 18 Chalet Road was demolished. This demolition occurred prior to the Applicant taking ownership of the Project Site.

<sup>3</sup> Eligibility determination made based on a Historic Resources Inventory Form prepared by Hartgen Archeological Associates for the H. Rumsey House and Echo Mountain Bungalow Colony on January 9, 2008 for the previous CALP project.

As part of the DGEIS for the approximately 1,538-acre EPT Resort project and within the APE for Phase 1 of the DEIS, the Breezy Corners Bungalow Colony at 253 Joyland Road is located southwest of the intersection of Thompsonville and Joyland Roads. The Breezy Corners Bungalow Colony consists of vacation cottages, ranch style houses, a swimming pool, basketball courts, and a casino/recreation hall (see **Figures 15-3 and 15-4**). Historic maps indicate the bungalow colony was developed sometime between 1943 (1943 Military/USACE map) and 1982 (1966/1982 USGS). Online property records indicate the presence of a ranch-style house constructed in 1952-58 and other structures built on the site between 1952 and 1971.<sup>1</sup> The majority of the bungalows date to around 1952. A few of the bungalows are mobile homes, which online property records indicate date to 1971.

The bungalows are primarily set back from Joyland Road and grouped in a U-shape around the swimming pool. The bungalows are typically single and paired structures of one story, clad in clapboard and with gable roofs. The bungalows typically have associated porches or uncovered wood decks. Photographs dating from about 2005 indicate that the interiors of the bungalows are of a simple and rustic design, with wall paneling, some decorative millwork at the windows and doorways, and carpeted or faux wood flooring.<sup>2</sup> A longer bungalow building is located along Joyland Road that is single story with a central second-story addition. Besides containing a number of vacation units, it is likely that this building also contained offices of the Bungalow Colony, as a “Welcome to Breezy Corners” sign was located in front of this building. South of this building and set back farther from Joyland Road is a larger structure that served as the bungalow colony’s casino/recreation hall. The building is a long, one-story shed-like structure with a gable roof and with a cover porch at its northern end. A rectangular in-ground swimming pool is west of the central bungalow/office building and former basketball courts south of it.

A 1985 brochure for Breezy Corners indicated that Breezy Corners provided accommodations for over 60 families in furnished one- and two-bedroom units. Amenities included an Olympic-size pool, kiddie pool, handball and basketball courts, ball fields, video game area, food concession, night club, and cocktail lounge.<sup>3</sup> Circa 2008, the property was purchased by the predecessor in interest to the property and /or affiliated companies and the buildings vacated.<sup>4</sup>

The Breezy Corners Bungalow Colony is representative of a post-WWII bungalow colony.. This property was identified as a potential historic resource as part of the historic resources survey undertaken for Phase 1. Historic information, including a Historic Resources Inventory Form, was submitted to SHPO in May 2012. In a letter dated June 14, 2012, SHPO determined that a portion of the Breezy Corners Bungalow Colony is eligible for listing on the NR, and provided findings as to which buildings on the property contribute to its significance. These include the grouping of bungalows surrounding the swimming pool and the bungalow/office building located along Joyland Road.

The approximately 1,538-acre Project Site also contains other structures, including another vacant bungalow colony, cottages, farmhouses, and barns over 50 years old, which have yet to be evaluated for S/NR eligibility. As the EPT Concord Resort CDP is developed, additional

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<sup>1</sup> [Http://webapps.co.sullivan.ny.us](http://webapps.co.sullivan.ny.us), Tax ID: 23.-1-54.1

<sup>2</sup> [www.vanishingcatskills.us](http://www.vanishingcatskills.us)

<sup>3</sup> [dl.lib.brown.edu](http://dl.lib.brown.edu)

<sup>4</sup> Adam Bosch, “Cappelli Ousts Colony Dwellers,” *Times Herald-Record*, August 24, 2008.



Resource No. 1: H. Rumsey House, 374 Thompsonville Road, adjacent to the Project Site (S/NR eligible)



Resource No. 3: Breezy Corners Bungalow Colony, south grouping, view west  
*Source: Hartgen Archeological Associates, Phase 1A Literature Review and Archeological Sensitivity Assessment, The Concord Resort & Development, Town of Thompson, Sullivan County, NY, April 2006, image 66*

Known Historic Resources  
Project Site





Resource No. 3: Breezy Corners Bungalow Colony, central bungalow building, view southwest from Joyland Road



Resource No. 3: Breezy Corners Bungalow Colony, view from Joyland Road

Known Historic Resources  
Project Site

**Figure 15-4**



study, documentation, and consultation with SHPO will be sought to determine if there are additional properties eligible for S/NR listing and appropriate APEs for the identification of historic resources will be determined. This review would be undertaken pursuant to SEQRA and any other applicable governing regulations, including Section 14.09 of SHPA and Section 106 of the NHPA if State or Federal undertakings would be involved.

#### **THE FUTURE WITHOUT THE PROPOSED ACTIONS AND PROPOSED PROJECT**

The future without the development of the CDP for the approximately 1,538-acre EPT Concord Resort would not result in new construction on the Project Site. Potential archaeological resources would not be disturbed, and any historic resources and potential archaeological resources would either continue to deteriorate or would remain in their present state.

Historic resources that were previously listed on the S/NR or that were found eligible for listing are given a measure of protection under Section 106 of the National Historic Preservation Act from the effects of projects sponsored, assisted, or approved by Federal agencies. Although preservation is not mandated, Federal agencies must undertake a notice, review, and consultation process prior to affecting these resources. Properties listed on the Registers are similarly protected against effects resulting from projects sponsored, assisted, or approved by State agencies under the SHPA. However, private owners of properties eligible for, or even listed on, the Registers using private funds can alter or demolish their properties without such a review process. Thus, while the historic buildings identified in the APE are protected by Federal and State regulations, it is possible that they may be altered in the future.

#### **PROBABLE IMPACTS OF THE PROPOSED ACTIONS AND PROPOSED PROJECT**

##### *ARCHAEOLOGICAL RESOURCES*

For the purpose of the DGEIS, there are no S/NR listed or previously identified archaeological resources located on the approximately 1,538-acre Project Site. However, the surveys that were conducted as part of the prior CALP project concluded that level areas in the vicinity of wetlands were sensitive for the presence of precontact resources, and the historic homesteads were sensitive for the presence of historic-period archaeological resources. As described above, large portions of the Project Site were the subject of archaeological testing and no resources were identified. As plans for the current EPT Concord Resort CDP are developed and site plan approvals and permits are requested, additional cultural resource investigations may be required on archaeologically sensitive and previously untested portions of the Project Site to determine the presence or absence of archaeological resources (i.e., those areas not shown as having been surveyed on Figure 15-1). If archaeological resources are identified, they will be evaluated prior to project initiation to determine their integrity, significance, and eligibility for listing on the S/NR. If any such resources are determined to lack integrity or significance and are therefore considered ineligible for listing, there will be no impacts to archaeological resources from the redevelopment project. However, if any such resources are determined to be S/NR eligible and if they can not be avoided, the Proposed Project would likely have an adverse effect.

##### *HISTORIC RESOURCES*

As described above, the previous cultural resource study for the CALP project determined that two historic resources, the H. Rumsey House and Echo Mountain Bungalow Colony (374 Thompsonville Road), were located adjacent to the CALP site, now the EPT Project Site (see

**Figure 15-5).** In correspondence dated February 15, 2008, SHPO determined that based upon review of the 2006 prior CALP Concord Resort Redevelopment FEIS, the H. Rumsey House was going to be demolished. SHPO determined this would constitute an adverse effect that would require an analysis of alternatives to explore the potential of avoiding or minimizing the adverse effect resulting from the demolition of this historic property.<sup>1</sup> Subsequent information provided to SHPO by the project applicant at the time (e.g. CALP, a predecessor of the current Applicant) clarified that the H. Rumsey House was not part of the CALP development plan and was not part of any application for site plan approval. Based on this clarifying information, SHPO concluded that the development of CALP Concord Resort parcels H2 and I (located north of Thompson Road and east of Chalet Road) were outside the proposed CALP development phase. Thus, SHPO determined, in correspondence dated April 3, 2008, that this early phase of the development of the CALP project would have no adverse effect on historic properties. This correspondence superseded the February 15, 2008 determination.

The H. Rumsey House is not located on the Project Site and would not be directly affected by the Proposed Project.

The CDP depicts the demolition of the Breezy Corners Bungalow Colony property to accommodate the development of the Resort Core (see Figure 15-5). Demolition of this property would constitute an adverse effect on an historic resource and would require, in consultation with SHPO, that alternatives to demolition be explored and measures to mitigate such adverse effects be implemented.

As subsequent phases of development of the EPT Concord Resort CDP proceed, analyses of potentially effects on historic resources would be required. As described above, this would include, in consultation with SHPO, the completion of the identification of historic properties, identification of appropriate APEs, assessment of the development’s effects on any identified historic properties, and development of appropriate mitigation measures if adverse effects would occur on historic resources. Potential effects that would be evaluated include direct impacts—demolition, alteration, or damage from construction (see **Table 15-1**, which depicts vibration-induced risk criteria for construction activities)—and indirect visual impacts.

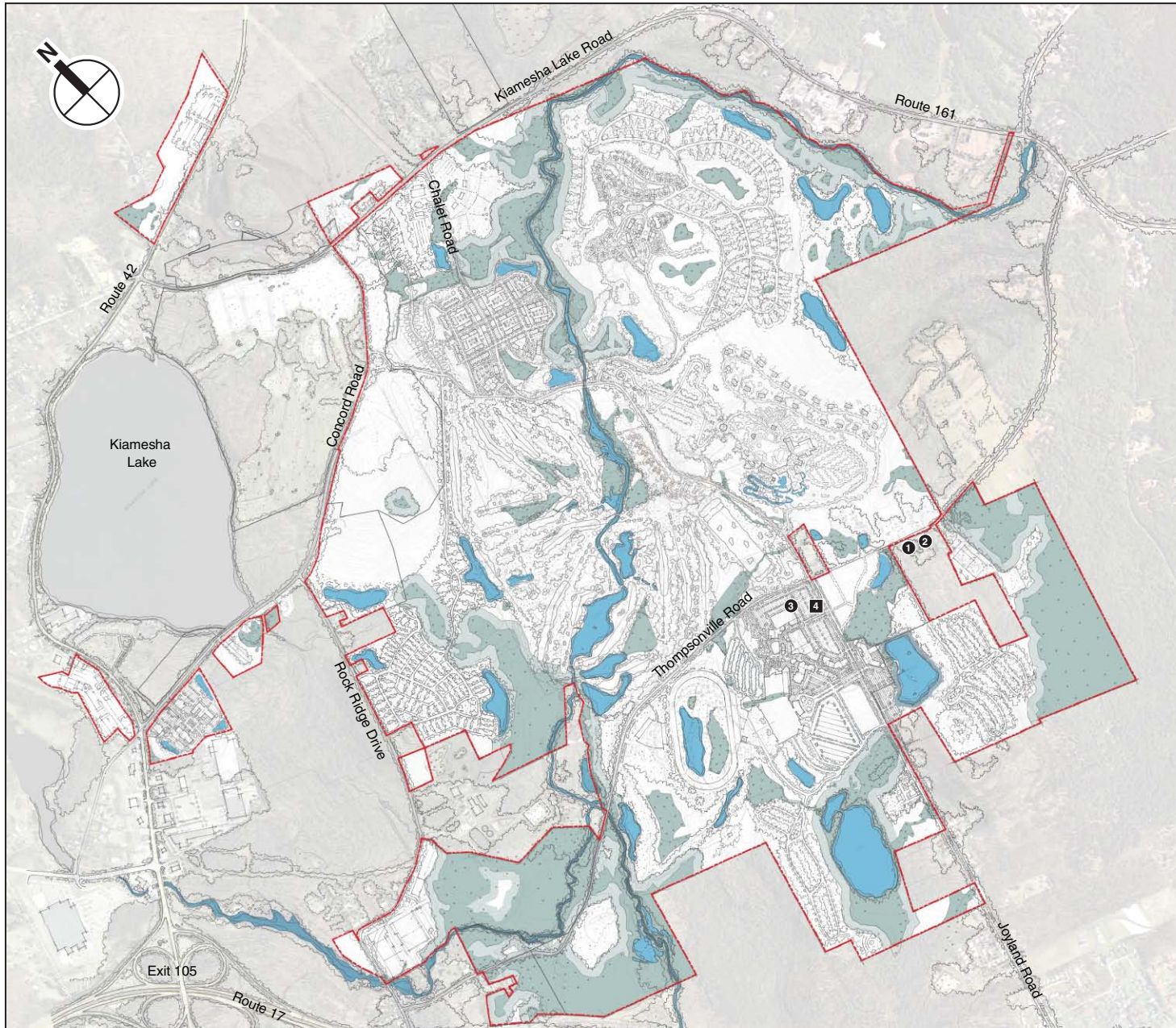
**Table 15-1  
Vibration-Induced Risk Criteria for Buildings**

Activity	Perceptible Distance (feet)	Damage Potential Distance (feet)		
		Architectural		Structural
		Historic	Residential	
Pile Driving	200	90	50	12
Pavement breaking	150	60	40	8
Excavating & Bulldozing	60	30	20	3
Heavy truck traffic	50	20	15	3
Jackhammers	30	15	10	2

**Sources:**  
 Wiss, John F. Construction Vibrations: State-of-the-Art. Journal of the Geotechnical Engineering Division, Proceedings of the American Society of Civil Engineering Division, Proceedings of the American Society of Civil Engineers, Volume 107, No. GT2, February 1981.  
 Standard Recommended Practice for Evaluation of Transportation Related Earthborne Vibrations. AASHTO Designation: R8-81 (1986).

<sup>1</sup> The February 15, 2008 correspondence also indicated that the J. Gray Farmhouse and Barn at 18 Chalet Road would be demolished and would also constitute an adverse effect. However, as described in “Existing Conditions,” the J. Gray Farmhouse was demolished prior to the Applicant taking ownership of the Project Site, and SHPO has subsequently determined that the associated barn does not individually meet NR eligibility criteria.





— Project Site Boundary

**HISTORIC RESOURCES:**

- ❶ *H. Rumsey House*  
374 Thompsonville Rd. (S/NR Eligible)
- ❷ *Echo Mountain Bungalow Colony*  
374 Thompsonville Rd. (S/NR Eligible)
- ❸ *Brezzy Corners Bungalow Colony*  
(S/NR Eligible)

**HISTORIC RESOURCE NOTE:**  
Historic resources depicted include those identified thus far. Evaluation is required on portions of the Project Site not yet evaluated for the presence of historic resources.

**ARCHAEOLOGICAL RESOURCE:**

- ❹ *Rumsey Foundation Historic Site*
- ARCHAEOLOGICAL RESOURCE NOTE:**  
There may be additional archaeological resources in affected areas that have not yet been surveyed (as depicted in Figure 15-1).

0 1000 2000 FEET  
SCALE

Known Cultural Resources  
on Project Site  
**Figure 15-5**



## MITIGATION

If intact archaeological resources that meet criteria for S/NR listing are identified on the Project Site and would be disturbed, development of parcels that contain such resources would result in an adverse effect on cultural resources. Demolition of the contributing structures associated with the Breezy Corners Bungalow Colony, or if other historic properties determined S/NR eligible or listed on the S/NR in the future were to be demolished, would also constitute an adverse effect on cultural resources. Appropriate mitigation measures would be developed in consultation with SHPO and the applicable State or Federal agency that may be providing permits or funding in support of the development. Any mitigation measures would be set forth in a Letter of Resolution, if a State agency is involved, or a Memorandum of Agreement if a Federal agency is involved, describing the measures by which adverse effects on cultural resources would be avoided, minimized, or mitigated and indicate the responsible parties for the implementation of such measures.

## C. SITE-SPECIFIC DEVELOPMENT OF PHASE 1 (DEIS)

### EXISTING CONDITIONS

#### *ARCHAEOLOGICAL RESOURCES*

An archaeological survey of Phase 1, the area northeast of Phase 1 bound to the north and east by Thompsonville Road and Joyland Road, and a small area on the east side of Joyland Road (see Figure 15-1) was conducted involving the hand excavation of approximately 2,000 shovel test pits and analysis of recovered artifacts in accordance with State standards. Three archaeological resources were identified: (1) a historic site on the south side of Thompsonville Road consisting of foundation remains, a stone-lined well, and associated artifact deposits (U. Clark Foundation Historic Site), (2) a second historic foundation on the west side of Joyland Road (N. Rumsey Foundation Historic Site), and (3) a historic bottle dump (Krum Bottle Dump Site). After consultation with SHPO, it was decided that additional testing would be conducted of the Krum Bottle Dump Site, which is located within the Phase 1 Site, and U. Clark Foundation Historic Site, which, though located immediately outside of Phase 1, could be disturbed by implementation of Phase 1. The additional testing involved the excavation of tighter interval shovel tests and larger units and was completed in June 2012. Analysis is ongoing, but it appears that the two sites are not considered S/NR eligible. However, if these resources are determined to be S/NR eligible and cannot be avoided, the development of Phase 1 would likely have an adverse effect on archaeological resources as they are located near the current ground surface and project actions call for construction of a parking facility in this area. The N. Rumsey Foundation Historic Site is located well outside of the Phase 1 Site (see Figure 15-5) and will be evaluated at a later date prior to development of that area.

The gateway to the EPT Concord Resort, as well as to the Phase 1 Site, is proposed to be along an improved Joyland Road. This existing two-lane road will be improved from its current width of approximately 20 feet to an improved width of 120 feet with four lanes and an entry median. As plans for the entry are engineered and the infrastructure detailed, additional archaeological investigation will be required to determine the presence or absence of archaeological resources. These investigations will be prepared prior to the issuance of site plan approval or permits.

*HISTORIC RESOURCES*

*Phase 1 Site*

Access to the Phase 1 Site along Joyland Road will require the road to be expanded from approximately 20 feet to 120 feet. This improvement will require the demolition of the Breezy Corners Bungalow Colony, a portion of which is considered historic. Of the four structures that comprise this bungalow colony, three are houses that do not contribute to the significance of the property. The fourth, the main bungalow/office building, is considered to be contributory to the NR significance of this colony. Since this building is proposed to be demolished as part of Phase 1, it would be considered to have an adverse effect on historic resources. Consequently, and in consultation with SHPO, appropriate mitigation measures would be developed in either a Letter of Resolution or a Memorandum of Agreement, describing the measures by which adverse effects on the Breezy Corners Bungalow Colony would be mitigated, and the responsible parties for the implementation of such measures.

*APE/Study Area for Phase 1*

There is one historic resource in the ¼ mile APE/study area. This is a portion of the Breezy Corners Bungalow Colony, located on the Project Site and described above.<sup>1</sup>

**THE FUTURE WITHOUT THE DEVELOPMENT OF PHASE 1**

The future without the development of Phase 1 would not result in new construction on the Phase 1 Site. Potential archaeological resources would not be disturbed, and any historic resources and potential archaeological resources would either continue to deteriorate or would remain in their present state.

Historic resources that were previously listed on the S/NR or that were found eligible for listing are given a measure of protection under Section 106 of the National Historic Preservation Act from the effects of projects sponsored, assisted, or approved by Federal agencies. Although preservation is not mandated, Federal agencies must undertake a notice, review, and consultation process prior to affecting these resources. Properties listed on the Registers are similarly protected against effects resulting from projects sponsored, assisted, or approved by State agencies under the SHPA. However, private owners of properties eligible for, or even listed on, the Registers using private funds can alter or demolish their properties without such a review process. Thus, while the historic buildings identified in the APE are protected by Federal and State regulations, it is possible that they may be altered in the future.

**PROBABLE IMPACTS OF THE DEVELOPMENT OF PHASE 1**

*ARCHAEOLOGICAL RESOURCES*

A single possible archaeological resource was identified on the Phase 1 Site, the Krum Bottle Dump Site. A second resource, the U. Clark Foundation Historic Site, was identified

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<sup>1</sup> Historic Resources Inventory Forms were also submitted to SHPO for the Joyland Acres Bungalow Colony at 130 Joyland Road and the bungalow colonies at 42 and 71 Joyland Road. In a letter dated June 14, 2012, SHPO determined that these properties do not meet NR eligibility criteria. SHPO determined the bungalows at the northeast corner of Joyland Road and Lorraine Drive as not eligible for listing on the NR as part of a previous and separate environmental review.

immediately outside of the Phase 1 Site. Both resources are currently being evaluated for their S/NR eligibility. Although analysis is ongoing, it appears that the two sites are not considered S/NR eligible. The final eligibility determination will be made by SHPO. If the two resources are determined to lack integrity or significance and therefore considered ineligible for listing, there will be no impacts to archaeological resources from the Proposed Project.

However, if these resources are determined to be S/NR eligible and impacts to them cannot be avoided, the development of Phase 1 would likely have an adverse effect on archaeological resources as they are located near the current ground surface and project actions call for construction of a parking facility and infrastructure improvements in these areas.

### *HISTORIC RESOURCES*

#### *Phase 1 Site*

Access to Phase 1 would require off-site improvements to Joyland Road. It is proposed that Joyland Road be widened to a distance of 120 feet west of the east side of the existing Joyland Road. This improvement may require the demolition of one contributing structure associated with the Breezy Corners Bungalow Colony located along Joyland Road. As this property has been determined S/NR eligible by SHPO, the road widening could constitute an adverse effect on historic resources and, if so, would require consultation with SHPO to identify measures to avoid, minimize, or mitigate adverse effects.

#### *APE/Study Area*

No historic resources have been identified in the APE/Study Area beyond the Breezy Corners Bungalow Colony. As described above, one building contributing to the bungalow colony's NR eligibility may be demolished for the proposed Joyland Road widening, which would constitute an adverse effect on historic resources. The remaining contributing structures of the bungalow colony would not be directly affected by development of Phase 1.

### **MITIGATION**

As described above, the Phase 1 Site is not expected to be sensitive for archaeological resources. Therefore, no mitigation is proposed for Phase 1 with respect to archaeological resources. Should SHPO determine that there are eligible archeological resources on the Phase 1 Site, the applicant will work with SHPO to develop the appropriate mitigation measures to offset these impacts.

Since one contributing building of the Breezy Corners Bungalow Colony will be demolished as a result of the proposed Joyland Road widening, Phase 1 will have an adverse effect on historic resources. Appropriate mitigation measures will be developed in consultation with SHPO and will be set forth in either a Letter of Resolution or a Memorandum of Agreement, describing the measures by which adverse effects on the Breezy Corners Bungalow Colony will be mitigated, and will indicate the responsible parties for the implementation of such measures. \*

