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Town of Fishkill
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Archaeological Resource Assessment
and Historic Property Treatment Plan
for the Proposed
Continental Commons Development
Town of Fishkill
Dutchess County, New York

FINAL REPORT

Submitted to:
Planning Board of the Town of Fishkill

Archaeological Resource Assessment and
Historic Property Treatment Plan for the Proposed
Continental Commons Development
Town of Fishkill, Dutchess County, New York

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Management Summary

Phase of Investigation: Archaeological Resource Assessment (ARA) and Historic Property Treatment Plan (HPTP)

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Project Name: Archaeological Resource Assessment and Historic Property Treatment Plan for the Proposed Continental Commons Development, Town of Fishkill, Dutchess County, New York.

SHPO Project Review Number: 90PR03903

Involved Agencies: Town of Fishkill (Lead), New York State Office of Parks, Recreation, and Historic Preservation

Location, Size, and Boundaries of Project Area: The project is located near the southeast intersection of Route I-84 and US Route 9, bound on the north by Snook Road and on the south by Van Wyck Lake Road, on the Wappingers Falls (1956, Photorevised 1981), NY USGS 7.5-minute topographic quadrangle. The project area is within the Town of Fishkill, Dutchess County, New York. The area of potential effect (APE) measures approximately 6.85 acres (27,721m² or 2.77 hectares).

Area of Potential Effect (Metric & English): Number of Acres: 6.85 acres (2.77 ha)

USGS 7.5 Minute Quadrangle Map: Wappingers Falls, New York (1956, Photorevised 1981)

Purpose and Goals: This cultural resource report details the methodology and results of an archaeological resource assessment and historic property treatment plan conducted by PaleoWest Archaeology (PaleoWest) for the Town of Fishkill Planning Board (Board) as the lead agency. PaleoWest performed the investigation in December, 2016. The project was conducted in advance of a proposed Continental Commons development. The possibility that the project is located in an archaeologically sensitive area in what was formerly a portion of the Fishkill Supply Depot prompted the archaeological resource assessment. The work was designed to assist the Board in reviewing the archaeological submissions and materials now before the Board and to assist the Board in rendering its SEQR Determination of Significance. This document is therefore part of the coordinated review of this Type 1 Action by the lead agency.

Regulatory Basis: This context is pursuant to the statutory requirements outlined in the New York State Environmental Quality Review Act (SEQRA), Section 14.09 of the New York State Preservation Act, by guidelines outlined by the New York State Office of Parks, Recreation, and Historic Preservation (OPRHP), and the New York Archaeological Council (NYAC), and at the behest of the Town of Fishkill Planning Board.

Summary of Investigations: Approximately fifty (50) archaeological and historical studies have been conducted within the boundaries of the Fishkill Supply Depot National Register of Historic Places designated site. As of May, 2015, approximately fourteen (14) archaeological

investigations have been conducted within the proposed project area and submitted to the New York State Office of Parks, Recreation, and Historic Preservation (OPRHP) for review.

Results of Archaeological Resource Assessment

Number of buildings/structures/cemeteries within project area: two; ruins of a late 19th-early 20th century barn and a military cemetery

Number of buildings/structures/cemeteries adjacent to project area: one; the Van Wyck House

Number of previously determined NR listed or eligible buildings/structures/cemeteries/districts: one, Fishkill Supply Depot

Number of identified eligible buildings/structures/cemeteries/districts: one

Results of Historic Property Treatment Plan

Under SEQRA, no Environmental Impact Statement (EIS) is deemed necessary; however, measures should be taken to protect area in the vicinity of the burial grounds (i.e. stables, foundations, etc.). To this end, a construction monitoring plan, mechanical soil stripping investigation plan, and an unanticipated discovery plan as well as a data recovery have been developed to be implemented by a 36 CFR 61 qualified archaeologists that includes the OPRHP's Human Remains Discovery Protocol. Therefore, a negative declaration can be made concerning the proposed project area.

Recommendations: The proposed Continental Commons project is a Type I Action as it is located within the boundaries of the National Register of Historic Places (NRHP)-listed Fishkill Supply Depot archaeological site. PaleoWest recommends the proposed action will not have a significant adverse impact on historical resources or community character. Therefore, PaleoWest recommends a Negative Declaration because impacts will likely be insignificant or mitigated. This Negative Declaration is appropriate due to the planned implementation of approved Monitoring, Unintentional Discovery, and Data Recovery Plans.

Date of Final Report: March 2017

Background and Regulatory Setting

Continental Commons plans to build a mixed use commercial development (NYS Cultural Resource Information System Project No. 14PR04374) near the southeast intersection of Route I-84 and US Route 9. The project proponent (Applicant) plans to build a retail complex including stores, restaurants, a hotel, a museum, and a visitor center modeled on an eighteenth-century colonial village. The Town of Fishkill Planning Board has hired PaleoWest to assist in the New York State Environmental Quality Review (SEQR) process.

This context is pursuant to the statutory requirements outlined in the New York State Environmental Quality Review Act (SEQRA), Section 14.09 of the New York State Preservation Act, by guidelines outlined by the New York State Office of Parks, Recreation, and Historic Preservation (OPRHP), and the New York Archaeological Council (NYAC), and at the behest of the Town of Fishkill Planning Board. New York's State Environmental Quality Review Act (SEQRA) requires all state and local government agencies to consider environmental impacts equally with social and economic factors during discretionary decision-making. This means these agencies must assess the environmental significance of all actions they have discretion to approve, fund or directly undertake. The SEQR process uses the Environmental Impact Statement (EIS) to examine ways to avoid or reduce adverse environmental impacts related to a proposed action. This includes an analysis of all reasonable alternatives to the action. The SEQR "decision-making process" encourages communication among government agencies, project sponsors, other stakeholders, and the general public (New York's Department of Environmental Conservation 2016). This document will assist in facilitating the Planning Board of the Town of Fishkill, its counsel, and other Town consultants in evaluating the record before the Board, and considering the standards applicable to making a SEQR Determination of Significance, including advice as to whether or not preparation of an EIS is likely to provide new and significant information bearing on the Planning Board's decision. Part of this process includes determining the impact, if any, on critical environmental area, which will be discussed in the following section.

In addition, due to the fact that the Fishkill Supply Depot Site is listed on the National Register of Historic Places (NRHP No. 90NR00295), consultation with the New York State Office of Parks, Recreation, and Historic Preservation (OPRHP) and various local entities was sought (Rennenkampff 1973). PaleoWest's study has been designed and carried out to provide the Town of Fishkill Planning Board with all the necessary information to adequately address all applicable statutes and regulations.

The goal of the ARA is to synthesize all available information about the site and provide archaeological, historical, and regulatory overviews by reconstructing the overall history of ownership and land use of the project area. The purpose of the land use reconstruction is to incorporate all available information relating to human activity within the project area from the precontact period, Revolutionary War era use and Post-Revolutionary War activities including the most recent archaeological investigations. The ARA:

- summarizes the laws and regulations that mandate the preservation and/or appropriate treatment of historic properties on the site;
- presents an overview of the environmental and cultural setting;

- describes previous studies at the site;

This document was created predominantly with primary and secondary sources provided by the Fishkill Planning Board. Sources were also provided by the Fishkill Historical Society and community members (i.e. Martyn Byster and Penny Steyer) which include previous archaeological reports, correspondences to and from the OPRHP, and an annotated bibliography of the archaeological studies and reports concerning the Fishkill Supply Depot (Sandy and Steyer 2015). Previous archaeological reports and other grey literature, informant interviews, and a site visit additionally contribute to this assessment.

For this investigation PaleoWest conducted an ARA of the project area through a field inspection, working with the New York State Office of Parks, Recreation, and Historic Preservation (OPRHP), and the New York Archaeological Council (NYAC), and at the behest of the Town of Fishkill Planning Board, soil survey data (United States Department of Agriculture Natural Resources Conservation Service [USDA-NRCS] 2013), and historical maps. The field inspection was conducted on December 9, 2016. Dr. Labate met with Dr. Matthew Kirk and Dr. Joel Klein and performed a site visit on the property. Dr. Labate also met with Mr. Martin Byster at the Fishkill Historical Society on December 13, 2016 and was able to examine the artifactual assemblage from one of the previous archaeological investigations (Cartwright 1974). PaleoWest's study was designed and carried out to provide the Town of Fishkill Planning Board with information necessary to address all applicable statutes and regulations.

PaleoWest has also prepared a Historic Properties Treatment Plan (HPTP) for the Fishkill Supply Depot Site to assist the Town of Fishkill Planning Board with recommendations for future steps while complying with all relevant state and federal regulations. The "Fishkill Supply Depot National Register Site" ["National Register Site" or "NR Site"], which is a 74-acre area primarily on the east side of Route 9. The NR Site was placed on the National Register in 1974, but the exact origins of and basis for its precise boundaries are unclear. The HPTP is based on the findings of the archaeological resource assessment (ARA) and will include alternatives best suited to the archaeological record of the project area. The purpose of the HPTP is to:

- Describe archaeological sensitivity
- Provide examples of activities that could adversely affect Historic Properties of the project area;
- Provide guidance as to a comprehensive research design (if necessary) for any data recovery efforts and the documentation and/or preservation of cultural resources of the project area; and
- Provide recommendations for the treatment, avoidance, or preservation of Historic Properties.

PaleoWest prepared the HPTP and the ARA to assist in the New York State Environmental Quality Review (SEQR) process.

All cultural resource services were performed using the professional guidelines and standards set forth in the Procedures for the Protection of Historic and Cultural Properties (36 CFR 800) and the Procedures for Determining Site Eligibility for the National Register of Historic Places (36 CFR 60 and 63). This investigation also conformed to the Secretary of the Interior's Standards for Archaeology and Historic Preservation (48 Federal Register 44716) (United States Department of the Interior 1983). The cultural resource specialists (Labate, Roberts, and Juergens) who performed this work satisfy the Secretary of the Interior's Professional Qualifications standards as specified in 36 CFR 66.3(6)(2).

Authors

Dr. Julie Richko Labate earned her Ph.D. from University College Dublin in Ireland with an emphasis in Historical Archaeology. She has a diverse background in anthropology, archaeology and historic preservation and has worked with PaleoWest for over two years. Her concentration includes eighteenth and nineteenth-century domestic and military sites in American and Europe. In addition, she has over 10 years of experience in archaeology with extensive knowledge of historic preservation and the applicable laws. Additional experience includes execution of fieldwork, report preparation and artifact analysis. She is a Registered Professional Archaeologist (RPA), a member of the Society for American Archaeology (SAA), New York Archaeological Council (NYAC) and the Professional Archaeologists of New York City (PANYC).

Ted Roberts serves as the Principal in PaleoWest's New York office. He has 15 years of archaeological and cultural resource management experience while employed in the private sector, the federal government, and academic institutions. He is a Board Member for the New York Archaeological Council (NYAC) a Registered Professional Archaeologist (RPA), and a member of the Society for American Archaeology (SAA). He is the Newsletter Editor of the Professional Archaeologists of New York City (PANYC), and a member of several other interest and advocacy groups, including the Midwest Archaeological Council (MAC), the Council for Northeast Historical Archaeology (CNEHA), and the Society for Industrial Archaeology (Roebbling Chapter). Finally, he is a past Secretary of the Metropolitan Chapter of the New York State Archaeological Association (NYSAA) the past President of the Arizona Archaeological Council (AAC).

Helen Juergens serves as the Project Director in PaleoWest's New York office. She is a Project Director with eight years of archaeological and architectural experience. Helen's architectural background includes proficiency in archiving, modeling and mapping, and restoration and conservation. She also has extensive experience in excavation, including lab analysis, archiving and cataloging artifacts, photography and illustration of artifacts, and XRF testing on ceramic and metal artifacts for isotopic analysis. Her role as an Excavation Supervisor and Field Technician have led her to gain experience in a variety different settings as well as with analysis and archival techniques.

Archaeological Resource Assessment

The ARA includes **seven sections**. These include a 1) Background and Regulatory Setting, 2) Environmental Setting, (3) Precontact Cultural Setting, (4) Historical Overview, (5) Historic Context of the Fishkill Supply Depot, (6) Previous Archaeological Investigations, and (7) Conclusions. The Background and Regulatory Setting Section provides an overview and scope of the archaeological resource assessment within the context of all applicable laws. The Environmental Setting Section provides the environmental, geological and physiological setting of the project area. The Precontact Cultural Setting and Historical Overview Sections provide a timeline of land use. The section titled Historic Context of the Fishkill Supply Depot encapsulates the historical ramifications of the project area, specifically during the Revolutionary War. In the Previous Archaeological Investigations Section, a review and summary of the archaeological submissions and materials that comprise the record before the Board is detailed. Within the conclusions, the preservation recommendations are discussed, which include the stripping plan recommended by SHPO (Hartgen 2017); the monitoring and unanticipated discovery plan (Klein 2017).

Environmental Setting

A. General Setting

The project area is located near the southeast intersection of Route I-84 and US Route 9, south of Snook Road and north of Van Wyck Road in the Town of Fishkill, New York. The property consists of a roughly 6.85-acre parcel and is rectangular in shape (Figure 1). The proposed project area is situated east of the Hudson Valley Lowland and at the north border of the Hudson Highlands, included in the New England Uplands, a physiographic province that was underwent regional metamorphism. The project area itself is within the Taconic highlands subdivision (Schuberth 1968: 39). The bedrock outcrop that dominates the western boundary of this protected vale is composed of gneiss. Overlying this is a mantle of glacial till and soils from 15,000 BP.

The topography is set in the Hudson Highlands, an elevated formation east of the Hudson River that is a part of the larger New England uplands physiographic province. This area is topographically varied and ranges from hills and upland flatlands to swamps and wetlands fed by rivers and streams of varying sizes. Within this larger context, the project area is located to the east of Bald Hill. Within a few hundred yards is the flood plain of Clove Creek and Fishkill Creek. Clove Creek is a small stream that flows northward emptying into Fishkill Creek. The project area is at the edge of or part of this rich flood plain – known historically as the Clove Valley. On a site-specific level, the topography of the site varies from 230' above sea level along Route 9 to approximately 250' above sea level in the southeastern corner of the property (USGS 1903, 1943, 1956; Figure 2).



Figure 1: Aerial Photograph Showing the Limits of the Proposed Project Area

Soils on the site are consistent with glacial till outwash overlain by more recent soils. The stratigraphy of the soil on the site is a layer of humus over a layer of mixed soil and sand over glacial soil consisting of sand and stone of various sizes, ranging from pebbled to small cobbles (including chert clasts). Knickerbocker fine sandy loam overlays glacial sand and gravel with great consistency throughout the testable area. From the stratigraphy of the soils on the site it appears that it was pastureland, rather than plowed land (USDA-NRCS 2013).

The Knickerbocker soils are characterized as very deep, well and somewhat excessively drained, soils formed in sandy glacio-fluvial deposits. They are nearly level to steep soils on lake plains and terraces. Slope ranges from 0 to 35 percent. Mean annual temperature is 49 degrees F., and mean annual precipitation is 39 inches (NCSS 2016). According to available Geographic Information Systems (GIS) information and the USDA Natural Resources Conservation Service website (<http://efotg.sc.egov.usda.gov/treemenuFS.aspx>). Most of the area of development consists of the Hoosic gravelly loam, nearly level (HsA) soil series.

B. Environmental History of New York

Paleoecologists have constructed the environmental history of New York from a variety of sources, including pollen cores, sedimentation histories, and faunal collections. The boggy areas and former lake beds indicate a good deal about the climate and the flora of the Dutchess County area just after the retreat of the Wisconsin glacier. Immediately following the withdrawal of ice from this part of the state, the region was dominated by arctic or tundra-like vegetation. Large game animals, such as the mammoth and mastodon, traversed these areas of grass and low-growing shrubs. Approximately 12,000 years ago, humans first entered Hudson Valley (Eisenstadt and Moss 2005).

The tundra was succeeded by a landscape characterized by herbs and grasses, shrubs, and open conifer parkland with some areas supporting spruce, pine, fir and birch forest. The nature of this landscape changed again about 10,000 years ago, when spruce forests became dominant. Approximately 7,000 years ago, when temperatures increased, this spruce forest was succeeded by a mixture of conifers and deciduous trees. These trees were, in turn, replaced by oak, hemlock, beech, and before the blight in the 1930s that decimated them, the chestnut (Eisenstadt and Moss 2005).

C. Potential Impact on Critical Environmental Areas

The proposed action and development may be located within or adjacent to a Critical Environmental Area (CEA). The proposed project is located over the Fishkill-Sprout Creek Principal Water Supply Aquifer, which has been designated by the Town of Fishkill and accepted by NYSDEC as a Critical Environmental Area within the Town of Fishkill.

Precontact Cultural Setting

The precontact period specifically refers to the time when the area was inhabited by Native Americans, prior to the discovery and settlement of New York by European colonists in the 16th

and 17th centuries (Guillet 1996). Archaeologists have documented 12,000 years of precontact Native American occupation of the region, and oral traditions of present-day tribes in the area tell of a 50,000-year cultural occupation (Wells and Read 2002). Prior to 7,000 years ago, inland-based resources were a main staple, and hunting and collecting along the Northeast's waterways was the dominant subsistence strategy. About 7,000 years ago, settlements became more concentrated within the region's major river drainages. By 3,000 years ago, concurrent with a focus on coastal and riverine settlement, large populations were living in nucleated settlements and developing complex social ties, with language, kinship, ideology, and trade connecting individuals throughout the Northeast. During the centuries prior to European contact, these groups known as Pocumtucks, Nipmucks, Massachusetts, Wampanoags, Pokanokets, Mohegans, Pequots, Oneidas and Narragansetts (Wells and Read 2002). These tribes and their ancestors developed special relationships to the land adapting to changing environmental and social conditions first as nomadic hunter-gatherers, later as prehistoric agriculturalists, and finally as historic farmers and tradesmen.

Paleoindian Period (c. 10,500-8,000 BC)

Archaeologists have identified human occupations in the Hudson Valley region by approximately 10,500 BC at the time that the last glacier withdrew from the area. The post-glacial landscape can be characterized as a tundra with colonizing grasses, sedges and herbs. Paleoindians were small bands of nomadic hunters who inhabited the northeast from the south and west. In addition to being big-game hunters, these individuals also subsisted on fish, bird and small mammals (City/Scape 1996). Characteristically, Paleoindian sites are found along major waterway systems, such as Hudson River, where a number of sites have been found. The first people to inhabit the Town of Fishkill may have camped along the Hudson River in the mouth of Fishkill Creek (City/Scape 1996; Ritchie 1958).

Archaic Period (8,000-1,500 BC)

The Archaic period in New York State is better documented and it divided into four stages: The Early Archaic (8,000-6,000BC), the Middle Archaic (6,000-4,000 BC), the Late Archaic (4,000-1,700 BC), and the Terminal Archaic (1,700-1,000BC). These stages are further broken down into a series of phases: Vergennes, Vosburg, Sylvan Lake, River and Snook Kill. Vosburg and Sylvan Lake are well represented in Dutchess County, as gatherers of wild vegetables and fruits, Archaic people were highly mobile comprised of a loosely knit group headed by a chief, or perhaps, a shaman, who guided them in an advisory capacity (City/Scape 1996; Ritchie 1958).

In the Hudson Valley, the Early Archaic is represented by only a few campsites, which appear to have been small and temporary. On the Hudson River to the north and south of the Town of Fishkill. There are four sites present: South Cruger Island, Shagbark, and the Bannersman's Island site (City/Scape 1996). The Sylvan Lake site, the in the town of Beekman, does not conform to this pattern (City/Scape 1996; Ritchie 1958). The Middle Archaic witnessed changes in the landscape as coniferous forest was replaced by deciduous trees around 6,000 BC. Middle Archaic sites are usually found in well-drained, low-lying terraces adjacent to the river or on ridges which overlooked the river.

Sites become more numerous in the Late Archaic Period in the Lower Hudson Valley. Surveys and histories of Dutchess County indicate the presence of a number of prehistoric sites in the vicinity of the project area. Prehistoric sites associated with the flood plains of Clover Creek and

Fishkill Creek have been identified by recent archaeologists (Guillet 1996). Two sites were identified immediately to the north of I-84 on the west side of the Albany Post Road, while prehistoric material was recovered during the archaeological investigation of the Upper Barracks area on the Dutchess Mall site, directly opposite of the proposed project area (City/Scape 1996).

Table 1: Precontact Sites within a 1-mile radius of the Fishkill Supply Depot

<u>USN Number</u>	<u>Name</u>	<u>Discovery Date</u>	<u>Status</u>
2706.000061	Snook Road Prehistoric site	3-Jun-12	Undetermined
2706.000045	Touchdown Development Site/ Hess Gas Station	N/A	Undetermined
2706.000002	N/A	N/A	Undetermined
2706.000004	Merritt Park – B Site	30-Nov-04	Eligible
2706.000039	Merritt Park – A Site	N/A	Eligible

Among the precontact cultural material recovered during the Upper Barracks excavations was a Squibnocket Late Archaic projectile point (City/Scape 1996). This point, identified within a larger assemblage of lithic debitage, is indicative of an increased use of the Fishkill Supply Depot area by Late Archaic peoples. The significant increase in the Late Archaic period of occupation coincides with the general stabilizing of the surrounding sea levels, making available study of their coastal sites. Ongoing studies have afforded regional investigators an increasing expanding assemblage of research evidence (City/Scape 1996) to help reconstruct aspects of everyday life involving different phases of socio-cultural groups active in the region. Another prehistoric site is identified by Juliette Cartwright (1974). At the Van Wyck house, excavations conducted in the basement and the surrounding grounds also produced precontact artifacts, including a bifurcated point, corner notched points, a Sylvan Lake point, a knife and a scraper (Guillet 1997).

The Transitional Period (c. 1,500-1,000 BC)

The Archaic periods in the Hudson Valley was followed by a Transitional Period. This stage includes the advent of stone pots which were made of soapstone (Ritchie 1994). Because these vessels were extremely bulky, they were later replaced by ceramic vessels. Similar to the Late Archaic, the sites were located on high bluffs and on low-lying sites along the Hudson River. Based on the weight of the stone pots, they were used for water transport, most likely by canoe (City/Scape 1996).

The Woodland Period (100 BC-1500 AD)

The Woodland Period, like the Archaic, is classified into temporal periods, including: Early Woodland period (c.1000-760 BC), the Middle Woodland period (c. 760 BC- 400 AD), and the Late Woodland period (c. 400-1,500AD). These sites tend to be located on inland streams on high bluffs. In the later period, there is some evidence of palisaded villages. A marked change in land use patterns occurred during this time as cultivation of maize, beans and squash led to a more sedentary lifestyle (Ritchie 1994).

Contact Period (1600-1750 AD)

Most of the accounts concerning the tribes in this area are recorded from European explorers at the time of contact. Henry Hudson was the first to recount his travels up the Hudson River in 1609 (City/Scape 1996). Explorers, like Henry Hudson, recounted the interactions between themselves and the tribes of the Algonquin Nation. The “Mohicans” lived on the land along the east bank of the Hudson. The territory of Wappingers, a tribal sector of the “Mohicans”, lived in a major portion of present-day Dutchess County. These tribes traded for “powder, lead and brandy” (Hasbrouck 1909: 25).

Historical Overview

The purpose of this section is to provide a general overview of the historical setting of the vicinity before delving into a more thorough treatment of the Fishkill Encampment and Supply Depot in later sections. The Wappinger Indians, who were part of the Confederacy of the Five Nations, resided on the east side of the Hudson River (Hasbrouck 1909). Their villages and seasonal campsites were located along the river and on the shores of such waterways as Fishkill Creek. Ships traveling from New Amsterdam (present-day New York) to Fort Orange (present-day Albany) anchored along the shore and traded furs (City/Scape 1996; Smith 1877). Prior to the eighteenth century, the site was part of the Rombout Patent, which was 85,000 acres of land purchased from the Wappinger Indians in 1685 by Gulian Verplanck and Francis Rombout (Dunstan 2012). Rombout’s daughter, Madam Catharyna Brett, sold tracts of land from the Rombout Patent (City/Scape 1996; Cassidy 1985).

On February 8, 1628, Francis Rombout and Gulian Verplanck, fur traders and merchants in New York City, were granted a license from the Colonial Governor Thomas Dongan (representing King James II) to acquire land from the Wappinger Indians. His discussions caused the procurement of 85,000 acres of land, and on August 8, 1683, the Native Americans and agents of Rombout and Verplanck authorized a deed of sale extinguishing the Native American claim to the land. At the time of the sale, a survey was taken of the land encompassed in the patent; however, no further internal division existed. The very loose description of the boundaries of the patent were later open to interpretation. The patent sale was registered on October 17, 1685; however, Gulian Verplanck was already deceased (Smith 1877).

No further legal division of the land transpired until 1707 when Catharyna Rombout Brett, the only surviving offspring of Francis Rombout and her husband, Roger Brett, requested the Supreme Court in New York City to permit the partition of the patent among the partners. The request was granted on March 15, 1708 (City/Scape 1996). After the land survey was completed, the Bretts took possession of the southern third of the property, the heir of Gulian Verplanck held the middle section, and the widow of Stephanus Van Cortlandt, owned the northern third (Cassidy 1985; City/Scape 1996; Smith 1877).

In 1707, the land of the Rombout Patent was heavily forested, with practically no village, although a 1685 map of the Hudson Valley shows some signs of settlement at the mouth of the Wappingers Creek. A map prepared in 1689 by John Holwell shows forests covering most of the Rombout Patent, but four areas are identified as “A Plaine”. One is located on the north side of Fishkill (Cassidy 1985).

Following the partition of the Rombout Patent, Catharyna and Roger Brett relocated to the mouth of Fishkill Creek, where they constructed a house and mill, the first in the area, in 1709. By 1718, Roger Brett had drowned and Catharine Brett started to actively settle her land, inviting gamers from Long Island to cut the woods and establish farms. Among the early purchasers was

Derick Brickerhoff from Flushing, Long Island, to whom she sold approximately 2,000 acres in 1718 (City/Scape 1996; Cassidy 1985). At the time of her death, she bequeathed half of her estate to her son Francis, the other held to the children of her son Robert, who had predeceased her.

As administrative units, the patents were superseded in 1683 by counties, when, on November 1, 1683, the New York legislature divided the Province of New York into twelve (12) counties. Initially, Dutchess County include the territory of present-day Putnam County, as well as the southern section of Columbia County. Its boundaries were defined as the Roeloff Jansen's Creek (in present-day Columbia County) on the north to the borderline of Westchester County on the south. That border was also the northern boundary of the Van Cortlandt Manor. The eastern limit was a well-defined line running twenty miles into the woods from the banks of the Hudson River. At the time that the county was laid out, it was deemed to be insufficient in a population to necessitate representation in the government. It was deemed, for administrative purposes, to be part of Ulster County. Therefore, landowners of Dutchess County went to cast their ballots in the provincial elections there (City/Scape 1996; Cassidy 1985).

By 1703, when the Colonial Assembly established the King's Highway, described as leading from the northern end of King's Bridge on the Harlem River to the ferry at Fort Crailo across the Hudson River from Albany, there were still so few residents in Dutchess that the inhabitants were obliged to clear or maintain a path by law until 1723 when they were required to build and maintain their portion of the highway to the equivalent standards as the remainder of the highway. From the King's Highway, a series of roads headed east to the interior of Dutchess County, including one at Rhinebeck, Poughkeepsie, and one that led from Fishkill to Poughquag. This road, referred to in the eighteenth century as Madam Brett's Road, was in existence in 1719 (City/Scape 1996; Smith 1877). Fishkill then grew out of the intersections of the north-south and east-west highways. The administrative correlation to Ulster County persisted until 1713, when it was decided that there was an adequate population in the county to merit a seat in the Colonial Assembly. Poughkeepsie was selected as the county seat. Of the 67 families living in Dutchess County, only six families, including Catharyna Brett and her children, lived on her land (City/Scape 1996; Cassidy 1985).

In 1719, the county was distributed into three wards: the Northern, which extended from Roeloff Jansen's Kill to Esopus Island off Hyde Park, the Middle, from Esopus Island, south to the Wappinger's Creek, and the Southern, from Wappingers Creek to the Westchester border. By 1723, there were 47 families in the South Ward, which comprised all the land in the Rombout Patent. By 1730, there were 71 families. Among the families settling in Fishkill included Van Wyck, Brinckerhoff, Swartwout, Wiltse, Hasbrouck, Ter Bos (Terbush), Adriance (Adrianse), Van Voorhis and DuBois (Hasbrouck 1909).

In 1730, Cornelius Van Wyck (1694-1761) arrived from Hempstead (Long Island) and acquired 900 acres from Madam Brett; this area was known as Clove Valley. By 1735, he had constructed the first portion of his house (the west wing of the Van Wyck House) with the eastern portion having been built in 1756. Following Cornelius Van Wyck's death in 1761, his son, Cornelius Van Wyck Jr., inherited his father's property, which was divided among his heirs. Isaac Van Wyck received the homestead and a portion of the 90 acres. His family believed to have continued to live in the house throughout the Revolution, occupying the eastern portion (City/Scape 1996).

The Fishkill Supply Depot site will be discussed in more detail in the following section; however, it is worth noting that the site holds significance and was of tremendous importance during the Revolutionary War. The Van Wyck-Wharton House which served the Depot is significant architecturally and historically (Rennenkampf 1973). Although the Van Wyck House and the

land surrounding were used heavily during the years of the war, the depot was abandoned immediately following and the buildings were dismantled for reuse (City/Scape 1996:14).

The Village of Fishkill served as the seat of the New York State government from August of 1776 until the legislature withdrew to Kingston in February of 1777. During the late eighteenth century, the population dramatically increased due to the influx of refugees from New York City who were fleeing the city due to the British occupation after the Battle of Brooklyn (City/Scape 1996). In 1789, the post office opened and Cornelius C. Van Wyck constructed the building that was called "the Old Mansion House" located on the King's Highway which served as a stage coach stop and inn. In 1836, James de Lancey Verplanck inherited Stony Kill from the estate of Gulian Verplanck. Seven years later, James de Lancey Verplanck's Manor house completed at Stony Kill. From the mid-nineteenth century to the mid-twentieth century, there were six (6) brickyards located in the small community of Dutchess Junction. During the mid-nineteenth century, the village grew as evidenced by the establishment of Bedford Avenue, Robinson Street, and Broad Street (City/Scape 1996). The railroad was another important addition to the area beginning with the New York & Harlem Railroad which was constructed along the eastern side of the county in 1845:

Before the advent of the railroad, the river was largely used as a means of reaching points north and south, sloops being employed for this purpose. Travel between Albany and New York by stagecoach, which passed through Fishkill was wearisome. It took from ten to twelve hours to make the trip from Fishkill to New York (Hasbrouck 1909:315).

In 1866, the Dutchess and Columbia Railroad organized and opened between Pine Plains and Dutchess Junction (Fishkill Historical Society 1996).

Until the relatively recent developments in the area, the vicinity remained essentially unchanged. Route I-84 was the primary contributor for land use with construction of this highway beginning in the early 1960s with the section between the New York Thruway (Route I-87) in Newburgh and Route 9 being completed in 1963. In the following year, Route I-84 was extended eastward to the Taconic State Parkway. The Route I-84/U.S. Route 9 interchange was first finished with simple on-off ramps (Figure 2). This arrangement was reconfigured beginning in 1999 with the addition of a second overpass, widening of the highway in both directions and widening of the ramps and conversion of the ramps on the west side of Route 9 into a cloverleaf arrangement (Hunter and Lee 2016).

The advent of the interstate hastened development along Route 9, especially to the north between the Route I-84 and the Fishkill Village, but also to the south of the Route I-84/U.S. Route 9 interchange. By 1970, a filling station was in place on the west side of Route 9, directly opposite the Van Wyck Homestead, and two new homes had been manufactured on the east side of the road, south of Snook Road. Many of the surrounding fields were reverting to woodland by this time. The filling station was subsequently removed when the cloverleaf was added in the southwest quadrant of the Route I-84/Route 9 interchange in the late 1990s. Dutchess Mall opened in 1974 and was the first mall in Dutchess County. Its construction resulting in the destruction of the majority of the Fishkill Supply Depot site on the west side of Route 9. The Fishkill Golf Course and Driving Range, behind the Dutchess Mall, was opened in 1989. A new filling station was added on the east side of Route 9, south of Snook Road, in 1997. Over the past half century, aside from these specific developments, land within the supply depot has continued to grow back as secondary woodland (Hunter and Lee 2016; see Figures 3-6).

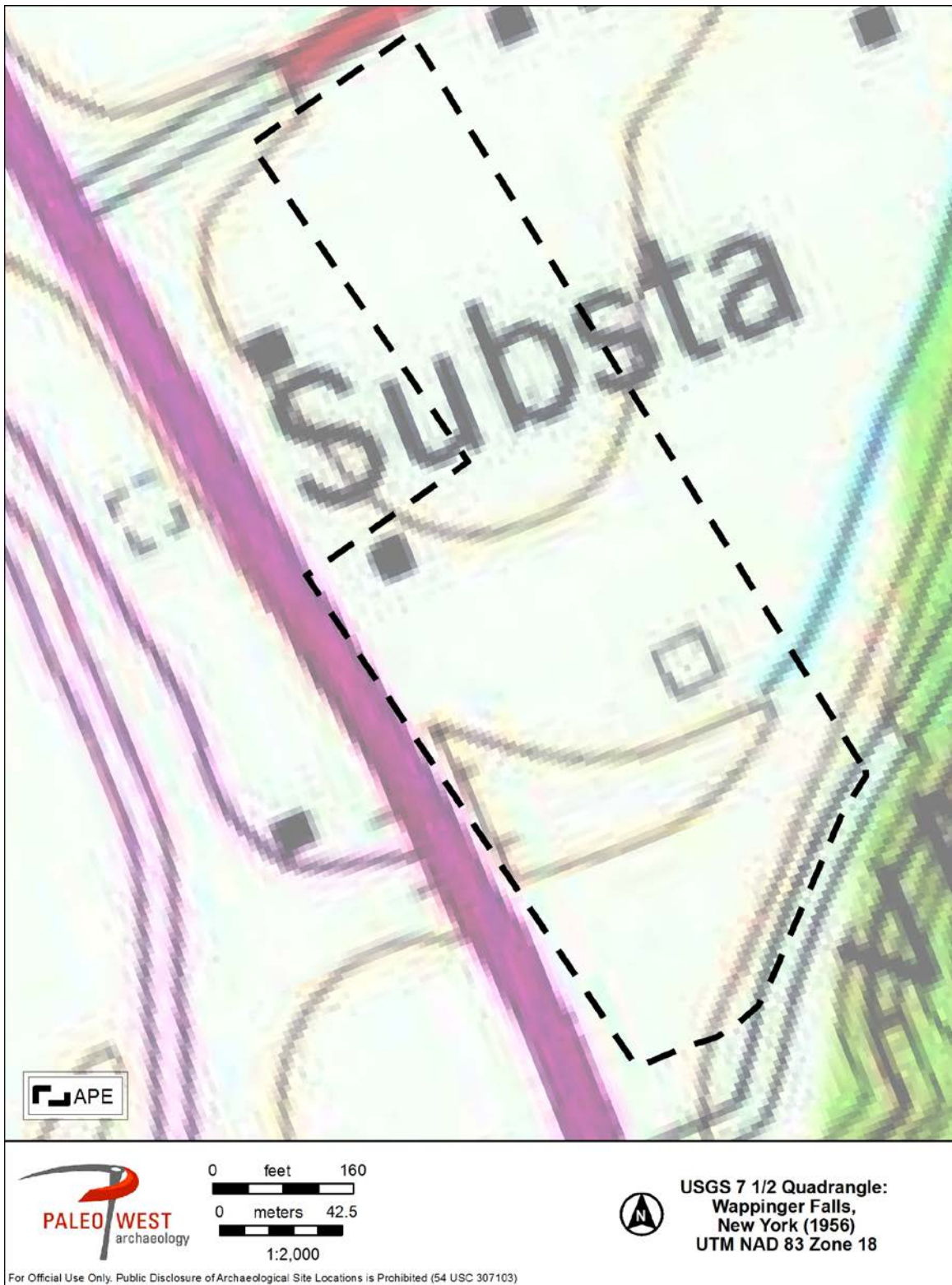


Figure 2: Historic Topography with Proposed Project Area (1956)



Figure 3:
View of Proposed Visitor Center Location (Facing West)



Figure 4:
View of Nineteenth-Century Structure (Facing Southwest)



Figure 5:
Fishkill Supply Depot looking towards the Burial Ground (South)



Figure 6:
Fishkill Supply Depot looking towards the Proposed Living Museum (West)

Historical Context of the Fishkill Supply Depot

This section presents the specific historic context of the Fishkill Supply Depot and Encampment during the Revolutionary War. Fishkill served as a rendezvous point for the Dutchess County militia, New York line troops and New England drafts (Gifford et al 1971: 25). During the Revolutionary War, the village of Fishkill was the site of a major supply depot and encampment for Washington's Northern Army. The German Major General Baron Reidesel recorded his force of prisoners arrived at Fishkill on November 28, 1778 and stated that "Fishkill was the headquarters of George Washington" (Bielinski and Wilcox 1970:11). Radford Curdy has observed that one of its most outstanding defenses was the extraordinary loyalty of the indigenous population to General Washington and his cause (Gifford et al 1971:2).

For a detailed history of the depot, the following sources are recommended : T. Van Wyck Brinkerhoff's Historical Sketch and Directory of the Town of Fishkill (1866) and D.B. Bailey's Local Tales and Historical Sketches (1874); Helen Myers' newspaper article "Historic Interest Rekindled in Old Fishkill Encampment" (1962); a prospectus prepared by the Office of State History titled "The Fishkill Supply Depot: Historical Background Interpretive Proposal" (Bielinski and Wilcox 1970); and Rich Goring's "The Fishkill Supply Depot and Encampment" (1975). A recent account which chronicles the development of the Fishkill Supply Depot is "The Bodies; Who Owns History" in *Lives in Ruins: Archaeologists and the Seductive Lure of Human Rubble* (Johnson 2014). Additionally, Friends of Fishkill Supply Depot (FoFSD) has compiled an annotated bibliography of the archaeological studies and related reports concerning the Fishkill Supply Depot (Sandy and Steyer 2015). This section was synthesized using archival documents housed in Library of Congress, the National Archives, the New-York Historical Society, the New York State Archives and the William L. Clements Library at the University of Michigan. Research in person was conducted at the Fishkill Historical Society. In addition, historic maps were viewed online at the Library of Congress website (<https://www.loc.gov/maps/>). Numerous general maps of New England and the Middle Atlantic region were produced in the mid-to late 1770s. Most of these maps were surveyed and drawn by British and French cartographers illustrating pre-war landscape with rudimentary topography and roads.

Prior to the Revolutionary War, Fishkill was a small village settled by Dutch traders; however, agriculture quickly became a vital industry in the eighteenth and nineteenth centuries. Fishkill was the site of the principal and most extensive depository for military provisions in the North. In addition, the depot also housed Continental Troops throughout most of the war, with soldiers encamped at the site from 1776 – 1783 (Goring 1975). Fishkill became a focal point for rallying troops as well as the headquarters for the Commissary and Quartermaster Corps and numerous military officers. Moreover, the depot was the site of numerous important military operations, including a major hospital facility, the meeting place of the Provincial Congress Committee and Convention of Safety, a Committee of Correspondence, and the Commission for Detecting and Defeating Conspiracies in the State of New York. The depot's main function was as a supply depot, housing approximately 6,000 individuals and numerous regiments (Goring 1975). There were usually about 2,00 soldiers to guard the installation (Bielinski and Wilcox 1970:14-16). During the years of 1776 to 1778, the depot began and developed barracks, numerous huts, blacksmith's shops, a print shop, guardhouses, a prison, a paymaster's office, and a major hospital facility (Goring 1975). "Workshops were built at the depot for the manufacture of articles needed by the troops. The shops may have included an ordinance store, a bake shop, a tent shop, a Chandler's (candle and soap), a wheelwright's and it has been established that a smith shop across the road from the Van Wyck's house" (Bielinski and Wilcox 1970:6-7).

The barracks were comprised of three (3) distinct barrack complexes, which were placed on the New York State Register on September 9, 1982 and the National Register of Historic Places (NRHP) on November 23, 1982 (Goring 1975). The Upper Barracks were constructed in 1776 and used until 1783 when the supply depot was abandoned at the end of the war (Cartwright 1974; Goring 1975). The first of these was ordered constructed in October 1776 and designed to accommodate approximately 2,000 individuals (Goring 1975). These Lower Barracks, located three (3) miles south of the village, may have been constructed at the same time the Upper Barracks were built within the encampment. Additional barracks were ordered built in September or October of 1778 which may be why a company of 43 carpenters were at Fishkill in December of 1778 (Goring 1975; Greenhouse Consultants Inc 2009). Lieutenant Thomas Aubrey, a British officer captured with Burgoyne, observed that the barracks were well-constructed (Bielinski and Wilcox 1970:61). Other accounts confirm that the barracks were built in the wood, well-constructed, and well covered (Gifford et al 1971:24).

The structures were built with a working specification of 36 feet by 19 feet by 7 feet high; however, material evidence of this is scant as a shortage of board led to mud walls being substituted for timber. Both barracks were located alongside the New York-Albany Post Road (modern Route 9) and stretched from either the village or at least the Van Wyck's house, south to the mountain. Other facilities such as the main storehouse and stables, and perhaps the smith's shop, were constructed and put into operation during this time, despite conflicting documentary evidence (Hunter and Lee 2016).

When the British Convention army, encamped at Fishkill, were here they most likely were near the upper barracks (Goring 1975). The domestic structures, including huts and barracks, were also used to house and contain prisoners and sick and wounded individuals (Goring 1975). Huts for troops at the foot of Round Mountain near Van Wyck's Lake Road might have been used for this purpose (Huey 1968:30). From October 1776, onward, a guardhouse and one of the churches in the village were being used to hold prisoners. The prison was enclosed by palisades (Gifford et al 1971: 24). In a short time, at least one of the barracks was being used for the same purpose. The guardhouse consisted of more than a single room and over the winter of 1776-77 was being used to confine approximately twenty (20) prisoners on October 11, 1776 and as many as thirty-seven (37) prisoners on January 12, 1777 (Hunter and Lee 2016).

As British troops increasingly became more of a presence in New York City, American forces reacted by maintaining encampments in Morristown, Valley Forge, Middle Brook, Jockey Hollow and New Windsor (Hunter and Lee 2016). Fishkill continued to serve its main function as the Continental Army's primary supply base in the Hudson Valley. The depot housed and maintained stores of food, forage, clothing, military equipment, weapons and these were distributed to troops in camps and forts. The stores were moved out of Fishkill due the threat of a British attack in late March of 1777, in April of 1778 and early June of 1779. Nearby, defenses were installed at Wiccopee Pass in late March and October of 1777. The activity in late March of 1777 was in response to "a British attack on Peekskill, while that of October in that year was prompted by the British naval advance up the Hudson that resulted in the burning of Kingston. These two episodes were as close as Fishkill came to seeing a true military engagement" (Hunter and Lee 2016).

As hostilities with Britain over the colonial independence commenced, Fishkill played a strategic role in that it was close to the Hudson or North River, so supplies and trips could be moved quickly; however, Fishkill was also protected by the natural barrier formed south of it by the Hudson highlands, a rugged mountainous area through which passed a single road which could

be easily defended (Goring 1975). The Fishkill area appears to have been selected as a depository for the “potential of local fertile farmlands, a physiography that inhibited attack, and a central location relative to enemy controlled area and Continental Army Campaigns” (Gifford and Crozier 1973). “Geographic factors, the course of the war and socioeconomic conditions constructed to the unplanned development of the Depot into the major northern supply center” (Bielinski and Wilcox 1970: 11). In fact, a major factor in the state government’s decision to relocate to Fishkill was the village’s position in the landscape, the possibilities of this location as a military supply base and encampment for the Continental Army and the militias were recognized from the outset of the Revolutionary conflict (Hunter and Lee 2016). Fishkill was centrally located as a communications center:

As to the position of Fishkill, the results of the campaign of 1777 have proved how important it was to occupy it. It was dear that the plan of the English had been, and could again be, to get possession of the whole course of the North River, and to separate thus the States of the east from those of the west and the south. It was necessary to make sure of a post on this river. They chose West Point as the most important to fortify, and Fishkill as the most convenient place to establish the principle depot of provisions, ammunition, etc.; these two positions are connected. I will speak presently of that of West Point; but I will observe here that Fishkill has all the necessary conditions for a place for a depot, because that village is situated on the main road from Connecticut, and near the North River, and because at the same time it is protected by a chain of inaccessible mountains, which occupy a space of more than twenty miles between the Croton river and that of Fishkill (Hasbrouck 1909:184).

The main north-south road from Albany to Ticonderoga to New York City passed through Fishkill and was the safest and most secure route connecting New England to the southern colonies (Goring 1975). The village would also serve as a convenient collection point for agricultural commodities. In addition, iron, lead and lumber were also collected (Goring 1975).

In addition to the buildings constructed by and for the military occupants, a number of civilian residences and public buildings were pressed into service as the town expanded into a major governmental and military center. In this manner, the house of Isaac Van Wyck became headquarters for the facility, the location of the Paymaster’s Office, and the scene of military court-martials throughout most of the war (Goring 1975; Turner 1910; Wells 1969). The Van Wyck-Wharton House is located immediately to the north, and “consists of two main sections; the larger section toward the highway is supposed to have been built before 1757 and adjoins a smaller section on the east built before 1752. The house faces south, with its gable end nearly at a right angle to the highway” (Huey 1968:7). The house is listed on the State Register on September 9, 1982 and the National Register of Historic Places on November 23, 1982 (A02706.00029, 90NR297). The Van Wyck House is a “fine example of a Dutch-style farmhouse” (Huey 1968: 33).

The Van-Wyck Wharton house, constructed in 1733 and 1756 when Cornelius Van Wyck and his wife, Hannah Thorne, arrived in Fishkill, is both historically and architecturally significant for its role during the Revolution and its association with significant events and persons (Weaver 1971). “When Cornelius Van Wyck died in 1761, his son, Cornelius Van Wyck Jr., inherited the property and it subsequently passed to his heirs who divided the farm” (Bielinski and Wilcox 1970:21). Isaac Van Wyck served as a Captain in the Dutchess County Militia, as shown by the muster rolls in New York in the Revolution (Buys 1968).

The house stored military supplies as on May 7, 1777, all officers of the 2nd New York Regiment were ordered to send their recruits to the house where they would be supplied with clothing (Huey 1968: 34). Alexander Hamilton reported that "clothing destined for Southern troops was stored at Fishkill in 1777.... Philip Livingston sent 11,000 pounds of clothing to Fishkill in January 1777" (Bielinski and Wilcox 1970:15-16). The Van Wyck-Wharton house was the site of the last New York Provincial Post Office and of the first New York State Post Office (Buys 1968). The house also housed the Continental army officers serving in the area. There are numerous references to this and the court-martials that took place in the housed in the manuscript collections in the New York Historical Society records (Buys 1968). The Van Wyck-Wharton house is the only remaining building of the Fishkill Supply Depot and Encampment (Buys 1968). The Van Wyck house "represents a remarkable material record of the changes in daily life on a Dutchess County farm before 1732 until and including present day, represented by Route 9 and Interstate 84 nearby" (Huey 1968: 40).

Fishkill was a center of military activity before the end of 1778 (Goring 1975). Magazines were located near the barracks as early as October of 1777, when they were observed by the British prisoner from Burgoyne's army (Huey 1968: 23). The Depot and Encampment at Fishkill was quite extensive, with various types of supplied, provisions and munitions stored and were essential to the success of the American Revolution (Goring 1975). Artillery and shot, muskets, musket balls, powder, lead and cartridges were all held at the Fishkill depot throughout the war, but especially in 1776-79, although the precise locations where such items were stored remains uncertain (Hunter and Lee 2016).

Fishkill's hospital facility was located in many area of the village and in the Lower Barracks area. During the late 1778 small pox outbreak in Fishkill, many of those afflicted were accommodated in additional hospital facilities in the barracks and in both the Episcopal and Presbyterian churches (Hunter and Lee 2016). Research suggests the presence of an associated cemetery located in close proximity to the Van Wyck house. Historical accounts suggest the bodies of the soldiers who were wounded from the battle of White Plains were also buried "near the base of the mountains a short distance south of the village" (Hasbrouck 1909:173). After 1778 the major medical and hospital facilities attributed to the Fishkill Supply Depot are known without question to have been located farther south in the southern outlet of Clove Valley, locally called to this day, Snow Valley" (Gifford and Croier 1973: 18).

Prominent figures are associated with the depot. In October 1777 to March 1778, Major General Israel Putnam commanded the Hudson Highland troops headquartered in Fishkill. After arriving in Fishkill in April of 1778, General Horatio Gates, Commander of the Northern Department of the Continental Army, General George Clinton of the New York militia, established headquarters at Fishkill. "At midnight Governor Clinton Has reached Continental Village, a small military settlement on the Albany Post Road, north of Peekskill. Here he met General Putnam and others of the staff officers in a council of war where it was finally decided to evacuate the American post around Peekskill and retreat to the northern part of the Highlands. On the following morning, the American Army, under General Putnam, commenced its march out of the mountains, taking a position on the Albany Post Road about three miles south of the village" (Bielinski and Wilcox 1970: 6). Other historical figures who visited the depot include General George Washington, the Marquis de Lafayette, General Frederick von Steuben, Major General Nathaniel Greene, Baron de Kalb, Aaron Burr, and General Henry Knox (Wells 1969). In addition, troops from Maryland, Virginia, Canada, New York, Massachusetts, New Jersey, Connecticut, and New Hampshire were stationed at the depot at different times and it served as a rallying place for Dutchess County and other New York troops (Buys 1968). In 1778, the Continental Congress passed a resolution which designated Fishkill as the official rallying point for New

England troops. In his letter to Governor George Clinton in 1780, George Washington chose Fishkill for a rallying point (Buys 1968).

By December of 1778, the focus of the war shifted increasingly to the southern colonies and continued until the British surrender at Yorktown in October of 1781. It was at this time that the provisioning role of the depot started to decline. The Barracks were in poor condition by this time where on September 11, 1778, Colonel Udbey Hay wrote to Captain Jon Banker at Fishkill of “the absolute necessity of repairing the barracks there. After this, apparently, few prisoners remained in those buildings, and by December 15, 1778, about 400 sick troops and convalescents at Fishkill occupied the barracks and public buildings” (Huey 1968: 21). In March of 1781 Congress put forward plans to discontinue supply operations at Fishkill; however, the final closure of the depot may in fact have occurred in late November of 1782 when “orders were issued to the 9th and 10th Massachusetts Regiments to remove supplies and military stores from the facility in conjunction with the army going into winter quarters at New Windsor and West Point” (Hunter and Lee 2016). “The supply depot at Fishkill ultimately became the principal depository for military stores and provisions in the north...Troop from New York, New England, New Jersey and Pennsylvania were leveled at and/or were provisioned from Fishkill” (Bielinski and Wilcox 1970: i). On the Erskine (1778) map, six structures are shown: two barracks, the Continental stables, a store (interpreted by Huey as the Van Wyck House), a smith shop and an unidentified building. The two “Lower Barracks” hospital buildings are shown on the Erskine Military Map of 1778. The blacksmith shop is shown directly across the Post Road from Isaac Van Wyck’s home. Erskine was commissioned by General Washington to survey roads so that Washington might have accurate maps of the area. According to the map series prepared by Christopher Colles in 1789, the land appears to have reverted rapidly to agricultural use and then woodland regrowth. The house remained largely in Van Wyck family’s possession until the second half of the nineteenth century. The route from New York to Poughkeepsie, showing the principal buildings along its course is depicted as well (Figure 7). The “Van Wycks” house is indicated along the expanse of highway extending south from Fishkill, today’s Route 9; however, the supply depot is not depicted and was probably nonoperational and abandoned by this time.

The sequence of historic maps available for the second half of the nineteenth century reasserts the lightly settled nature of the landscape, although a measured growth in agricultural activity and the quantity of buildings is apparent. In 1850, as shown on the Sidney Map of Dutchess County New York, aside from the Van Wyck Homestead, the only other structure in the depot vicinity was a structure on the south side of Van Wyck Lake Road, perhaps a half mile east of the Post Road (Route 9), depicted as being in the possession of the “Heirs of C.C. Van Wyck” (Figure 9). By 1858, however, in addition to these two buildings, the Bachman and Corey Map of Dutchess County New York shows another structure roughly in the location of the Continental Stables and annotated “I. Van Wyck Horticulturist” (Figure 9). Another new structure is also shown on this map just north of the Van Wyck Homestead (neither are specifically identified), while a road corresponding to modern Snook Road is depicted heading east from the Post Road just south of the Van Wyck Homestead.

The land is identified as “S. Van Wyck Vineyard 2000 Vines” is located across the Post Road from the Van Wyck Homestead, where the Route I-84 eastbound off-ramp is located today. The Van Wyck family members were invested in the land and horticulture in and around the former depot site in late 1850s. Roughly a decade later, the Beers map of Fishkill (Figure 10) shows a horticultural structure present on the site of the depot stables in 1858 is no longer shown, the Van Wyck Homestead is annotated as “VAN WYCK PLACE Known as Warton House” (the capitalization perhaps an acknowledgment of the property’s historical importance) and a new building appears for the first time on the site of the modern Maya Café, annotated as “Heirs of T.

Van Wyck." The Van Wyck stranglehold on property ownership in the depot vicinity seems to have been loosening by this time (Hunter and Lee 2016).

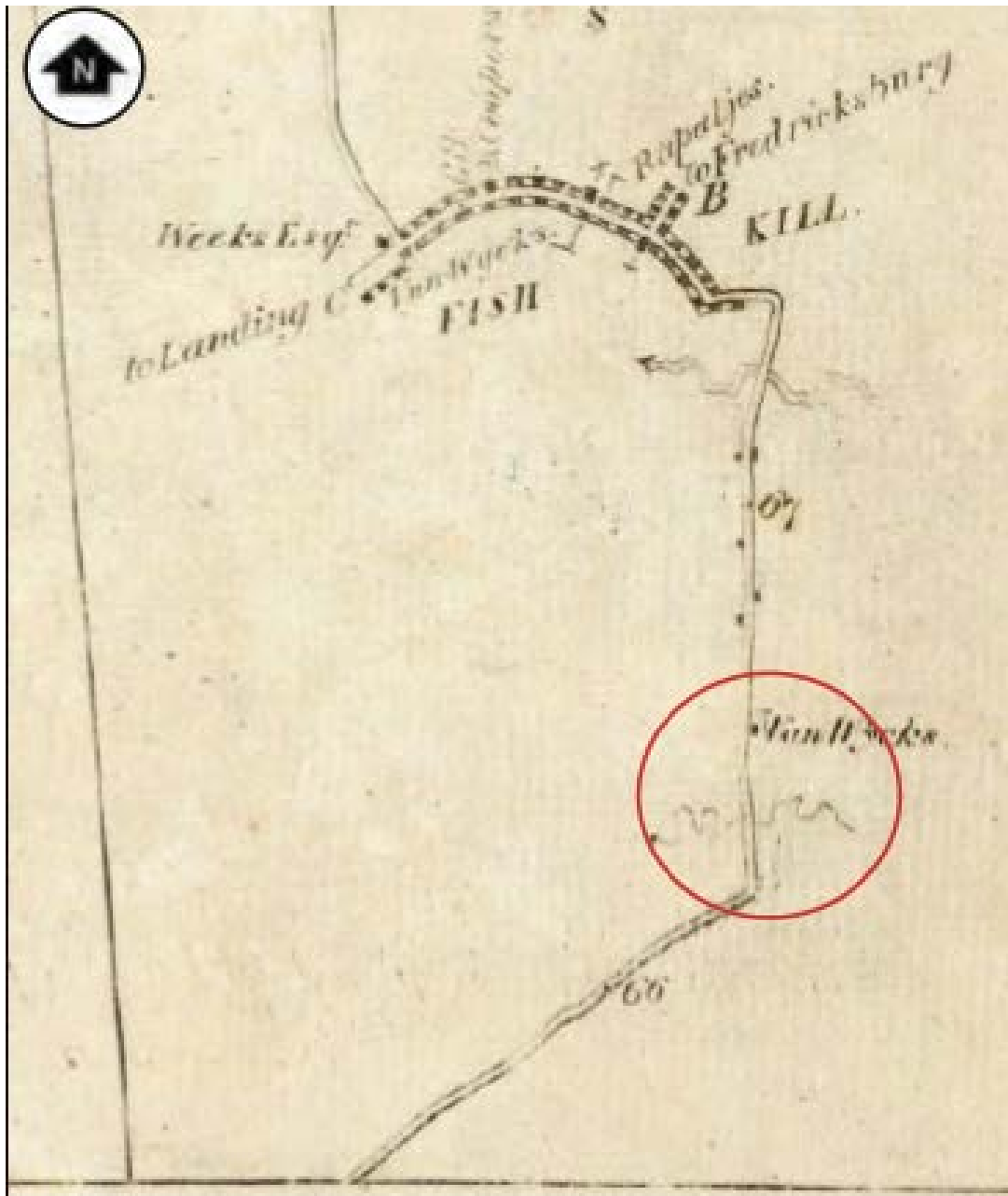


Figure 7: Colles, Christopher. From New York to Poughkeepsie. A Survey of the Roads of the United States of America (1789). Location of Fishkill Supply Depot circled. Scale: 1 inch = 1,425 feet (approximately) (From Hunter and Lee 2016).



Figure 8: Sidney, J.C. Detail of Fishkill Area. Map of Dutchess County, New-York (1850) Location of Fishkill Supply Depot circled. Scale: 1 inch = 2,700 feet (approximately) (From Hunter and Lee 2016).

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Figure 10: Beers, Frederick W. Fishkill. Atlas of New York and Vicinity (1867). Location of Fishkill Supply Depot circled. Note “Revolutionary Redoubts” on the west side of the New York-Albany Post Road at the bottom of the map. Scale: 1 inch = 3,150 feet (approximately) (From Hunter and Lee 2016).

The New Illustrated Atlas of Dutchess County, New York, published in 1876, shows virtually identical information as the Beers map of 1867, but does not mark the defenses at Wiccoppee Pass (Figure 11). In the early twentieth century, Route 9 was re-aligned just south of Van Wyck Lake Road to reduce the position of the curve in front of the present-day Maya Cafe. The road was altered marginally to the west and widened into the fields near where the Upper Barracks were located. There are few detailed maps available for the Fishkill area for the half century following the publication of the 1876 atlas and none provide the level of detail about individual buildings and property owners that is obtainable on maps for the period 1850-76.

Aerial photographs from the 1930s onward, however, provide a new view on the evolving cultural and agricultural landscape in the mid- and late 20th century. The earliest aerial photograph available, dating from 1936 (Figure 13), show the supply depot site as being farm fields, some cultivated, others apparently pasture. On the west side of Route 9, a scattering of buildings is shown in the area of today's Dutchess Mall parking lot, just to the north of the projected barracks location, on the north side of Raiche Run. The fields surrounding this complex of buildings, especially to the north, show surface markings, some of which may possibly derive from features of the Revolutionary War depot. On the opposite, eastern side of Route 9, north of Raiche Run, a large building, most likely the "barn" structure noted in many of the archaeological reports, is visible set back from the highway toward the rear of where the depot stables are believed to have been located. This photograph also appears to show a small "built" feature close to the road on the south side of Raiche Run; this may be the original location of the Daughters of the American Revolution marker for the military cemetery.

Among the later aerial photographs, construction is evident of the highway in the early 1960s with the section between the New York Thruway (Route I-87) in Newburgh and Route 9 being completed in 1963. In the following year, Route I-84 was extended eastward to the Taconic State Parkway. The Route I-84/U.S. Route 9 interchange was initially completed with simple on-off ramps. This arrangement was reconfigured beginning in 1999 with the addition of a second overpass, widening of the highway in both directions, widening of the ramps and conversion of the ramps on the west side of Route 9 into a cloverleaf composition. The coming of the interstate spurred development along Route 9, especially to the north between the Route I-84 and the Fishkill Village, but also to the south of the Route I-84/U.S. Route 9 interchange. By 1970 a filling station was in place on the west side of Route 9, precisely opposite the Van Wyck Homestead, and two new homes had been built on the east side of the road, south of Snook Road. Many of the surrounding fields were reverting to woodland by this time. The filling station was subsequently removed when the cloverleaf was added in the southwest quadrant of the Route I-84/Route 9 interchange in the late 1990s. Dutchess Mall opened in 1974 as the first mall in Dutchess County, its construction resulting in an adverse impact on the majority of the Fishkill Supply Depot site on the west side of Route 9. The Fishkill Golf Course and Driving Range, behind the Dutchess Mall, was opened in 1989. A new filling station was added on the east side of Route 9, south of Snook Road, in 1997. Over the past half century, aside from these specific developments, land within the supply depot has continued to grow back as secondary woodland (Hunter and Lee 2016).

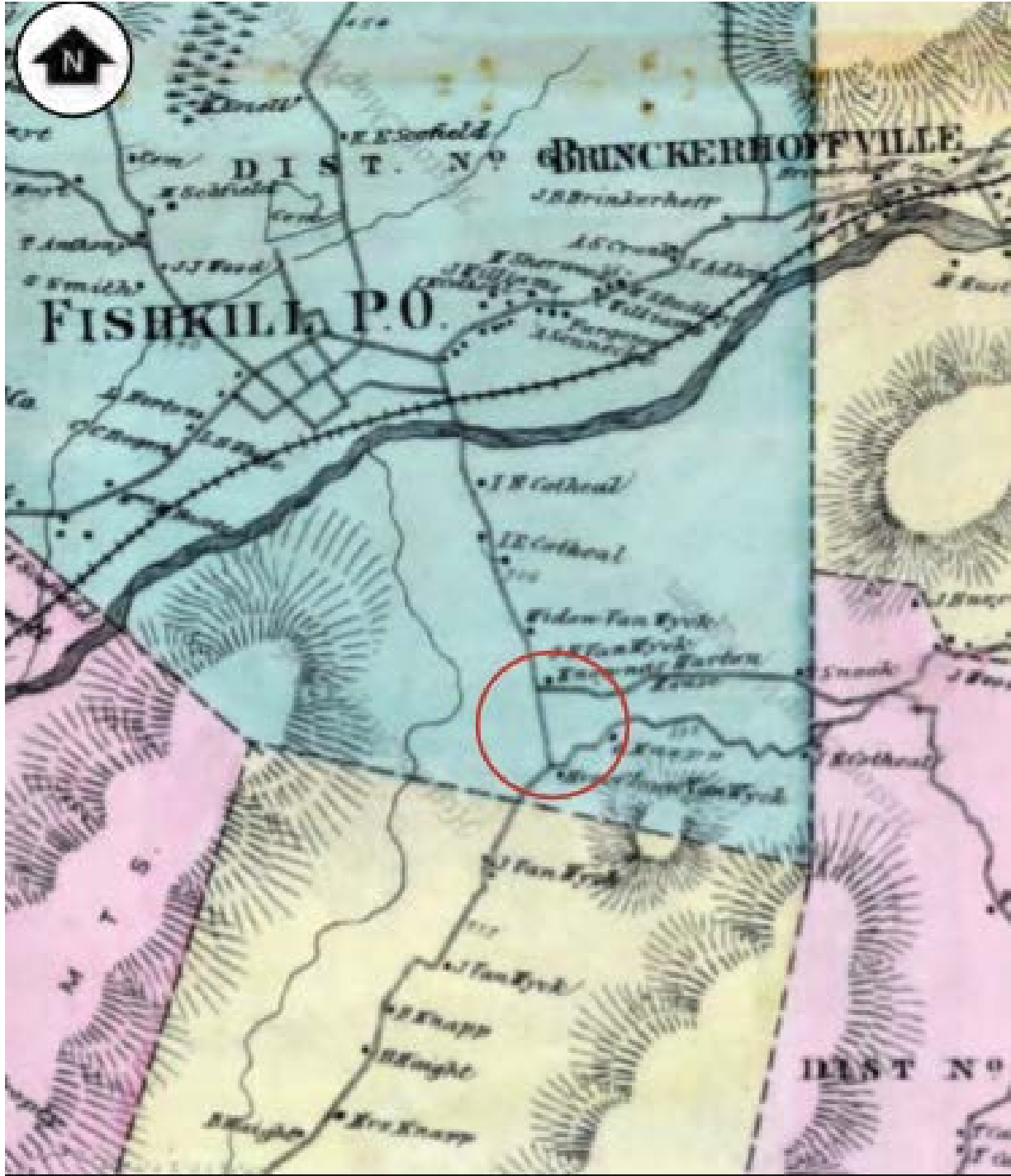


Figure 11: Gray, O.W. and Son, and F.A. Davis. Fishkill. New Illustrated Atlas of Dutchess County, New York (1876). Location of Fishkill Supply Depot circled. Scale: 1 inch = 2,200 feet (approximately) (From Hunter and Lee 2016).

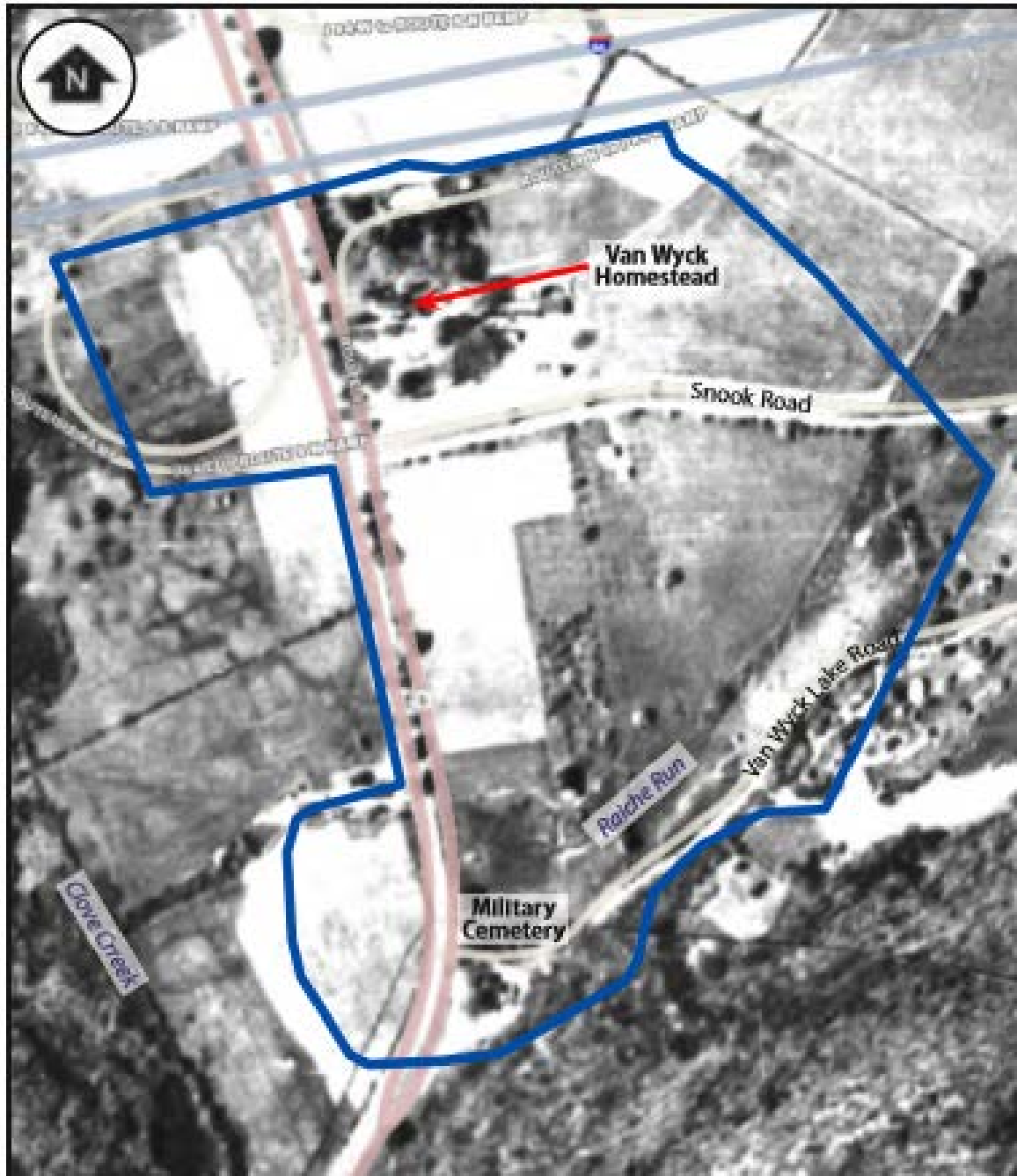


Figure 12: Aerial Photograph of the Fishkill Supply Depot Area (1936) Modern roads superimposed.
 Scale: 1 inch = 350 feet (approximately) (From Hunter and Lee 2016).

Previous Archaeological Investigations

The first archaeological investigation recorded was the Preliminary Report on the Fishkill Encampment "Dig" in 1962 conducted by Godfrey J. Olsen. The goal of the survey was to locate the blacksmith shop associated with the supply depot using Erskine's 1778 maps (Hammond 1962). In the report, the Fishkill Historian, W. J. Hammond, writes that two buildings were located on the site of the former Texaco gas station. The archaeologist uncovered a "fireplace foundation" directly below the soil line with a 1796 US penny underneath. Associated with this was the foundation of the original building (Hammond 1962). The second disturbed foundation was uncovered 130' north and was a frame building measuring 12 x 16 feet with a detached fireplace (Hammond 1962). As this was a preliminary report, no conclusions or recommendations were made. The archaeologist, Godfrey J. Olsen (Hammond 1962) is also reported to have investigated three other areas: 1. an area associated with the barracks 2. an area to the northeast of the Van Wyck House and 3. an area south of Snook Road (Table 2).

Four years later, Paul R. Huey (1968) reported on the excavations at the Fishkill Barracks and Supply Depot Sites again using Erskine's 1778 military maps. These maps depict the Continental Stables in this area; however, it appears that the construction of the two modern buildings disturbed the location of the Continental stables (Huey 1968; Table 2). Huey interprets the site of the Texaco Station not as a blacksmith, but as an artillery and wagon park noting the importance of repairing wagons and artillery was for the depot (Huey 1968: 13). The eastern portion of the two barracks sites were probably destroyed in the 1920s when Route 9 was rerouted (Huey 1968:5). Evidence of this is shown with the excavation of the "Water Trench" which was filled with Revolutionary debris and was probably an original wall trench for one of the long barrack buildings and then was subsequently dismantled (Huey 1968: 5). Archaeological testing of the "mass burial" site across Route 9 from the Van Wyck House yielded no evidence of burials (Huey 1968:43). The following year, the Office of State History published a report to the New York State Trust (1969) in regard to possible acquisition as a State Historic Site. In 1970, Stefan Bielinski and Horace Wilcox present the first detailed review of the history of the site in "The Fishkill Supply Depot: Historical Background-Interpretive proposal".

The following year, an archaeological investigation was conducted under the Temple University Archaeological Salvage Program (Gifford et al 1971; Table 2). During this survey, the archaeologists were unable to locate the Upper Barrack buildings as the foundations were possibly partially destroyed during the realignment of Albany Road westward at the curve. Additionally, the cemetery seems to have been located in or near the Fishkill Supply Depot; however, the archaeologists could not locate the position. The only outstandingly large features discovered are two long trenches, each over 200 feet in length and varying in the area of several feet in width. The two parallel to each other exactly. Rogers Trench (former known as "water trench"), and Borys Trench are very straight and must originally have been ordered and dug methodically (Gifford 1971: 60).

In 1972, the archaeologists from Temple University returned to locate the Upper Barracks areas on the east side of the Albany Post Road (Crozier and Tumolo 1972). The archaeologists suggested the possibility that the Upper Barracks lies beneath a portion of Moog's Farm parking lot and present US Route 9 (Crozier and Tumolo 1972: 6). The report provides three recommendations: 1. the immediate acquisition of a portion of land within the Fishkill Supply Depot complex by a responsible governmental agency 2. continuing program of archaeological excavation of specific areas 3. all areas threatened with destruction be salvaged (Crozier and Tumolo 1972:39). In 1973, "The Archaeological Salvage and Survey of a Portion of the Revolutionary War Supply Depot at

Fishkill, NY" Report provides an extensive historical and artifactual analysis of buckles and buttons as well as two thousand metal pieces recovered at the site (Gifford and Crozier 1973). In addition, a small ceramic assemblage (130 sherds) was recovered and a separate document identifies and compares the ceramic assemblage (Goring 1973). The report interprets the area tested as the "hut" terrain referred to by Aubrey when in Fishkill. The report concludes with the recommendation of the immediate acquisition of a portion of land within the Fishkill Supply Depot complex by a responsible governmental agency. This recommendation is coupled with the previous recommendation of a continuing program of archaeological excavation of specific areas and that all areas threatened with destruction be salvaged (Gifford and Crozier 1973; Table 2).

Temple University returned for a third field season in 1973 to examine the dry wall uncovered by the Temple University team and the area surrounding it, specifically the area nestled in the corner of Van Wyck Lake Road running 600' north along the Albany Post Road and 400' east along Van Wyck Lake Road (Cartwright 1974). The field season produced conclusive evidence of structural remains on a portion of the Upper Barracks area; however, little information could be gleaned as topsoil has been disturbed by years of plowing and because the site had been fairly looted by relic hunters (Cartwright 1974: 60). It has been noted elsewhere that the Revolutionary War artifacts that were recovered included "a fork, two knives, a wine glass stem, 27 kaolin pipe bowl and stem fragments and 14 buttons. Also found were 8 musket balls, a cross belt plate, a cannonball and 2 gunflints. There were 745 pieces of ceramic found, most typical of the Revolutionary War Era. Iron artifacts included period nails and hardware. The 70 precontact lithics included a broken side-notched projectile point" (Sandy and Steyer 2015). The recommendation was put forth for subsequent excavations to involve large scale stripping of the area inside and surrounding the tentatively identified structure(s) (Table 2).

Approximately two decades later, a desktop synthesis of previous archaeological investigations of a one acre parcel in advance of a proposed gas station and mini-mart was conducted (City/Scape 1996). In general, surveys conducted along the boundaries of the Albany Post Road reveal that the land has experienced substantial ground in the form of highway fill beds, shoulders, drainage gullies and other forms. Despite the disturbance, virtually every investigation turned up prehistoric material indicating that the entire Clove Valley bottom land had been heavily utilized by Native American peoples over a long period of time. In contrast, very little material was recovered dating to the Revolutionary War period (City/Scape 1996). Due to the presence of an identified prehistoric site at the southwest corner of the project area, a Phase 1B archaeological field survey was recommended. In addition, the Continental stable site may exist within the project area. Due to the fact that historical evidence suggests the presence of a long sought Revolutionary War burial ground, a Phase 1B Archaeological Field Reconnaissance Survey was recommended. In this investigation, identification of the structures and a small assemblage was recovered. The lack of artifactual information can be attributed to years of plowing and relic hunting (Table 2).

Two years later, Greenhouse Consultants Inc were tasked with conducting an archaeological survey designed to determine the presence or absence of precontact or historic cultural remains within a 11.7-acre parcel (Greenhouse Consultants Inc 1998). Additional excavations revealed a scatter of refuse pits, possible hearths, and re-investigated the potential structure first identified by Temple University north of Raiche Run. The investigation concluded that two structures were present, a nineteenth-century barn and a potential late eighteenth-century building of unknown function. Sixty-one artifacts were recovered from fifteen (15) shovel tests. Sixty (60) artifacts collected can be classified as architectural debris. The remaining artifact was a sherd of pearlware (c1795-1840). No prehistoric artifacts or features were found in 103 shovel tests. No evidence of Revolutionary War activities. While no further testing was recommended, the New

York State Historic Preservation Office requested additional (trenching) investigations to locate historic features (e.g. burials and stables) (Greenhouse Consultants Inc 1999). Two trenches (measuring 10' x 50') were completed. No evidence of burials, features, or deposits dating to the Revolutionary War period were discovered. The following year, Phase IB testing was conducted within Lot 2 (6.9 acres) and included shovel testing and backhoe trenching. Phase II testing included backhoe additional trenching. Phase III focused on features discovered. The purpose of the study was to determine the potential for eligibility to the New York and National Registers of Historic Places, as well as to document the boundaries of the historic archaeological resource within the project area through the use of physical testing (Greenhouse Consultants 2000). Feature found in Backhoe Trench 2 considered possible part of the Continental Sables and Stage 3 data recovery excavations were undertaken to recover the data remain in the ground that was part of the stables (Table 2).

In 2009, Greenhouse Consultants Inc were tasked to conduct Phase II testing, including eight (8) 1 x 1 m units, and trenching designed to relocate 1973 Temple University grid. The goal, if these features were found, was to determine whether intact deposits were present and the integrity of those deposits (Greenhouse Consultants Inc 2009). A total of eight (8) 1 x 1-meter excavation units were dug, along with two slit trenches to find the Temple University grid, and mechanically excavated trenches to open areas around the grid in order to expose additional deposits. The trench positioned in the area south of the Raiche Run is the location of the cemetery mentioned in historical documents (Greenhouse Consultants Inc 2009). Eleven (11) prehistoric artifacts were recovered. A total of one hundred and eighty-one (181) were recovered of historic origin. Artifacts included eighteenth and nineteenth-century ceramics. Four post holes were discovered, possibly representing a drying rack (GCI 2009: 27). Seven to eight graves, in two apparent rows were uncovered in one of the trenches (Trench 4103) (GCI 2009: 33-38). One of the features (Feature 106) was excavated uncovering approximately twelve (12) coffin nails and a skeleton was identified; however, the remains were not fully exposed or excavated. The field excavations of 2009 concluded that Feature 1 still exists. Additionally, the sections south of Raiche Run includes a probably Revolutionary War Cemetery. No headstones were observed during trenching. The identified and potential human remains encountered had cobbles and large pebbles heaped over them. The 1998 shovel tests did encounter cobbles from features. The area south of Raiche Run is part of a graveyard mentioned by historical documents. It should be preserved in situ. The area north of Raiche Run possess remnants of structures that were part of the Fishkill Supply Depot. Structure 1, Feature 1, and GCI 2000 area of investigation may all be related to one another. The stables may extend further to the Run (Greenhouse Consultants Inc 2009).

In 2008 and 2013, Ground Penetrating Radar (GPR) surveys were conducted to identify the limits of an area that could potentially contain unmarked graves. In 2008, six (6) geophysical grids, measuring approximately 20 x 20 meters were placed in the survey area. The placement of the grid was consistent with the trenches and encompassed the existing trenching that first discovered the presence of grave shafts (Chadwick 2008). The Ground Penetrating Radar (GPR) study and ground truthing excavation conducted in 2013 was designed to identify evidence of burials north of Raiche Run and the outer limit of the potential area. Ground truthing was conducted for 12 of the 16 hyperbolic reflector images identified during GPR study. No graves were encountered (Hartgen 2013a, b). Seven (7) features including three (3) burials were identified, thus confirming that three are additional burials within the 2008 JMA Boundary. (Hartgen 2013a, b). The negative data obtained from the four long trenches (Trenches 1-4), excavated outside the northern and eastern perimeter of the JMA 2008 Boundary, coupled with the negative data collected from the four (4) confirmation trenches (Trenches 7-10) confirm the outer limit of the burial ground and that it does not extend beyond the perimeter established in the JMA 2008 Boundary (Hartgen 2013a, b).

In 2016, Hartgen Associates provided the SHPO with a chronology for the archaeological investigation conducted within the Continental Commons Property and a listing of non-burial features identified in the literature as attributed to the Fishkill Supply Depot Occupation (Hartgen 2016). The majority of the features and artifacts dating from the Fishkill Depot occupation were “recovered from the central portion of the project near the location of a stone foundation identified as (Features 1, 16, 24, 26 and 27).

The foundation may have been part of animal pen wall, barn, stable or other outbuilding. Others (Greenhouse 2009) have speculated the feature may be associated with the Continental Stables rendered on several Revolutionary-War era maps. The archaeological data, however, is equivocal as “only a small handful (15 artifacts- 4 gun flints, 3 musket balls, 1 cannon ball, 1 grape shot, 1 buck shot, and 1 military button) have been discovered that can be plausibly be Continental Commons” (Hartgen 2016: 9). What is more telling is that “the artifact assemblage lacks horse or ox shoes, farrier nails, buckles and tack, and other items more typically associated with horse stables. Other artifacts such as ceramics, hand-wrought nails, hand-made brick, animal bones, shell, glass, kaolin pipes, a copper penny, buckles, and non-military buttons, can be only be generally dated from the late 18th through the nineteenth century” (Hartgen 2016:9).

The report discounts the notion that Feature 1 is associated with the Continental Stables and it “just as likely associated with the more mundane aspects of agricultural activities” (Hartgen 2016:9). This structure appears to have been in use well into the 1950s, as evidenced on several historical aerials of the area. It may have been built as a multistory structure in an effort to escape the periodic flood waters of Raiche Run. Hartgen’s GPR survey (2015) included several large squares immediately surrounding the feature. These indicated relatively few discernable features in the data. Several anomalies of the size and shape of potential burials were investigated and found to be natural features or artifacts of previous archaeological excavations/pothunting. Eight (8) additional anomalies have not been investigated from the 2015 GPR data, but it is likely that many or all of these are also natural in origin or the result of previous undocumented or poorly documented excavations. Other archaeological studies have indicated limited or no archaeological potential in the remaining areas of the Project, with the exception of the burial which are limited to the extreme southwest corner of the parcel in an area that will be preserved (Table 2).

Additional investigations are likely to provide only limited quantities of redundant data, and there is no reason to believe that such investigations would allow for a certain identification of the date or function of Feature 1. In summary, “the remaining archaeological potential of the parcel is highly limited to a small area in the vicinity of the stone foundation (Features 1, 16, 24, 26 and 27). Even within this area, previous archaeological endeavors and later disturbances and destruction of features and deposits from nearby Structure 2 have reduced the likelihood of finding intact features and deposits. Whether these deposits are directly associated with the Revolutionary War, or from earlier or later agricultural activities on the Van Wyck farm has not been clearly demonstrated or established to this point” (Hartgen 2016:9)

Table 2: Archaeological and Historical Research at the Fishkill Supply Depot Site

Title	Reference	Summary	Conclusions and Recommendations
Preliminary Report on the Fishkill	Hammond, 1962	Looked to locate blacksmith shop shown on Erskine’s 1778 military map (No. 35)	No conclusions or recommendations.

Table 2: Archaeological and Historical Research at the Fishkill Supply Depot Site

Title	Reference	Summary	Conclusions and Recommendations
Encampment "Dig"		<p>Excavation was conducted of the site of the former Texaco gas station; however, it is not t clear if the archaeologist located the blacksmith shop.</p> <p>Two buildings on the site. The archaeologists uncovered a "fireplace foundation" directly below the soil line with a 1796 US penny underneath. Associated with this was the foundation of the original building.</p> <p>The second disturbed foundation was uncovered 130' north and was a frame building measuring 12 x 16 feet with a detached fireplace.</p> <p>The archaeologist, Godfrey J. Olsen is also reported to have investigated three other area 1. An area associated with the barracks 2. An area to the northeast of the Van Wyck House and 3. An area south of Snook Road.</p>	
Test Excavations at the Fishkill Barracks and Supply Depot Sites, Fishkill, NY	Huey, 1968	<p>Early explorations using Erskine's map under a grant from the New York State Council</p> <p>Evidence of refuse middens contain bone and brick fragments (Huey 1968: 5).</p>	<p>The construction of the two modern buildings disturbed he location of the Continental stables.</p> <p>Interprets the site of the Texaco Station not as a blacksmith, but as an artillery and wagon park.</p> <p>Eastern portion of the two barracks sites were probably destroyed in the 1920' when Route 9 was rerouted (Huey 1968:5).</p> <p>"Water Trench" filled with Revolutionary debris was probably an original wall trench for one of the long barrack buildings and was dismantled (Huey 1968: 5).</p> <p>Testing of the "mass burial" site across Route 9 from the Van Wyck House yielded no evidence of burials (Huey 1968:43).</p> <p>Recommendations: End all further uncontrolled destruction of the site. Restore and preserve the Van Wyck House</p>

Table 2: Archaeological and Historical Research at the Fishkill Supply Depot Site

Title	Reference	Summary	Conclusions and Recommendations
			<p>Perpetual care of archaeological data and artifacts</p> <p>Lecture room and exhibit space</p> <p>Rebuilding or reconstruction immediately involves guesswork consisting of our own biased idea of what 8th century builders built there. Original ruins are always fascinating "and stir the imagination" (Huey 1968: 39).</p> <p>Reconstruction should be carried out with historic material</p>
Notes on the Fishkill Supply Depot and Encampment, and the Van Wyck-Wharton House	Buys, 1968	Fishkill Historical Society publication	
Fishkill Supply Depot	Office of State History, 1969	Report No. 89 to the New York State Trust in regard to possible acquisition as a State Historic Site	
The Fishkill Supply Depot: Historical Background-Interpretive proposal	Bielinski and Willcox, 1970	Office of State History, State Education Department report Presents a review of the history of the site	
Archaeological Salvage Operations in a Portion of the Upper Barracks Area of the Fishkill Supply Depot Part I General Considerations	Gifford, Crozier and Kerrigan 1971	Archaeological exploration of a tract of land near Fishkill, New York under the Temple University Archaeological Salvage Program	<p>Unable to locate Upper Barrack buildings, possibly partially destroyed during the realignment of Albany Road westward at the curve</p> <p>A cemetery seems to have been located in or near the Fishkill Supply Depot but could not find</p> <p>The only outstandingly large features discovered are two long trenches, each over 200 feet in length and varying in the area of several feet in width. The two parallel on another exactly. Rogers Trench (former known as "water trench"), and Borys Trench are very straight and must originally have been ordered and dug methodically (Gifford 1971: 60).</p>
Archaeological Survey Operations 1972: In a	Crozier and Tumolo, 1972	Temple University survey designed to locate Upper Barracks areas on the east side of the Albany Post Road, found dry-laid stone wall	<p>Recommendations</p> <p>The immediate acquisition of a portion of land within the Fishkill</p>

Table 2: Archaeological and Historical Research at the Fishkill Supply Depot Site

Title	Reference	Summary	Conclusions and Recommendations
Portion of the Upper Barracks Area of the Fishkill Supply Depot. A Preliminary Report		It is possible that the Upper Barracks lies beneath a portion of Moog's Farm parking lot and present US Route 9 (Crozier and Tumolo 1972: 6).	Supply Depot complex by a responsible governmental agency (Crozier and Tumolo 1972:39). Second recommendation is that of a continuing program of archaeological excavation of specific areas. Third recommendation, is that all areas threatened with destruction be salvaged. Van Wyck House is currently being used as a museum (Crozier and Tumolo 1972: 43).
The Archaeological Salvage and Survey of a Portion of the Revolutionary War Supply Depot at Fishkill, NY	Gifford and Crozier, 1973	Temple University salvage projects in 1971-1972 in advance of the Dutchess Mall Extensive historical and artifactual analysis of buckles and buttons as well as two thousand metal pieces recovered at the site. Small ceramic assemblage (130 sherds) was recovered. Possibly tested the "hut" terrain referred to by Aubrey when in Fishkill.	Recommendations The immediate acquisition of a portion of land within the Fishkill Supply Depot complex by a responsible governmental agency Second recommendation is that of a continuing program of archaeological excavation of specific areas. Third recommendation, is that all areas threatened with destruction be salvaged.
Identification and Comparison of Ceramics from Positive Features on Portions of the Fishkill Supply Depot Site Excavated in 1971 and 1972	Goring, 1973	Temple University material class analysis of ceramic artifacts from first two seasons	
Report of the 1973 Excavation of a Portion of the Fishkill Supply Depot Upper Barracks Area, Fishkill, NY	Cartwright, 1974	Temple University's third field season of 1973 Examination of the dry wall uncovered by the Temple University team and the area surrounding it, specifically the area nestled in the corner of Van Wyck Lake Road running 600' north along the Albany Post Road and 400' east along Van Wyck Lake Road.	Recommendations Subsequent excavation involves large scale stripping of the area inside and surrounding the tentatively identified structure(s).

Table 2: Archaeological and Historical Research at the Fishkill Supply Depot Site

Title	Reference	Summary	Conclusions and Recommendations
		The field season produced conclusive evidence of structural remains on a portion of the Upper Barracks area.	
		Historical overview	
The Fishkill Supply Depot and Encampment During the Years 1776-1778	Goring, 1975	The paper attempts to demonstrate the significance of the area in the early years of the war, and the effect of the war and the activity at Fishkill upon the lives of the civilians, both loyalists and rebel, as well as many soldiers who were involved.	
			Due to the presence of an identified prehistoric site at the southwest corner of the project area, a Phase 1B archaeological field survey is recommended.
			Continental stable site may exist within the project area. Due to the fact that historical evidence suggests the presence of a long sought Revolutionary War burial ground, a Phase 1B Archaeological Field Reconnaissance Survey is recommended.
Stage IA Literature Review: Touchdown Development Site, US Route 9 and Snook Road, Town of Fishkill, Dutchess County, NY	CITY/SCAPE: Cultural Resource Consultants, 1996	Desktop synthesis of previous archaeological investigations of a one acre parcel in advance of a proposed gas station and mini-mart	In general, surveys conducted along the boundaries of the Albany Post Road reveal that the land has experienced substantial ground in the form of highway fill beds, shoulders, drainage gullies and other forms. Despite the disturbance, virtually every investigation turned up prehistoric material indicating that the entire Clove Valley bottom land had been heavily utilized by Native American peoples over a long period of time. In contrast, very little material was recovered dating to the Revolutionary War period.
			Recommendations
			A Stage 1B Archaeological Field Reconnaissance Survey of the entire impacted area should be undertaken to reveal the presence or absence of both historic and

Table 2: Archaeological and Historical Research at the Fishkill Supply Depot Site

Title	Reference	Summary	Conclusions and Recommendations
			prehistoric sites within the boundaries of the project area.
Stage IB Archaeological Survey of the Touchdown Development, Town of Fishkill, Dutchess County, NY	Greenhouse Consultants Incorporated, 1998	Archaeological survey designed to determine the presence or absence of precontact or historic cultural remains within a 11.7-acre parcel Sixty-one artifacts were recovered, coming from fifteen shovel tests. Sixty (60) artifacts collected can be classified as architectural debris. The remaining artifact was a sherd of pearlware (c1795-1840). No prehistoric artifacts or features were found in 103 shovel tests. No evidence of Revolutionary War activities.	No potentially significant prehistoric or historic archaeological resources are present within the boundaries of the project area. No additional testing is necessary and no further work is recommended
Addendum to the Stage IB Archaeological Survey of the Touchdown Development, Town of Fishkill, Dutchess County, NY	Greenhouse Consultants Incorporated, 1999	Per SHPO request, additional (trenching) investigations to locate historic features (e.g. burials and stables) Two trenches (10 x 50) were completed. No evidence of burials, features, or deposits dating to the Revolutionary War period were discovered.	No additional testing is necessary and no further work is recommended
Stage II/III Archaeological Survey and Excavations of the Touchdown Development, Town of Fishkill, Dutchess County, NY	Greenhouse Consultants Incorporated, 2000	Phase IB testing within Lot 2 (6.9 acres) included shovel testing and backhoe trenching. Phase II testing included backhoe additional trenching. Phase III focused on features discovered Purpose is to determine the potential for eligibility to the New York and National Registers of Historic Places, as well as to document the boundaries of the historic archaeological resource within the project area through the use of physical testing Feature found in Backhoe Trench 2 considered possible part of the Continental Sables, Stage 3 data recovery excavations were undertaken to recover the data remain in the ground that was part of the stables.	

Table 2: Archaeological and Historical Research at the Fishkill Supply Depot Site

Title	Reference	Summary	Conclusions and Recommendations
		Scant artifactual evidence existed for the functional categories; therefore, categories included brick and faunal were only analyzed.	
Further Evaluation of Potential for Cultural Resources at the Proposed Crossroads Development Upper Barracks and Continental Stables, Fishkill, NY	Greenhouse Consultants Incorporated, 2009	<p>Phase II testing included eight 1 x 1 m units and trenching designed to relocate 1973 Temple University grid</p> <p>Determine if these features were found, whether intact deposits were present, and the integrity of those deposits</p> <p>A total of 8 1x1 meter excavation units were dug, along with two slit trenches to find the temple University grid, and mechanically excavated trenches to open areas around the grid in order to expose additional deposits.</p> <p>The trench positioned in the area south of the Raiche Run is the location of a cemetery mentioned in historical documents</p> <p>Results of 2007 field investigations</p> <p>Eleven (11) prehistoric artifacts were recovered. A total of one hundred and eighty-one (181) were recovered of historic origin.</p>	<p>Feature 1 still exists,</p> <p>The sections south of Raiche Run includes a probably Revolutionary War Cemetery. No headstones were observed during trenching. The identified and potential human remains encountered had cobbles and large pebbles heaped over them.</p> <p>The 1998 shovel tests did encounter cobbles from features. The area south of Raiche Run is part of a graveyard mentioned by historical documents. It should be preserved in situ.</p> <p>The area north of Raiche Run possess remnants of structures that were part of the Fishkill Supply Depot. Structure 1, Feature 1, and GCI 2000 area of investigation may all be related to one another. The stables may extend further to the Run.</p>
Ground Penetrating Radar Survey to Identify Potential Grave Shafts, Fishkill, NY	Chadwick, 2008	<p>GPR survey designed to identify the limits of an area that could potentially contain unmarked graves</p> <p>Six (6) geophysical grids, measuring approximately 20 x 20 meters were placed in the survey area. The placement of the grid was consistent with the trenches and encompassed the existing trenching that first discovered the presence of grave shafts.</p>	
Letter Report: GPR and Ground Truthing Archaeological Study, Burial Identification North of Raiche Ruin Fishkill	Hartgen, 2013	<p>GPR study and ground truthing excavation designed to identify evidence of burials north of Raiche Run and the outer limit of the potential area</p> <p>Ground truthing was conducted for 12 of the 16 hyperbolic reflector images identified during GPR study. No graves were encountered.</p>	

Table 2: Archaeological and Historical Research at the Fishkill Supply Depot Site

Title	Reference	Summary	Conclusions and Recommendations
Finalmente LLC Property, US Route 9, Town of Fishkill, Dutchess County, NY			
Friends of Fishkill Supply Depot Map Series and Interpretive Materials	Hunter Research, 2015	Map series and brochure funded by a grant by the American Battlefield Protection Program	
Letter Report Response to July 15, 2015 OPRHO Comments (14PR04374); Non-burial archaeological features and artifacts, Fishkill Supply Depot Military Occupation, 9- acre Continental Commons Property, Town of Fishkill, Dutchess County, New York	Hartgen 2016	<p>Provided SHPO with Chronology for the Archaeological Investigation Conducted within the Continental Commons Property and a Listing of Non-Burial Features Identified in the Literature as Attributed to the Fishkill Supply Depot Occupation</p> <p>The remaining archaeological potential of the parcel is highly limited to a small area in the vicinity of the stone foundation (Features 1, 16, 24, 26 and 27). Even within this area, previous archaeological endeavors and later disturbances and destruction of features and deposits from nearby Structure 2 have reduced the likelihood of finding intact features and deposits. Whether these deposits are directly associated with the Revolutionary War, or from earlier or later agricultural activities on the Van Wyck farm has not been clearly demonstrated or established to this point.</p>	
A Historical and Archaeological Synthesis of the Fishkill Supply Depot Town of Fishkill Dutchess County, New York	Hunter and Lee 2016	<p>This report presents a synthesis of past historical and archaeological research relating to the Fishkill Supply Depot, a key facility in the Hudson Highlands that supported the operations of the Continental Army and New York State militia throughout the Revolutionary War. This project was undertaken by Hunter Research, Inc. under contract to the Friends of the Fishkill Supply Depot and was funded by a grant from the National Park Service, American Battlefield Protection Program. The principal work tasks, carried out between January and October 2015, involved extensive archival and background research, landscape and military terrain</p>	

Table 2: Archaeological and Historical Research at the Fishkill Supply Depot Site

Title	Reference	Summary	Conclusions and Recommendations
		analysis, several field visits, review of archaeological reports and data, creation of a series of four presentation maps, and preparation of this technical report and public outreach materials (including one public presentation on October 25, 2015).	

In a letter dated December 29, 2011, Andre Krievs, the Project Director II, for Hartgen Archaeological Associates, Inc. provided a table listing all the known archaeological deposits identified within the 7-acre study area located north of Rachie Run. Twent-nine features were identified during the surveys. In addition to the features, excavations yielded an assemblage of domestic, architectural, and personal historic artifacts dating from mid to late eighteenth century including a brass military button typically used by the Continental Army (Krievs 2011). As a result, sixteen (16) artifacts were collectively identified as and used in the Revolutionary War from Features 3, 10, 16 (Hartgen 2016) and Trench 6 (Cartwright 1974) (Figure 13).

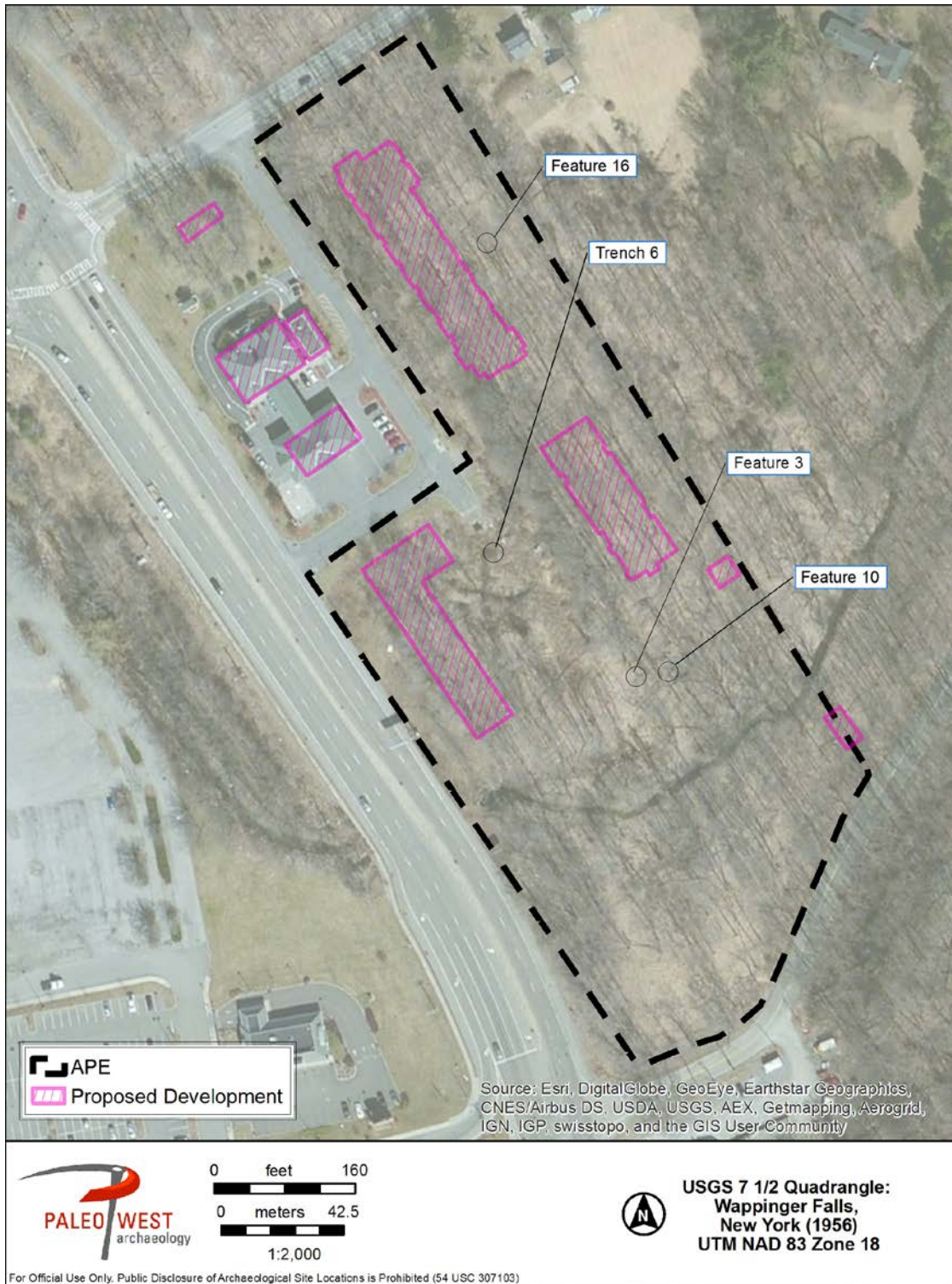


Figure 13: Revolutionary War Archaeological Features Point Provenience

Feature 3 (originally Feature 2 in Cartwright 1974) consisted of a cone-shaped intrusion into the subsoil containing a pewter button, gun flint (Revolutionary War Era), and two (2) musket balls (Revolutionary War Era). Feature 10 (originally Feature 15 in Cartwright 1974) consisted of a rock concentration with soil straining above and below it. The large concentration of charcoal and animal bone fragments contained fifty-one (51) ceramic fragments (some dating to the mid to late eighteenth century), four (4) kaolin pipe fragments, one (1) musket ball (Revolutionary War Era), one (1) cannon ball (Revolutionary War Era), eight (8) hand-wrought nail, two (2) wire nails, one (1) possible skate as well as slag and brick fragments. The archaeologists noted this may be from a disturbed context. Additionally, the 1974 Cartwright report noted recovering eight (8) musket balls and two (2) gun flints from Trench 6 (plowzone) all identified as from the Revolutionary War. Feature 16 (originally Feature 1 in Greenhouse 2000) consisted of an oval-shaped and brick concentration with a mixture of architectural, domestic and personal dating from the mid to late eighteenth century and included one (1) military button.

Conclusions

It is undeniable that The Fishkill Supply Depot and the surrounding Fishkill area have an extraordinarily rich heritage pertaining to the American Revolution. This heritage is acknowledged in the designation of several National Register-listed properties (among them the depot), local landmarks and historical preservation efforts. The natural physiography of the area, as articulated in the hills and vales of the Highlands and the waters of the Fishkill Creek drainage, is tied to the strategic advantages offered to the American army during the Revolutionary War. This assists in understanding the reasoning for choosing the locale as the hub for military provisioning and as a logical point in the landscape where troops could be mustered.

This analysis of the current historical and archaeological research concerning the Fishkill Supply Depot has endeavored to provide a summary and synthesis of the available written documentation, setting this material within the context of the present-day state of the area. This section offers conclusions on the current status of Fishkill's Revolutionary War history and archaeology and offers recommendations.

The OPRHP was solicited for comment and concluded that the burial area which will be permanently preserved as part of the project "has been properly and adequately delineated." OPRHP also determined that the project as presently proposed meets or exceeds the preservation measures recommended by OPRHP. OPRHP's original comments of April 21, 2016, which were based upon review of a previous, and subsequently superseded plan, noted that the project had the potential to negatively impact the Fishkill Supply Depot Site in two ways: alteration of the site's associated setting, and the potential to impact archaeological resources.

The OPRHP noted that these concerns could be ameliorated through the incorporation of several specified measures, including mechanical soil stripping of a specific limited area; provision of a vegetative buffer between the burial area and developed portion of the project area; incorporation of protective measures for the cemetery such as a deed covenant; development of an interpretive exhibit; preparation of a catalogue of existing artifact collections from the Fishkill Supply Depot; and inclusion and implementation of construction monitoring and unanticipated discovery plans into the action. These measures have been incorporated as integral aspects of the proposed action and are shown on the plan now submitted to the Planning Board (Hartgen 2017, Klein 2017). OPRHP's supplemental letter of June 17, 2016 confirmed that their concerns relating to these issues have been properly addressed. NYSOPRHP concluded in their final comments that the historic preservation concepts and

recommendations that have been incorporated into the project “meet or exceed the preservation measures” recommended by OPRHP in their original comments. As such, the archaeologists hired by the Applicant created and submitted the two documents outlining these protocol following this consultation (Hartgen 2017, Klein 2017).

As noted, NYOPRHP requested a mechanical soil stripping investigation of the area east of the existing gas station, because this area had not been thoroughly explored for archaeological features, but also noted that the soil stripping investigation can be done subsequent to project approvals. The extensive archaeological investigations throughout the remaining portions of the project area have been noted above. Given the extent of those investigations and the associated results, OPRHP has also indicated it has “no objections to construction activities occurring in portions of the project area prior to and independent of the mechanical soil stripping work with Town approval” (Hartgen 2017, Klein 2017).

As this is a Type I Action according to SEQRA, an Environmental Assessment Form (EAF) is required. This section of the EAF Part 3 also addresses any potential adverse impacts relating to the potential construction of the Visitor Center at the northern portion of the site. The Visitor Center is proposed to be located in a section of the site which is presently subject to setback/buffer covering an area 125 feet from the southerly edge of Snook road, which is the subject of a recorded restrictive covenant.

The Board has reviewed the documents from the Hess review to determine the history of the provision of the landscaped buffer, which establish the following:

- The proposal for the restrictive covenant was made by the Developer (see Negative Declaration adopted November 13, 1997).
- The sole purpose of the restrictive covenant was “to further conceal views of the proposed [gas station] structures from the Van Wyck House.”
- The Planning Board also found that the Developer’s design and architectural methods had further served “to visually isolate the Van Wyck house from the proposed development,” including site plan design to place the gas station a distance from the Van Wyck House; placing the convenience mart entry on the opposite side of the building; and providing an aesthetically pleasing pitched roof and masonry construction details on the proposed building; and incorporating architectural features in the design which were consistent with local historic architecture. [Negative Declaration November 13, 1997, page 11]. Additionally, the applicant worked with Scenic Hudson and others in developing the most aesthetically pleasing facility, while at the same time providing a functionally efficient site.
- The Planning Board noted in Negative Declaration that the Hess Applicant had proposed a landscaping plan for Van Wyck House (to be placed on the Van Wyck property), “which would have provided insular value” to the Van Wyck House both against the gas station and against the off ramp and Dutchess Mall, which have the potential to be more impactful on the house than the proposed development. However, the Van Wyck proponents never responded to the offer, so it could not be implemented (Negative Declaration page 9).

In offering the proposed Visitor Center, the Applicant has stated that the Visitor Center would actually improve the “insular value” and “concealment of views” from the Van Wyck House to the gas station. At a Planning Board meeting the applicant presented slides showing that the

drive-thru and refuse containers of the Speedway are visible through the trees of the area subject to the restrictive covenant. The proposed Visitor Center would block these views (Page 12 The Chazen Companies, June 23, 2016 (draft).

Secondly, the Applicant has provided architectural elevations and renderings of the proposed Visitor Center to show that the architecture would be consistent with that of the Van Wyck-Wharton House and will integrate well with the landscaping plan for the site, and with the pedestrian connections to the Van Wyck Wharton House. Trees are maintained along the north side of the property west of the Visitor Center. The layout of the Visitor Center places its entrance facing away from the Van Wyck-Wharton House. These design features are similar to those approved by the Board as part of the original design of the Hess Mart which were noted in the November 13, 1997, Negative Declaration.

The Applicant has made presentations to the Board of the architectural design of the project. The proposed architecture for the entire site is compatible with historic architecture and with historic preservation and education.

Thirdly, the approval resolution which provides for the restrictive covenant also provides that "any other future use of this area shall be subject to the requirements of the Town Code in effect at the time of the modification and the receipt of appropriate authorizations from the authority having jurisdiction at that time."

The issue in the EAF is whether the placement of a Visitor Center in the proposed location has the potential to create a significant adverse environmental impact. Based upon all of the plans, elevations, and studies evaluated by the Board, the proposed Visitor Center will not have a significant adverse environmental impact on views of the subject property from the Van Wyck-Wharton house. The proposed Visitor Center is compatible, both in use and appearance, with the historic function of the Van Wyck-Wharton property. Further, the Visitor Center will actually enhance the function of the northern part of the site in "concealing views" from the Van Wyck House toward the gas station, and "visually isolating" the Van Wyck House from the gas station.

The SEQR evaluation has also considered the effect of the proposed Continental Commons action on Community Character in the context of the historic setting. The Planning Board made findings regarding community character for the proposed Hess Gas Station in 1997 that are equally applicable to the present: US Route 9 is a heavily traveled road and contains significant development on both the east and west sides....Therefore, although motorists traveling off I-84 may see the proposed filling station, motorists entering Fishkill from the south at first observe a significant mining operation and a large expanse of asphalt in front of the Dutchess Mall and motorists entering Fishkill from the north at first observe a variety of development including, among other structures, a filling station, shopping center, Burger King, Wendy's and Taco Bell [Negative Declaration November 13, 1997, page 9].

The current development plan, preserves, protects, and opens for public interpretation the Revolutionary War burial ground at the southwest corner of the property. Further it endeavors to protect the standing nineteenth-century ruins along Raiche Run. The stripping plan and the monitoring protocol/unanticipated discovery plan (components of the overall development plan) include measures to enhance the historical resources of the area by providing historical context to visitors in the form of interpretive signage, walking trails, reconstructed historical structures, and other activities. Further, the architectural detailing of the project will be in keeping with the historic nature of the area (Hartgen 2017, Klein 2017).

Historic Property Treatment Plan

The HPTP includes **four sections**. The first part of this HPTP includes 1) a summary of the ARA results. The second part (2) an overview of the proposed construction activities as they relate to known cultural resources in the project area. The third part (3) of this HPTP presents the archaeological sensitivity of the project area. The sensitivity assessment is based on potential for intact soils, relationship to nearby known archaeological and historical sites, and other criteria. Finally, the fourth section provides (4) recommendations for specific levels of effort and field methods for all archaeological work within the boundaries of the Continental Commons project area. As appropriate, these may include data analysis and reporting methods, consultation protocols, and curation methods. If necessary, all requisite permits and agreements to be obtained prior to fieldwork will also be identified.

Summary of Archaeological Resource Assessment Results

Almost fifty (50) separate archaeological and historical studies have been conducted within the boundaries of the National Register-designated Fishkill Supply Depot Site (Hunter and Lee 2016). While a large bulk of these investigations can be considered part of a cultural resource management plan, these studies create a clear and comprehensive synthesis of the activities which occurred in the area of the National Register-listed property. The designated limits of the National Register-listed property, which were imposed upon the site in the mid-1970s, should not be considered an accurate delineation of the true archaeological extent of the depot, although they have helped to define the focus of archaeological activity at the site over the last 40 years (Hunter and Lee 2016).

The goal of the Archaeological Resource Assessment (ARA) is not to provide an exhaustive recount or even reconstruct the previous archaeological investigations. The ARA, however, is a document that should be used to assist the lead agency in understanding if the previous archaeological investigations can or cannot be considered fulfilling the “hard look” requirement in the SEQR regulations put forth by the New York State.

An evaluation of the current scholarship, previous archaeological investigations as well as consultation with collateral sources have concluded that additional extensive archaeological investigations are likely to provide only limited quantities of redundant data, and there is no reason to believe that such investigations would allow for a certain identification of the date or function of any existing structures or features (i.e. Feature 1). Even within areas of high archaeological sensitivity, previous archaeological endeavors and later disturbances and destruction of features and deposits from nearby structures “have reduced the likelihood of finding intact features and deposits. Whether these deposits are directly associated with the Revolutionary War, or from earlier or later agricultural activities on the Van Wyck farm has not been clearly demonstrated or established to this point” (Hartgen 2016:9). The current archaeological record is sufficient enough to reconstruct the activities and events that serve as the criteria for listing of this historic property on the National Register of Historic Places.

Overview of Proposed Construction Activities

The proposed development plan includes elements that will seemingly enhance visitation to the Fishkill Supply Depot area and other historic sites in Dutchess County. The build out plan includes a 2.5 story Inn/hotel with approximately 90 guest rooms, two small 8,000 SF retail buildings, and a

4,200 SF restaurant. The proposed Inn is in a substantially similar location to the one approved by the Planning Board in 1999, but it now has an architectural design more integrated with the historic surroundings. The hotel would serve tourists coming to the area. The hotel guests would patronize the restaurant and retail/service small shops, and visit the tourist information center (Figure 14).

The applicant submits the proposed buildings will be designed with an architectural theme that is consistent with the character of the historic buildings throughout Dutchess County. The burial area will be preserved from future development, and will include a long-term maintenance plan in cooperation between the applicant and a designated local not-for-profit, such as the Daughters of the American Revolution (DAR) or Fishkill Historical Society. A minimum 100-foot setback is provided from the burial area to the nearest parking area. The proposed project includes a visitor center with a Supply Depot exhibit at the northwest corner of the site. This visitor center as proposed will be constructed in an architectural style and materials compatible with the Van Wyck-Wharton House. It will continue to provide the function of concealing views of the gas station, particularly its drive thru and refuse areas, from the Van Wyck Wharton house. The visitor center will provide relevant information to tourists and will facilitate linkages via a trail system from the Van Wyck-Wharton House through the site and to the burial ground, with numerous opportunities for education regarding the history of the site, including interpretive signage along the historic walkway and a pamphlet for distribution at the visitor center. A catalog of accessible artifact collections will be developed by the Applicant's archaeologists. A replica barracks and reenactment area are proposed to be constructed in the southeast portion of the site. Programs for school-age children will have access to the replica barracks, reenactment area, and burial ground for educational purposes. The proposed plan includes elements that will encourage visitation to the Fishkill Supply Depot area and other historic sites in Dutchess County and enhance public education (Figure 14).



Figure 14: Overall Site Plain of the Continental Commons (Chazen Engineering 2016)

To connect the Van Wyck House, Tourism Center, and hotel in the northern part of the property to the burial area at the southern portion of the site, and further enhance the visitor experience, the owner proposes to construct a historic walking trail connecting the visitor's center at the north of the site with the burial ground. The trail will include interpretive signage about the history of the Fishkill Supply Depot, and the development of this site over the two-hundred-year period

since the Revolution, and relating all of these events to the surrounding area. In the future, the owner would also be willing to work with the community to construct a replica barrack based on a Revolutionary War design in the southeast portion of the site, which is in the residential zoning district. This barrack would not be for commercial use, but for use by veterans' organizations or similar public/civic groups.

Archaeological Sensitivity

The National Register of Historic Places (NRHP) in 1993 defined an archaeological site as "the place or places where the remnants of a past culture survive in a physical context that allows for the interpretation of these remains" (National Register Bulletin 36, "Guidelines for Evaluating and Registering Historical Archaeological Sites and Districts"). One of the primary criteria used for evaluating listing a property on the National Register of Historic Places is that "...they have yielded, or may be likely to yield, information important to prehistory or history."

A determination of significance is one of the most challenging and critical steps in the SEQR process. This is the step in which the lead agency must decide whether or not a proposed Type I or Unlisted action is likely to have a significant adverse impact upon the environment. If the lead agency finds one or more significant adverse environmental impacts, it must prepare a positive declaration identifying the significant adverse impact(s) and requiring the preparation of an Environmental Impact Statement (EIS). If the lead agency finds that the action will have no significant adverse impacts on the environment, no EIS is necessary and the lead agency must prepare a negative declaration. The SEQR regulations recognize the subjectivity of the term "significance".

To this end, there are two key characteristics to consider when determining significance: "magnitude" and "importance". Magnitude assesses the severity, size or extent of an impact. Importance relates to how many people are going to be impacted or affected by the project; the geographic scope of the project; duration and probability of occurrence of each impact; and any additional social or environmental consequences. Each impact of an action must be judged by these two characteristics. Generally, bigger impact (larger "magnitude") projects are more likely to need more detailed analysis. The characteristic of "importance" requires us to look at an impact in relation to the whole action. The short or long term or cumulative nature of the impacts also need to be considered.

For the Fishkill Supply Depot, the proposed action will have or is likely to have an impact on the archaeological site. The magnitude of the impact; however, is seemingly small.

The SEQR regulations provide an orderly, comprehensive process for identifying those actions that may be significant. However, SEQR allows implementing agencies the flexibility to accommodate differing community settings and perceptions in assigning importance. SEQR thus recognizes that different lead agencies in different locations in the state, using the same techniques and information, may arrive at different determinations about the environmental significance of a proposed action.

An adverse effect occurs when a project may directly or indirectly diminish the integrity of an historic property by altering any of the characteristics that qualify that property for National Register inclusion. Specifically, if the project diminishes the integrity of a property's location, design, setting, materials, workmanship, feeling, and association, then there is an adverse effect. Examples of adverse effects include:

- Physical destruction or damage;
- Alteration inconsistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties;
- Relocation of the property;
- Change in the character of the property's use or setting;
- Introduction of incompatible visual, atmospheric, or audible elements;
- Neglect and deterioration

While the proposed development plan will most definitely be changing the character of the property's use or setting as a whole, there will be no physical destruction or damage of any existing or newly discovered features or finds. Similarly, the present state of the archaeological resources associated with the property will be preserved and protected. The discussion then turns to a matter of integrity.

Integrity is the ability of the property to convey significance through physical features and context. According to the National Register Bulletin No.36, "Guidelines for Evaluating and Registering Archaeological Properties" (NRHP 1993), Integrity of location, design, materials, and association are of primary importance under Criteria A and B. Design, materials, and workmanship are especially important under Criterion C. Under Criteria C and D, integrity of setting adds to the overall integrity of an individual site.

The Fishkill Supply Depot is listed on the National Register of Historic Places under Criteria A, C and D. Concerning Criterion D, the context of the archaeological site has been subjected to regular plowing and possible looting which has most likely sufficiently disrupted the context of the site so that the site no longer possesses integrity of association. Archaeological resources are present on the actual site and the site is included in a sensitive area designated by the SHPO, but the project is such that the artifacts will be destroyed, covered, or built on in a manner which makes it impossible to study or recover artifacts in the future. It is apparent from the previous archaeological investigations which have occurred on the property have substantially concluded that the area has been sufficiently tested for archaeological resources. The approximate surface area by which has been archaeological tested is 1.69 acres, or .71 hectares. As the current APE is 6.85 acres, or 2.77 hectares, the total percentage of surface area test is approximately 25%. Any future archaeological potential of the Fishkill Supply Depot has been severely compromised, if not destroyed, by recent development activity and infrastructure improvements, e.g., by the construction of Route I-84, the Dutchess Mall and several commercial premises, arranged along the U.S. Route 9 frontage north and south of Route I-84. The report prepared under the FoFSD's American Battlefield Protection Program grant (notes that the "extensive archaeological excavations [were] . . . destructive in themselves" (Hunter and Lee 2016:5-2). Due to prior ground disturbance from recent developments, archaeologically sensitive areas have proven challenging to identify.

On the other hand, the archaeological site is a location of where a significant event took place, under Criterion A. In this case, integrity of feeling and setting may be more critical than association (NRHP 1993). To this end, the Fishkill Supply Depot can be considered both archaeologically sensitive and to still possess archaeological integrity. The question then does become: does the proposed development plan threaten or adversely affect the archaeological integrity of the Fishkill Supply Depot?

The Advisory Council on Historic Preservation's (ACHP) Section 106 Archaeology Guidance of 2009 states that an adverse effect occurs when "an undertaking may alter, directly or indirectly,

any of the characteristics of a historic property that qualify the property for inclusion in the National Register of Historic Places in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association (see 36 CFR § 800.5(a)). Under SEQR this can be considered in levels of impact.

A small impact could occur if the project design is such that no disturbances or major changes to historic structures will occur. Within the Continental Commons build plan, the location of where known archaeological resources exist will be avoided and the historic structure on the property will be maintained and restored. Minor disturbances will occur due to the changes to the aesthetic or scenic quality of the area but these do not destroy the historic resource.

To summarize, there are areas designated as sensitive archaeological areas within or contiguous with the proposed project location. The archaeological sensitivity of the area has been subjected to Phase I, II, or III archaeological studies to test the archaeological integrity of the archaeological resources. There will be little to no disturbance of the archaeological resources as well as little to no effect to the physical integrity of the site. In this respect, the present archaeological site complex will not be adversely affected. The proposed development plan will not restrict public access to the archaeological resources. There will be no obstruction to the view of the archaeological resources. The proposed development could possibly alter the access to the site for purposes of scientific, historic, archaeological research in certain areas; however, the proposed project will include avoidance or mitigation measures (Inadvertent Discovery Plan and Monitoring Plan) that will authorize immediate stop-work protocol should significant buried cultural remains be identified during the ground disturbing activities (Action) (Figure 15) (Klein 2017).

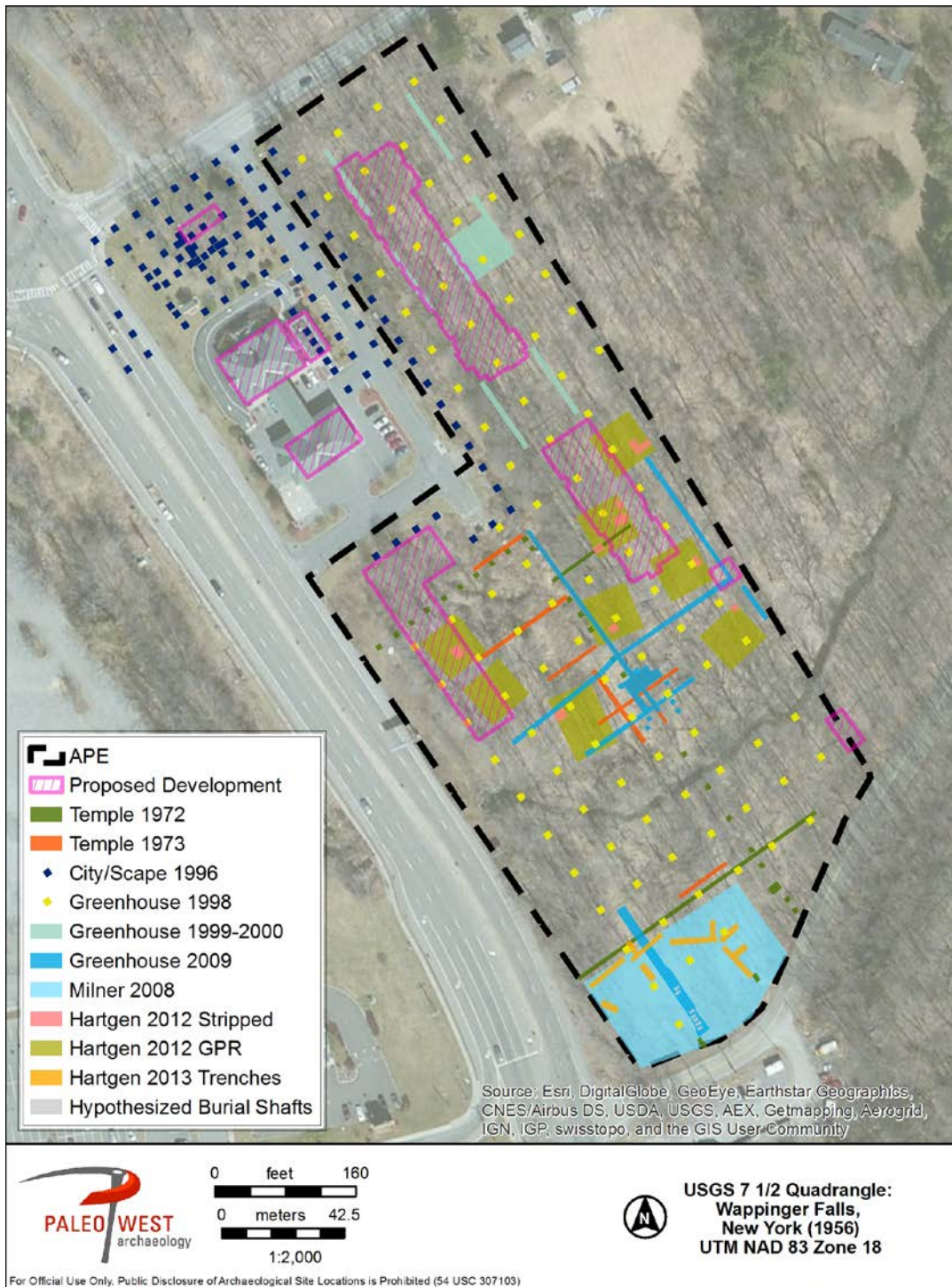


Figure 15: Proposed Development with Previous Archaeological Investigations

Mitigation is a way to remedy or offset an adverse effect or a change in a historic property's qualifying characteristics in such a way as to diminish its integrity. Treatment is the act of mitigating those effects, or how one goes about implementing the mitigation measure(s) agreed upon in consultation. Thus, a mitigation plan for the undertaking may contain several treatment plans, one for each property being adversely affected. Data recovery is a common mitigation measure that, through implementation of a treatment plan, retrieves the important information present within an archaeological site that makes it eligible before the site's integrity is compromised or destroyed.

These terms refer to alternatives to archaeological data recovery as mitigation for an undertaking's adverse effects. Examples of the Continental Commons' mitigation measures include:

- preserving selected archaeological feature and historic structures while incorporating them into heritage tourism plans while allowing others to be lost;
- using resources to develop syntheses of existing information on a region or area instead of, or in addition to, using them on data recovery;
- using resources to develop virtual or Web-based reports or educational media that otherwise would not be produced.

This concept of "alternative" or "creative" mitigation is consistent with the definition of "mitigation" as used in the National Environmental Policy Act regulations of the Council on Environmental Quality [Section 1508.20(c)-(e)], where it includes:

- (c) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
- (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; and
- (e) Compensating for the impact by replacing or providing substitute resources or environments (i.e., "off-site mitigation").

There are many advantages to considering alternative mitigation. There is no prohibition against alternative treatments in the ACHP's Section 106 regulations, and the law does not prescribe any specific measures to resolve adverse effects. The regulations [36 CFR § 800.6(a)] leave development of these measures to the federal agency consulting with other parties, calling for them to "develop and evaluate alternatives or modifications to the undertaking that could avoid, minimize, or mitigate adverse effects on historic properties." Recovery of an eligible or listed archaeological site's important information, and/or redirecting resources toward other preservation goals identified as more critical, is consistent with the purposes of the broader federal historic preservation program as set out in Sections 1 and 2 of the National Historic Preservation Act (NHPA). Other sections of the NHPA and guidance call for mitigation but are not specific. Section 110(b) of the NHPA calls for federal agencies to make "appropriate records ... for future use and reference." This is reiterated in Standard 6 of the "Secretary of the Interior's Standards and Guidelines for Federal Agency Historic Preservation Programs" (<http://fpi.historicpreservation.gov/TechnicalInfo/HistPres/FedAgencyGuidelines.aspx>), which calls for agencies to "provide for appropriate recording of the historic property." Data recovery, however, is not the only way to construct a record when archaeological properties will be adversely affected by an undertaking.

The ACHP supports consideration of alternative mitigation and notes that appropriate treatments for affected archaeological sites, or portions of archaeological sites, may include

active preservation in place for future study or other use, recovery or partial recovery of archaeological data, public interpretive display, or any combination of these and other measures (From the ACHP's "Recommended Approach for Consultation on Recovery of Significant Information from Archaeological Sites" (ACHP 2009).

As mitigation decisions reached through consultation represent the broader public interest, they should be considered appropriate so long as they are legal, feasible, and practical. By considering alternatives, the lead agency can address how the community or the general public best benefits from the expenditure of public funds for preservation treatments. The public may derive greater benefit from a variety of data recovery alternatives or a combination of more limited data recovery and exhibits on excavation, brochures, site tours, public lectures, Web sites, documentary videos, and history modules for use in schools. Using these means to achieve broader public involvement can lead to increased appreciation of the past and a greater willingness to expend public funds in the pursuit of preservation goals.

Discussion

Congress authorized the American Battlefield Protection Program (ABPP) of the National Park Service to assist citizens, public and private institutions, and governments at all levels in planning, interpreting, and protecting sites where historic battles were fought on American soil during the armed conflicts that shaped the growth and development of the United States, in order that present and future generations may learn and gain inspiration from the ground where Americans made their ultimate sacrifice. ABPP encourages, supports, assists, recognizes, and works in partnership with citizens, federal, state, local, and tribal governments, other public entities, educational institutions, and private nonprofit organizations in identifying, researching, evaluating, interpreting, and protecting historic battlefields and associated sites on a national, state, and local level.

Archaeological Potential

There has been extensive development of land over the past half century in the Fishkill area, and in particular in the vicinity of the Fishkill Supply Depot. In part in response to this development activity, there has been intermittent archaeological exploration in and around the depot site. This exploration has been undertaken variously by local avocational archaeologists, by public archaeologists and cultural resource management practitioners in connection with specific infrastructure and development projects, and by academic and research institutions (Temple University, the State University of New York - New Paltz and the New York State Museum). A range of archaeological data and materials has been recovered and is believed to be currently held by a number of entities in several different places (notably, at the Van Wyck Homestead, at the Temple University Department of Anthropology, at the New York State Museum and at the offices and laboratories of consultant archaeologists).

Any future archaeological potential of the Fishkill Supply Depot has been severely compromised, if not destroyed, by recent development activity and infrastructure improvements, e.g., by the construction of Route I-84, the Dutchess Mall and several commercial premises, arranged along the U.S. Route 9 frontage north and south of Route I-84. The report prepared under the FOFSD's American Battlefield Protection Program grant (the Hunter report) notes that the "extensive archaeological excavations [were] . . . destructive in themselves" (Hunter and Lee 2016:5-2).

Due to prior ground disturbance from recent developments, archaeologically sensitive areas have proven challenging to identify. The following actions are in place to strengthen archaeological understanding of the depot:

Stripping Plan

Hartgen has recommended archeological stripping as the most efficient and effective method to investigate intact and undisturbed features. Stripping will involve mechanically removing topsoil from the site, allowing archeologists to search for intact features and deposits that have been left undisturbed in the substratum. In addition, this methodology will assist in discerning materials lacking integrity of location (Hartgen 2017).

As stated by the OPRHP, the topsoil layer (Ap Horizon) has been adequately sampled for artifacts and that it is appropriate to remove the topsoil later with heavy equipment for the purpose of exposing and excavating features that may be present in the subsoil. The OPRHP has no objections to the soil stripping being performed after the Site Plan has been approved by the Town of Fishkill Planning Board or to the soil stripping being required as a condition of any project approval granted by the Planning Board with the understanding that the mechanical soil stripping be completed and approved prior to the start of construction in the area where mechanical soil stripping is to be conducted.

The most appropriate area for the additional archeological work in the nature of the proposed soil stripping is the northern section of the property (east of the gas station). During the consultation process with SHPO, such soil stripping was recommended in the northern section of the property, east of the gas station, in advance of final construction (OPRHP Letters 21 April 2016, 17 June 2016, and 23 June 2016). Relatively speaking, there have been fewer archeological excavations in this area, with over 9,500 square feet of excavations (including shovel tests, trenches, and block stripping) to date. This measure is to be implemented prior to the Phase 2 of the development of Continental Commons (Hartgen 2017).

The following methodology is excerpted from the stripping plan (Hartgen 2017) and is outlined in more detail in that document.

The stripping plan field investigation will include the following components:

- 15 blocks of approximately 100 square meter each in size. The blocks will be square to rectangular and will likely vary due to local ground conditions, and to avoid retained vegetation in some areas. These areas of investigation will be selected in the field for mechanical stripping. The blocks will be positioned to avoid previous archeological investigations and will be distributed across the northern 2-acre section of the property. Exact configuration of blocks will depend on equipment available. Shape of blocks will also be modified to avoid vegetated areas being retained.
- All trees and shrubs will be removed to ground level. Stump grinding, brush hogging, or other action with the potential to disturb the ground will be performed after the archeological excavations.
- The Stratum 1 topsoil will be removed from each block exposing the Stratum 2 subsoil.
- Archeologists will use hand-tools to scrape the subsoil and investigate the stripped surface for features and deposits.
- Efforts will be focused on features and deposits from the 18th century. When there is uncertainty, excavations will proceed as though the feature is from the focus period.

- Features that appear to be natural or from more recent activity and potential salting (see Hartgen Letter 6 Feb. 2017), they will be quickly evaluated with limited excavations.
- Each feature that is from the focus period will be excavated as appropriate. This may include bisection to better understand the stratigraphy and vertical and horizontal extents.

The stripping investigations report(s) will be prepared according to OPRHP's *State Historic Preservation Office (SHPO) Phase III Archaeological Report Format Requirements* (2005) or another format acceptable to the Town Planning Board or its designee(s). As appropriate, reports will contain text, tables, color maps and photographs, shovel test records, and an artifact inventory. The distribution of report copies will be determined in conjunction with the Town Planning Board and its designee(s) (Hartgen 2017).

Archaeological Construction Monitoring Protocol and Unanticipated Discovery Plan

The Applicant has prepared a document designed to "safeguard against the possibility that construction of the Project might adversely affect previously unknown significant archeological resources associated with the Fishkill Supply Depot, Continental Commons has prepared a plan for dealing with the unanticipated discovery of human remains or potentially significant archeological objects and features. This document describes Continental Commons' plan for treatment of such discoveries during the course of Project construction. It is intended to: a) describe to oversight, regulatory and review agencies, the procedures Continental Commons will follow to prepare for and deal with unanticipated discoveries, and b) provide direction and guidance to Continental Commons personnel and their contractors and consultants as to the proper procedures to be followed in the event of an unanticipated discovery" (Klein 2017).

The Applicant's plan (in part) provides and includes:

- All archeological monitors and archeological consultants (RPAs) necessary to carry out the provisions of plan. All archeological monitors shall be Secretary of the Interior (SOI) qualified archeologists.
- On-site training and orientation for non-archeological personnel responsible for supervising or otherwise overseeing implementation of this Plan and Protocol from a Registered Professional Archeologist (RPA) familiar with the Continental Commons property prior to the start of construction.
- Protocol for instances if Continental Commons or Continental Commons contractor personnel (including operators of equipment involved in grading, stripping, or trenching activities) working anywhere within the Project Area observe any skeletal material, or other material of possible archeological interest.
- Stipulations requiring an Archeological Monitor to be present on-site only when excavation, grading, trenching, or any other form of ground disturbing activity is being performed.
- Guidelines for unanticipated discovery of object or feature of potential archeological interest, i.e. he/she is required to stop work in the immediate vicinity of the find and notify the archeological monitor, or the Chief Construction Inspector, who shall, in turn, immediately notify the archeological monitor.

- Guidelines for unanticipated discovery of potential archeological significance has been made, i.e., they may direct that all ground-disturbing activities within the vicinity of the potential discovery be stopped until such time as it is determined that construction in the affected area may re-commence. If the archeological monitor determines that the discovery is not of potential archeological significance, the archeological monitor will rescind the stop-work order.
- Responsibility for taking appropriate steps to protect and secure the evidence any discovery determined to be of potential archeological significance by the archeological monitor. At a minimum, the immediate area of the discovery will be delineated with flagging and/or safety fencing. Movement of vehicles and equipment outside the immediate vicinity will be permitted, but shall be minimized to the extent practical.
- Responsibility for Chief Construction Inspector and the Archeological Monitor to be responsible for immediately and independently notifying the Town of Fishkill and the designated archeological consultants listed in Appendix A of that document if a discovery of potential archeological significance has been made. This will be done by telephone and text with additional notification via e-mail, fax or overnight mail to ensure that a permanent record is created.
- Procedures for determining significance of unanticipated discoveries, documentation of such discoveries, and notification of Town of Fishkill.
- Guidelines for preservation in situ.
- Guidelines for reporting.
- Guidelines for treatment and handling of human remains, i.e. must be treated with the utmost dignity and respect. Should human remains be encountered work in the general area of the discovery will stop immediately and the location will be immediately secured and protected from damage and disturbance.
- Procedures for the unanticipated recovery of possible human skeletal remains, i.e. Chief Construction Inspector will immediately notify via telephone, text, and e-mail, Continental Commons, the Continental Commons archeological consultant(s)(RPA), the Town of Fishkill Police Department, the Dutchess County Medical Examiner, and the Town of Fishkill.
- Procedures for stop work orders.
- Protocol for treatment, recovery, collection, and repatriation of human remains or associated artifacts including stipulations for proper.
- Protocol for treatment of Native American human remains in accordance with Native American Graves and Repatriation Act (NAGPRA).

Historical Preservation and Interpretation

In the 2007 Report to Congress on the Historic Preservation of Revolutionary War and War of 1812 Sites in the United States, the National Park Service identified “more than 400 Principal Sites or their locations that have little or no interpretive programs or media, develop on-site and virtual interpretation that contributes to public understanding and appreciation of the site, interest in preserving the site, and marketing of the site for heritage tourism”. Where appropriate to the story of the site, research and develop objective interpretation about the history of African Americans, Indians, and women, the international scope of and participation in the wars, and causes and results of internecine conflicts.

Preservation of archaeological resources relating to the Fishkill Supply Depot is a necessary and justifiable goal if future generations are to glean the public benefit of local history and future researchers, with access to more sophisticated investigative techniques, are to maximize the information yield from the site.

No construction at all will take place in the vicinity of the identified cemetery (south of the creek) and to consider avoidance of the documented deposits north of the creek as well. As part of the current development plan, the Revolutionary era burial grounds will be preserved at the southwest corner of the site with parking provided for visitors to the burial grounds. At the very southwest corner of the site is the 0.4-acre Revolutionary-era burial area. The limits of the burial area have been confirmed through extensive archaeological studies conducted on the site over a period of years and by the use of ground penetrating radar in 2008 and ground truthing in May, 2013, all under the supervision of the State OPRHP.

The owner proposes to provide for the future protection and preservation of the burial area as part of the overall plan for development of the site. Convenient access to the cemetery would be provided to the public via nearby parking, which is accessed from the southern entrance to the site from Van Wyck Lake Road. This on-site parking is intended to prevent recurrence of incidents where cars from persons attending events at the burial grounds parked along Van Wyck Lake Road. The owner is also willing to discuss with the Fishkill Historical Society shared parking arrangements for special events at the Fishkill Historical Society, including those that may involve walking to the burial area.

It is the OPRHP’s opinion that the northern and easternmost boundaries of the burial area within the Continental Commons parcel have been properly and adequately delineated to the satisfaction of OPRHP, as it is generally depicted in the Hartgen Archaeological Associates Ground Penetrating Radar Study and Ground Truthing Excavations Study (July 19, 2013).

The proposed plan includes elements that will enhance visitation to the Fishkill Supply Depot area and other historic sites in Dutchess County. The Plan includes a 2.5 story Inn/hotel with approximately 90 guest rooms, two small 8,000 SF retail buildings, and a 4,200 SF restaurant. The proposed Inn is in a substantially similar location to the one approved by the Planning Board in 1999, but according to the applicant it now has an architectural design more integrated with the historic surroundings. The hotel would serve tourists coming to the area. The hotel guests would patronize the restaurant and retail/service small shops, and visit the tourist information center.

At the very northwest corner of the site, across from the Van Wyck House, on the portion of the property known as the 1.23 acre “Hess” property, the owner proposes to construct a small visitor’s center building in the Dutch Colonial style, with associated parking. The visitor’s center would provide information about the site as well as Dutchess County tourism and architecture, and would describe similar places throughout the Dutchess County. It is acknowledged that in

order for the visitor's center to be constructed, the existing restrictive covenant on this area would have to be modified in an appropriate manner the Board, and that a subdivision may be required. The owner confirms his willingness to work with all parties to develop this visitor center, and continue to provide appropriate landscaping for the corner, and access to the proposed parking in this area for special events of the Historical Society, under a shared parking plan, in which a portion of the parking in this area would also serve the other tourism-related uses on the site.

- Approaches to historic interpretation and public outreach may include the following: signage at key locations (using a common design theme compatible with other historic interpretive devices currently in use in the Fishkill area); low impact trails linking locations of historic interpretive signs; rehabilitation and restoration of historic buildings; landscaping with historically appropriate elements; historical elements in local information/visitor centers (e.g., in Fishkill Village, Fishkill Landing, the Van Wyck Homestead); brochures (both in print and online); and three-dimensional models (both in physical and/or digital form) that present the Revolutionary War era (Continental Commons Development Plan).

To connect the Van Wyck House, Tourism Center, and hotel in the northern part of the property to the burial area at the southern portion of the site, and further enhance the visitor experience, the owner proposes to construct a historic walking trail connecting the visitor's center at the north of the site with the burial ground.

The trail will include interpretive signage about the history of the Fishkill Supply Depot, and the development of this site over the two-hundred-year period since the Revolution, and relating all of these events to the surrounding area. In the future, the owner would also be willing to work with the community to construct a replica barrack based on a Revolutionary War design in the southeast portion of the site, which is in the residential zoning district. This barrack would not be for commercial use, but for use by veterans' organizations or similar public/civic groups. An exhibit should be developed to communicate the history the Fishkill Supply Depot with the public.

Conclusions

Any State agency that is involved in a project that may affect archaeological or historic resources must comply with the New York State Historic Preservation Act of 1980 ("SHPA"; Chapter 354 of the New York State Office of Parks, Recreation and Historic Preservation Law, Section 14.09). In consultation with OPRHP, the State agency is required to identify cultural resources that may be impacted by an action and seek ways to avoid, minimize or mitigate these impacts.

The proposed Continental Commons project (the "Proposed Action" under SEQRA) constitutes "Phase 3" of a 3-phase development (originally known as "Touchdown") of the commercially zoned property on this site between Snook Road and Van Wyck Lake Road. The Planning Board granted site plan approval for the Hess gas station (Phase 1) in 1997. The Hess station is now a Speedway station. At that time, the Hess parcel was subdivided from the remainder of the property. In 1999, the Planning Board granted site plan and special permit approval for a 3-story hotel behind the gas station, in a location similar to the location proposed in the present site plan (Phase 2) in 1999 (Tuyl 2016).

Each of the past approvals were "Type I" actions under SEQR. The Planning Board, after detailed evaluation and analysis, adopted Negative Declarations with respect to each proposal, copies of which are on file with the Board. The Negative Declaration for the Hess Gas Station included a determination that the gas station was consistent with community character in the area, which included Interstate 84, US Route 9, two Mobil Stations, the Dutchess Mall, and numerous fast food restaurants. [Negative Declaration, Touchdown Development Proposed Hess Mart, November 14, 1997, page 9] The Negative Declaration also found that the architectural design and landscaping of the Hess Mart incorporated specific historic architectural forms and elements indigenous to the region to assure that the project would not impair the character or quality of important historical or aesthetic resources including the Van Wyck House [Negative Declaration pages 10-11] (Tuyl 2016). The Negative Declaration referred to archaeological investigations that were performed on the site, and determined that the project would not impair the character or quality of important archaeological resources. [Negative Declaration pages 10-11] The Negative Declaration for the Hotel behind the Hess Gas Station determined that, after considering the architectural features of the proposed hotel, that "the developer did not perfect the approval by fulfilling the conditions to obtain a building permit and the approval is at this point expired (September 2, 2016 Page 3).

Recommendations

PaleoWest recommends the proposed action is a Type 1 Action involving an applicant and it will not have a significant adverse impact on the environment, therefore:

- a full EAF will be prepared;
- a coordinated review will be completed [see 617.6(b)(3)];
- the SEQR conditions imposed [see 617.3(b) and 617.7(d)(1)(iii)] have eliminated or reduced the identified potentially significant adverse impact(s) to a non-significant level;
- the notice is filed and published the same as for Type I actions [see 617.12(b) and (c)];
- a 30-day minimum public comment period has been provided (commencing with the appearance of the notice in the "Environmental Notice Bulletin") stating what conditions have been imposed.

It is the opinion of Paleowest Archaeology that no Environmental Impact Statement (EIS) is deemed necessary; however, measures should be taken to protect area in the vicinity of the burial grounds (i.e. stables, foundations, etc.). To this end, a construction monitoring plan, mechanical soil stripping investigation plan, and an unanticipated discovery plan were developed and implemented by a 36 CFR 61 qualified archaeologists that includes the OPRHP's Human Remains Discovery Protocol. Therefore, a negative declaration can be made concerning the proposed project area.

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ARCHEOLOGICAL CONSTRUCTION MONITORING PROTOCOL

AND

**PLAN AND PROCEDURES FOR IDENTIFYING AND RESPONDING TO
UNANTICIPATED DISCOVERIES OF CULTURAL RESOURCES (INCLUDING
HUMAN REMAINS)**

**FOR USE IN CONNECTION WITH THE CONTINENTAL COMMONS PROJECT
TOWN OF FISHKILL, DUTCHESS COUNTY, NEW YORK**

Prepared for

Continental Commons

By

Joel I. Klein, Ph.D., RPA

March 2017

1.0 INTRODUCTION

- A. Continental Commons is a commercial development [the Project] on a 10.47 acre parcel identified as parcel number 133089-6255-00-180430 on the Town of Fishkill Tax Map, which is part of a comprehensive plan for development covering an overall tract which also includes tax parcel 133089-5255-00-156462-0000, already in operation as a gas station/convenience store. Of the 10.47 acre parcel, 6.85 acres will be involved in construction activities. This 6.85 acre area (Figure 1) has been designated the Project's Area of Potential Effect (APE) in regard to archeological resources.

The tract presents an integrated overall plan for development, access, and circulation throughout the site, with access on Snook Road, Route 9, and Van Wyck Lake Road. The proposed additional development includes a 2.5 story hotel with approximately 90 guest rooms, two retail buildings with 15,720+/- square feet (SF) of retail space, a 600 SF visitor's center, and 5,000+/- SF of restaurant space. The proposed buildings will be constructed with a consistent architectural theme reflecting the character of historic buildings in Dutchess County. Integral to the Project is preservation of a 0.4 acre Revolutionary era burial ground at the southwest corner of the site, and substantial pedestrian linkages from the Van Wyck-Wharton House through the site, providing many means of historical interpretation and education. Also proposed is a new right-turn lane on Snook Road entering Route 9, with pedestrian-operated Walk cycles, to facilitate pedestrian activities in the area. A replica barracks is proposed on the southeastern portion of the project area. A small Visitor's center across from the Van Wyck-Wharton House is included at the northwest corner of the proposed plan.

The Project will be constructed in accordance with the conditions and integral elements of the proposed project set forth on the proposed site plan and narrative elements, now under review by the Town of Fishkill Planning Board, which is acting as the lead agency under the New York State Environmental Quality Review Act.¹

- B. Continental Commons will be located entirely within the limits of the Fishkill Supply Depot Site which was listed on the National Register of Historic Places in 1974. The basis for the 1974 boundary delineation is unknown. The Van-Wyck Homestead, located immediately north of Continental Commons is the only standing structure associated with the Fishkill Supply Depot that is also located within the National Register boundary. Other standing structures associated with the depot exist outside the Fishkill Supply Depot Site National Register

¹ In the event of consultation in accordance with Section 14.09 relating to state agency permits, the unanticipated discoveries plan would be updated to reflect contact information and involvement of the additional agencies involved in the consultation process. Specifics of the plan and protocol, other than those that relate to notifications, approvals, and start-work authority are expected to remain the same.

boundaries, but within the limits of the Fishkill Village Historic District, a separate National Register property located several miles to the north.

- C. To safeguard against the possibility that construction of the Project might adversely affect previously unknown significant archeological resources associated with the Fishkill Supply Depot, Continental Commons has prepared a plan for dealing with the unanticipated discovery of human remains or potentially significant archeological objects and features. This document describes Continental Commons' plan for treatment of such discoveries during the course of Project construction. It is intended to: a) describe to oversight, regulatory and review agencies, the procedures Continental Commons will follow to prepare for and deal with unanticipated discoveries, and b) provide direction and guidance to Continental Commons personnel and their contractors and consultants as to the proper procedures to be followed in the event of an unanticipated discovery.
- D. Continental Commons will provide, at its own expense, all archeological monitors and archeological consultants (RPAs)² necessary to carry out the provisions of this document. All archeological monitors shall be Secretary of the Interior (SOI) qualified archeologists. Archeological monitors and archeological consultants (RPAs) will be employees of Continental Commons. Continental Commons will be responsible for providing all necessary equipment and personnel support deemed necessary by the archeological monitors and archeological consultants (RPAs) to carry out their responsibilities under the provisions of this document. If the archeological monitor is also an RPA, the archeological monitor may also function in the role of a Continental Commons archeological consultant.

2.0 TRAINING AND ORIENTATION

Prior to the start of construction, non-archeological personnel responsible for supervising or otherwise overseeing implementation of this Plan and Protocol, and construction contractor representatives, will receive on-site training and orientation from a Registered Professional Archeologist (RPA) familiar with the Continental Commons property. The training will include background information concerning the nature and types of archeological materials that may be encountered during construction, with special reference to prior discoveries at the Fishkill Supply Depot Site. Training will also include a review of the procedures detailed in this plan, the role and authority of archeological monitors, and the importance of compliance with all aspects of the plan. A minimum of two hours of training will be provided.

Continental Commons will insure that Continental Commons personnel, Continental Commons consultants, Continental Commons contractor personnel, and all agents of Continental Commons with on-site responsibilities, assigned to the Project have been advised of and understand the following:

² Registered Professional Archaeologists

- The role and authority of archeological monitors;
- In all areas designated for archeological monitoring, and in all areas where an unanticipated discovery has occurred, the Project's archeological monitor, and any previously designated authorized official of the Town of Fishkill, has the authority to order work to be stopped and, when appropriate, resumed.
- Only the Project's archeological monitor and Continental Commons archeological consultants, have the authority to lift an archeological stop-work order, and, in doing so, shall comply with the protocol set forth within this Plan.
- If Continental Commons or Continental Commons contractor personnel (including operators of equipment involved in grading, stripping, or trenching activities) working anywhere within the Project Area observe any skeletal material, or other material of possible archeological interest, they are to stop work in the vicinity³ of the material, and immediately notify the Chief Construction Inspector⁴. The Chief Construction Inspector (or his/her designated representative) is required to immediately notify the archeological monitor.
- An Archeological monitor is required to be present on-site only when excavation, grading, trenching, or any other form of ground disturbing activity is being performed.
- Strict compliance with relevant portions of these procedures and protocols is required. Any questions concerning their applicability or interpretation should be directed to the Chief Construction Inspector who shall consult with the archeological monitor.
- Any potential or confirmed human remains are to be treated with the utmost dignity and respect at all times, in compliance with the protocol set forth within this Plan.
- Any observed or discovered bones or suspected bones, unless obviously non-human, should be assumed to be human until determined otherwise by a competent authority.
- The Contractor is responsible for insuring that non-English speaking personnel are aware of these requirements.

Copies of this document will be provided to construction contractors, and copies will be maintained on-site by the contractor(s), the Chief Construction Inspector, and Continental Commons.

³ Vicinity is defined as the area within 25 feet of the limits of the discovery.

⁴ Any senior on-site personnel, approved by Continental Commons, and with necessary authority, may carry out the role of the Chief Construction Inspector as described in this Plan.

Copies of the professional qualifications of every person serving as an archeological monitor or a Continental Commons archeological consultant (RPAs) will be provided to the Town of Fishkill. The Town shall identify one of more designees to receive such notice and all other notifications or copies of documents as provided under this document, and may update the designee(s) at its discretion by providing notice of the new designation to all affected parties.

3.0 OBSERVED ARCHEOLOGICAL REMAINS

- A. If any member of the construction work force believes that an object or feature of potential archeological interest⁵ has been found, he/she is required to stop work in the immediate vicinity of the find and notify the archeological monitor, or the Chief Construction Inspector, who shall, in turn, immediately notify the archeological monitor. If skeletal remains are involved, the procedures described in Section 4.0 will be followed.
- B. If the archeological monitor believes that an unanticipated discovery of potential archeological significance has been made, they may direct that all ground-disturbing activities within the vicinity of the potential discovery be stopped until such time as it is determined that construction in the affected area may re-commence. If the archeological monitor determines that the discovery is not of potential archeological significance, the archeological monitor will rescind the stop-work order.
- C. Continental Commons will be responsible for taking appropriate steps to protect and secure the evidence any discovery determined to be of potential archeological significance by the archeological monitor. At a minimum, the immediate area of the discovery will be delineated with flagging and/or safety fencing. Movement of vehicles and equipment outside the immediate vicinity will be permitted, but shall be minimized to the extent practical.
- D. The Chief Construction Inspector and the archeological monitor will both be responsible for immediately and independently notifying the Town of Fishkill and the designated archeological consultants listed in Appendix A if a discovery of potential archeological significance has been made. This will be done by telephone and text with additional notification via e-mail, fax or overnight mail to ensure that a permanent record is created.

⁵ Objects and features of potential archeological interest include post holes/molds, hearths, pits, walls, foundations, and other evidence of structural remains; human bone including articulated and disarticulated burials, graves, and other evidence of identifiable bone; and other evidence of prehistoric or historic period occupation including such items as shell, non-human bone, lithic debitage (chert and quartz flakes and chipping debris), and historic-period glass and ceramics found below the Ap horizon (plow-zone). Isolated artifacts other than possible human skeletal remains, found below the Ap horizon shall be recovered and recorded, but are not considered to have archeological significance. Additionally, the plowzone within the APE has been extensively disturbed by past construction activities as well as plowing, and the State Historic Preservation Office has determined that the plowzone has been adequately sampled. In addition, the near-surface soils within the APE have been archeologically contaminated by nineteenth, twentieth and twenty-first century debris. For this reason historic period artifacts found or observed within the plow zone or other in clearly disturbed contexts are not considered to be of potential archeological interest.

- E. Within 24 hours if possible, and, if not possible, as soon thereafter as is possible, of being notified of a discovery as set forth in section A above, an RPA employed by Continental Commons will examine the discovery, and determine if a potentially significant archeological resource as described in footnote 5 is present. If, in the opinion of the RPA, the discovery is not a potentially significant archeological resource, he/she will immediately advise Continental Commons and the Town of Fishkill that the stop-work order is being rescinded. Within three (3) business days the RPA will submit a letter report, including photographs of the discovery site, a description of the circumstances of the discovery, and an explanation why the RPA has concluded that the discovery is not significant⁶, to Continental Commons and the Town of Fishkill.
- F. In the event that the RPA determines that a discovery is of potential archeological significance, he/she will immediately notify Continental Commons and the Town of Fishkill. If the Town of Fishkill wishes to notify the State Historic Preservation Office (SHPO), the Town shall be responsible for doing so. Every effort will be made to insure that notifications are made within 24 hours of the determination by the RPA that a potentially significant archeological resource has been discovered. SHPO contacts are listed in Appendix A.
- G. If the RPA concludes that a potentially significant archeological resource⁷ is present, notifications will include a scope-of-work for evaluating the significance of the resource and for evaluating project effects on it. Copies of the proposed scope of work will be sent by email to the Town of Fishkill, at the current e-mail address(es) which have been specified by the Town and communicated to the RPA. This Notice shall provide that unless an objection is received within two business days (48 hours, including Saturdays if construction is normally scheduled for Saturdays), Continental Commons archeological consultants will begin implementation of the scope of work. The work to evaluate significance and project effects will be confined to the project's area of direct effect (generally presumed to be the immediate area of ground disturbance surrounding the discovery).
- H. From the time of the discovery as set forth in section A above until such time as implementation of any archeological scope of work begins, Continental Commons will take measures supervised by an RPA to protect the site of the original discovery *in situ*. The Chief Construction Inspector will consult with the RPA to determine if additional protective measures beyond flagging and/or construction fencing need to

⁶ Concerns have been raised that areas within the APE may have been "salted" with artifactual and/or faunal material from outside the limits of the Continental Commons property. Discoveries of this type cannot be considered of archeological significance as they lack "integrity of location." If this is the basis for RPA's conclusion that the discovery is not significant, the letter report will include a detailed description of observed temporal discontinuities between observed/recovered artifacts and the archeological feature from which they are recovered or with which they are/were associated, or other factors indicating that there is a lack of integrity of location.

⁷ Evaluations of significance shall be based, consistent with the criteria set forth at 36 CFR 60.4 and associated guidance in National Park Service National Register Bulletins, upon the potential for the discovery to yield important historical or archeological information.

be employed. These possible additional measures may include, but are not limited to, covering the discovery and/or temporary reburial.

- I. The RPA will provide Continental Commons as soon as possible, but no later than five business days after field investigations are complete, a written report describing the results of fieldwork, and if the resource is believed to be significant, a proposal for data recovery or an explanation why data recovery is not appropriate or necessary. If requested by Continental Commons, the report shall also include an analysis of alternatives to data recovery, and an evaluation as to whether data recovery or alternate measures are believed to be preferable. The report shall also specify whether the proposed measures, whether data recovery or alternate measures, can be carried out without being impeded or affected by construction.
- J. Continental Commons will assure that the RPA's report, including whether or not the unanticipated archeological discovery is or is not significant and the basis for the RPA's conclusion, and the Continental Commons alternatives analysis (if one has been prepared) are hand-delivered or sent via e-mail, fax and/or overnight mail, to the Town of Fishkill, within 72 hours of receipt. If proposed mitigation measures can be carried out without being impeded or affected by construction, the submittal to the Town of Fishkill will be accompanied by a request to resume construction immediately. Work shall remain stopped for two business days (48 hours, including Saturdays if construction is normally scheduled for Saturdays) to allow consideration of the materials by the Town. If no objection is provided by the Town of Fishkill, it will be presumed that the Town of Fishkill has no objections and construction in the area of the discovery will resume.
- K. In the event that data recovery work is proposed in the field after a discovery, and such recovery work goes forward, Continental Commons will submit a summary report (end-of-fieldwork letter) describing the results of such fieldwork to the Town of Fishkill within 15 calendar days of the completion of such fieldwork. If archeological data recovery is a component of the mitigation plan a full report will be submitted to the Town of Fishkill in accordance with a schedule to be established by Continental Commons in consultation with the Town of Fishkill.

4.0 OBSERVED SKELETAL MATERIALS

- A. The procedures in this section will apply in all situations where it is not obvious and immediately apparent that skeletal remains, which are found, are non-human in origin. (Skeletal remains mean articulated or disarticulated bones or teeth). If obviously non-human skeletal remains are found in association with archeological features or objects the procedures described in Section 3.0 will be followed.
- B. Any human remains or potential human remains that are inadvertently discovered during construction will at all times be treated with dignity and respect.

- C. If the archeological monitor or any member of the construction work-force believes that an unanticipated discovery involving possibly human skeletal remains has been made, he/she will be required to stop work in the immediate vicinity of the find and notify the archeological monitor (if the discovery was made by someone other than the archeological monitor) and the Chief Construction Inspector. The Chief Construction Inspector will immediately notify via telephone, text, and e-mail, Continental Commons, the Continental Commons archeological consultant(s)(RPA), the Town of Fishkill Police Department, the Dutchess County Medical Examiner, and the Town of Fishkill.
- D. Until such time as the Town of Fishkill Police and the Dutchess County Medical Examiner's representative have completed their investigations, the Chief Construction Inspector will direct that all ground disturbing activities within the vicinity of the potential discovery be stopped ("stop work order"). Continental Commons will take appropriate steps to protect and secure the evidence of the discovery. At a minimum, the immediate area of the discovery will be delineated with flagging and/or safety fencing. Movement of vehicles and equipment outside the immediate vicinity will be permitted, but shall be minimized to the extent practical.
- E. If a competent authority⁸ determines that the skeletal material is not human and there is no archeological association, the Chief Construction Inspector or the Continental Commons archeological consultant shall lift the stop-work order. To document the investigation, the Continental Commons archeological consultant (RPA) will prepare and submit a letter report(s) including photographs of the discovery site, a description of the circumstances of the discovery, any information received from the Dutchess County Medical Examiner's representative and/or forensic anthropologist (if one has been consulted), a timeline starting with the time of the initial discovery and ending with the lifting of the stop work order, and a clear statement to the effects that the discovery does not include human skeletal material. The report will be submitted to Continental Commons within five (5) business days of the lifting of the stop-work order. Continental Commons will forward a copy of the report to the Town of Fishkill within five (5) business days of Continental Commons receipt of the report from the archeological consultant.
- F. In the event that that the skeletal material is not human, but is nonetheless associated with a potentially significant archeological feature, the procedures described in Section 3.0 will be followed.

⁸ Competent authorities include representatives of the Dutchess County Medical Examiner, and qualified forensic anthropologists that may be employed by Continental Commons.

- G. If human remains are present in an unambiguously aboriginal archeological context and are believed by competent authority to likely be Native American, Continental Commons will follow the procedures described in Section 3.0, except as follows:
1. Notifications to the Town of Fishkill will make special note of the fact that Native American human remains have been found and include a request that the Town of Fishkill advise Continental Commons as to whether or not they intend to contact the SHPO and/or any Native American tribe or representative in regard to the discovery.
 2. Site evaluation proposals will give special consideration to the fact that human remains are present.
 3. Proposed data recovery scopes-of-work will accommodate, to the extent feasible, the desires of Native American representatives regarding the treatment of the discovered human remains.
 4. Final treatment and disposition of any recovered human remains will be the responsibility of Continental Commons and may include, but will not be limited to, return to a Native American group in accordance with NAGPRA, donation to a scientific or historic repository, or reburial.
- H. If human remains are present and are associated with a non-aboriginal archeological context the procedures described in Section 3.0 will be followed except that:
1. Notifications to the Town of Fishkill will make special note of the fact that non-Native American human remains have been found and include a request that the Town of Fishkill advise Continental Commons as to whether or not they intend to contact the SHPO and/or any other organization in regard to the discovery.
 2. Site evaluation proposals will give special consideration to the fact that human remains are present.
 3. If it is determined by the RPA that associated archeological material is not significant, and that data recovery measures are not necessary, Continental Commons will resume construction when the RPA advises that the remains have been removed. The RPA will provide Continental Commons a written report describing the removal activities within 10 business days of the resumption of construction. Continental Commons will forward a copy of the report to the Town of Fishkill.
 4. Final treatment and disposition of any recovered human remains will be the responsibility of Continental Commons and may include, but will not be limited to, donation to a scientific or historic repository, or reburial within

the previously designated limits of the Continental Commons burial area, or in an off-site cemetery. Reburial costs will be borne by Continental Commons. Unless a party with standing (as determined by the Town of Fishkill) objects, and reburial is determined to be the best disposition of the skeletal remains, Continental Commons may make the skeletal material available for scientific analysis by qualified outside parties prior to burial. Continental Commons will not be responsible for undertaking or paying for such analyses, but will be responsible for the costs associated with reburial when the skeletal remains are returned after such scientific analysis.

APPENDIX A
NOTIFICATION LIST

Continental Commons Project Manager (Site)

Name:
Address:

Tel:
Fax:
e-mail:

Alternate

Name:
Address:

Tel:
Fax:
e-mail:

Continental Commons Archeological Consultant (RPA)

Name:
Address:

Tel:
Fax:
e-mail:

Alternate

Name:
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e-mail:

Continental Commons Archeological Consultant (RPA)

Name:
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Name:
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Town of Fishkill

Name:
Address:

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e-mail:

Alternate

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e-mail:

Name:
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Tel:
Fax:
e-mail:

Name:
Address:

Tel:
Tel:
e-mail:

State Historic Preservation Officer (SHPO)

Dr. Nancy Herter
Bureau of Historic Preservation
New York State Office of Parks, Recreation
And Historic Preservation
Peebles Island
P.O. Box 189
Waterford, New York 12188-0189
Tel: (518)
Fax: (518)
e-mail:

Alternate

TO BE DETERMINED

Town of Fishkill Police Department

Name:
Address:

Tel:
Fax:
e-mail:

Alternate

Name:
Address:

Tel:
Tel:
e-mail:

Dutchess County Medical Examiner

Name:
Address:

Tel:
Fax:
e-mail:

Alternate

Name:
Address:

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Tel:
e-mail: