Appendix III/IV.F
Historic and Archaeological Resources

III/IV.F-2: Letter of Resolution

LETTER OF RESOLUTION
AMONG
HUDSON HIGHLANDS FJORD TRAIL, INC.
AND
THE NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION
REGARDING
HUDSON HIGHLANDS FJORD TRAIL PROJECT
DUTCHESS AND PUTNAM COUNTIES, NEW YORK

WHEREAS, the Hudson Highlands Fjord Trail Project (the Project) consists of the construction of the Hudson Highlands Fjord Trail (the Fjord Trail) in the City of Beacon and Town of Fishkill in Dutchess County, New York and the Town of Philipstown and the Village of Cold Spring in Putnam County, New York. The Project will include various trail components, including 7 miles of Main Trail, 2.8 miles of Trail Meanders, Trail Banks, Water Trail Connections, 2.2 miles of Regional Trail connections (Connectors), and ancillary components such as parking areas, restroom buildings, and a maintenance facility. The term "Trail Corridor" is used to refer to the potential outer limit in which disturbance may occur for the Fjord Trail and its ancillary components;

WHEREAS, the Hudson Highlands Fjord Trail, Inc. (HHFT, Inc.), a New York not-for-profit organization is undertaking the Project;

WHEREAS, the Fjord Trail would be partially within the Hudson Highlands State Park Preserve (HHSPP), which is owned and managed by the New York State Office of Parks, Recreation and Historic Preservation (OPRHP), and would extend through other public and private lands;

WHEREAS, OPRHP and HHFT, Inc. are cooperating on the planning and development of the Fjord Trail Project as described in an April 1, 2021 Hudson Highlands Fjord Trail Cooperative Agreement signed by OPRHP and HHFT, Inc. as authorized by Section 3.09(6) of the Parks, Recreation and Historic Preservation Law, which authorizes OPRHP to encourage, promote, and engage in cooperative recreational projects undertaken by private philanthropic or non-profit interests for the benefit of the public;

WHEREAS, because OPRHP owns, or is anticipated to have real property interests in, the majority of the public lands within the Trail Corridor, OPRHP is serving as Lead Agency under the State Environmental Quality Review Act (SEQRA);

WHEREAS, the Project is subject to review under the New York State Historic Preservation Act (SHPA) (Section 14.09 of the Parks, Recreation and Historic Preservation Law [PRHPL]) (Section 14.09), which applies when State agencies are planning, approving, funding or undertaking projects that "may cause any change, beneficial or adverse, in the quality of any historic, architectural, archaeological or cultural

property" that is listed on or eligible for listing on the State and/or National Registers of Historic Places (S/NR);

WHEREAS, in February 2020, HHFT published the 2020 Hudson Highlands Fjord Trail Draft Master Plan (Draft Master Plan);

WHEREAS, the Draft Master Plan presents, among other things, conceptual alignments for the Fjord Trail, which will be refined further as the design advances; various alignments are still under consideration; some elements of the Draft Master Plan are not currently contemplated as part of the Project;

WHEREAS, a Generic Environmental Impact Statement (GEIS) has been prepared, which contains a full description of the Project, and consultation with OPRHP has been undertaken under Section 14.09 to evaluate the potential for the Project to impact historic properties;

WHEREAS, pursuant to Section 14.09, a "Project Impact Area" (PIA) was delineated for the historic properties analysis in coordination with OPRHP to take into account the potential for direct and indirect effects on historic properties (including archaeological resources and historic architectural resources) as a result of the Project. The PIA encompasses the proposed Fjord Trail's anticipated limits of disturbance and a 100-foot radius around Project components that may be visible from historic architectural resources to account for potential visual, audible, or atmospheric effects on those resources. The PIA for archaeological resources is the boundaries of the Project's anticipated limits of disturbance where direct ground disturbance may occur (see Attachment A);

WHEREAS, the following historic architectural resources were identified within the PIA for the Project: the Dennings Point Road Bridge (S/NR-eligible), Dutchess Manor (S/NR-listed), Bannerman's Island (S/NR-listed), 17 Newlins Mill Road (S/NR-eligible), the New York City Department of Environmental Protection (NYSDEP) Hudson River Drainage Chamber (S/NR-eligible), the Cold Spring Historic District (S/NR-listed), and 117 Fair Street (S/NR-eligible);

WHEREAS, the "Project Site" or "limits of disturbance (LOD)" for the Project includes all areas that may be directly impacted by any of the conceptual Fjord Trail alignments and ancillary components within the PIA (see Attachment A);

WHEREAS, an impacts analysis performed in compliance with SEQRA and Section 14.09 and in coordination with OPRHP identified no potential for the Project to result in adverse impacts on historic architectural resources;

WHEREAS, in consultation with OPRHP, HHFT, Inc. carried out multiple archaeological studies to identify significant (S/NR-eligible) or potentially significant archaeological sites with the potential to be affected by the Project within the anticipated LOD in the PIA.

These archaeological studies, which included Phase 1A, Phase 1B, and Phase 2 investigations, are listed in Attachment B;

WHEREAS, these archaeological studies resulted in the identification of several significant archaeological sites within the PIA;

WHEREAS, OPRHP has consulted with those federally recognized Indigenous Nations whose areas of interest coincide with the PIA;

WHEREAS, the purpose of this Letter of Resolution (LOR) is to ensure that appropriate measures are undertaken, in consultation with OPRHP and participating Indigenous Nations as appropriate, to avoid, minimize, and/or mitigate impacts to archeological resources before and during construction, and;

NOW, THEREFORE, as described in the GEIS and in accordance with Section 14.09, HHFT, Inc. and OPRHP agree that the Project may proceed subject to the Stipulations specified below:

STIPULATIONS

1. **Project Changes**: As noted above, various alignments for the Fjord Trail are under consideration. If Project plans change such that the Project may newly impact a historic property within the PIA or will require an expansion of the PIA, HHFT, Inc. shall consult with OPRHP to determine the appropriate course of action.

2. **Additional Archaeological Investigations:** While the Phase 1A studies evaluated the anticipated PIA for the Project, the Phase 1B and Phase 2 subsurface investigations that have been undertaken to date evaluated only those areas within the LOD for the Project Trail alignment considered at the time of those evaluations. Therefore, in the event that the LOD changes, further subsurface Phase 1B and/or Phase 2 investigations will be undertaken in consultation with OPRHP and with appropriate Indigenous Nations to identify the presence or absence of archaeological resources and significance of any identified archaeological resources in any potential archaeologically sensitive locations that would be disturbed and that have not yet been fully evaluated.

3. **Significant Archaeological Sites:** As design for the Project and/or its component projects is advanced, consultation with OPRHP shall be conducted to review whether proposed construction may have an adverse impact on identified significant archaeological sites. This consultation shall evaluate if significant archaeological sites can be avoided and attempt to identify ways to accomplish avoidance.

4. **Mitigation for Significant Archaeological Sites**: In the event that significant archaeological sites cannot be avoided, mitigation measures shall be developed

and implemented in consultation with OPRHP and participating Indigenous Nations as appropriate. Mitigation measures, if necessary, may include but would not necessarily be limited to, Phase III data recovery, construction-period archaeological monitoring, long-term protection measures for archaeological sites, and/or preparation of educational materials.

5. **Unanticipated Archaeological Discoveries:** Unanticipated archaeological discoveries occur when potentially significant archaeological deposits are encountered during construction in locations not anticipated by the archaeological studies that have been conducted for the Project. Prior to Project construction, HHFT, Inc. shall provide information to excavation and construction personnel to make them aware of Project archaeological issues and protocols. If any unanticipated archaeological discoveries occur during construction, HHFT, Inc. shall engage a qualified archaeologist and shall consult with OPRHP. In consultation with OPRHP, HHFT, Inc. shall determine the significance of the discovery and shall identify and implement an appropriate method of avoidance, minimization, and/or mitigation in an expeditious manner. If significant or potentially significant archaeological deposits are encountered and cannot be avoided, construction will not proceed until consultation with OPRHP has occurred and OPRHP has agreed that construction may proceed.

6. **Amendment and Notice:** HHFT, Inc. and OPRHP shall periodically review this LOR as follows: at least three years after the date it is signed by the last signatory and every three years thereafter until the Project is completed. The LOR shall remain in effect until the Stipulations have been met. Either party to this LOR may propose to HHFT, Inc. and/or OPRHP that the LOR be amended, whereupon HHFT, Inc. and/or OPRHP shall consult to consider and approve the amendment. Any amendment must be agreed upon in writing by both parties to the LOR. Prior to approving any substantive amendment of the LOR, notice of the proposed amendment shall be published in the Environmental Notice Bulletin (ENB) and the public shall be afforded a thirty-day public comment period.

   The following staff are the primary contacts for the parties:

   HHFT, Inc. contact:
   Amy Kacala, Executive Director
   Hudson Highlands Fjord Trail, Inc.

   OPRHP contact:
   Andrew Farry, Conservator/Archaeology
   NYS OPRHP

7. **Counterparts; Electronic Signatures; Successors or Assigns:** This LOR consists of seven pages plus Attachments A and B. It shall be signed and acknowledged in two original counterparts and shall take effect on the date it is

signed by the last signatory. The counterparts taken together shall form one legal instrument. A manually or electronically signed copy of this LOR delivered by facsimile, e-mail or other means of electronic transmission shall be deemed to have the same legal effect as delivery of an original signed copy of the LOR. HHFT, Inc. and OPRHP shall ensure that this LOR is complied with by their successors or assigns.

8. List of Attachments:

Attachment A: Project Impact Area
Attachment B: List of Archaeological Studies

Signature Pages Follow

HUDSON HIGHLANDS FJORD TRAIL, INC.

BY: Amy Kacala (Dec 23, 2025 10:47:56 EST) DATE: 23/12/2025

TITLE: Amy Kacala

NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION

BY: R Daniel Mackay DATE: 11/20/25

TITLE: DSHPO

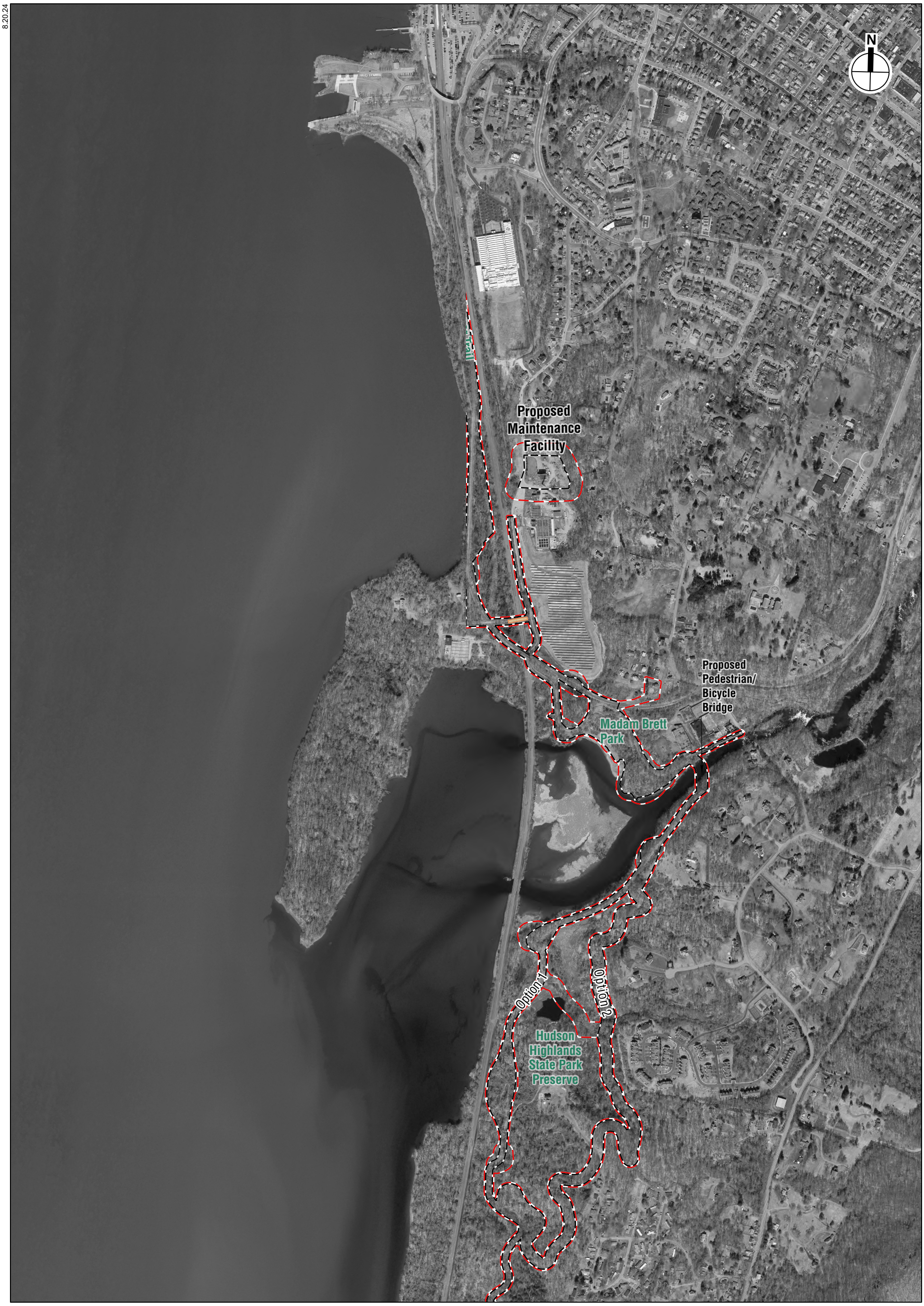
BY: [signature] DATE: 11/20/2025

TITLE: REGIONAL DIRECTOR

ATTACHMENT A

Project Impact Area

8.20.24



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Project Impact Area

Trail Corridor - Fjord Trail North

Known Resources

A *Denning's Point Road Bridge (S/NR-eligible)*

Potential Resources

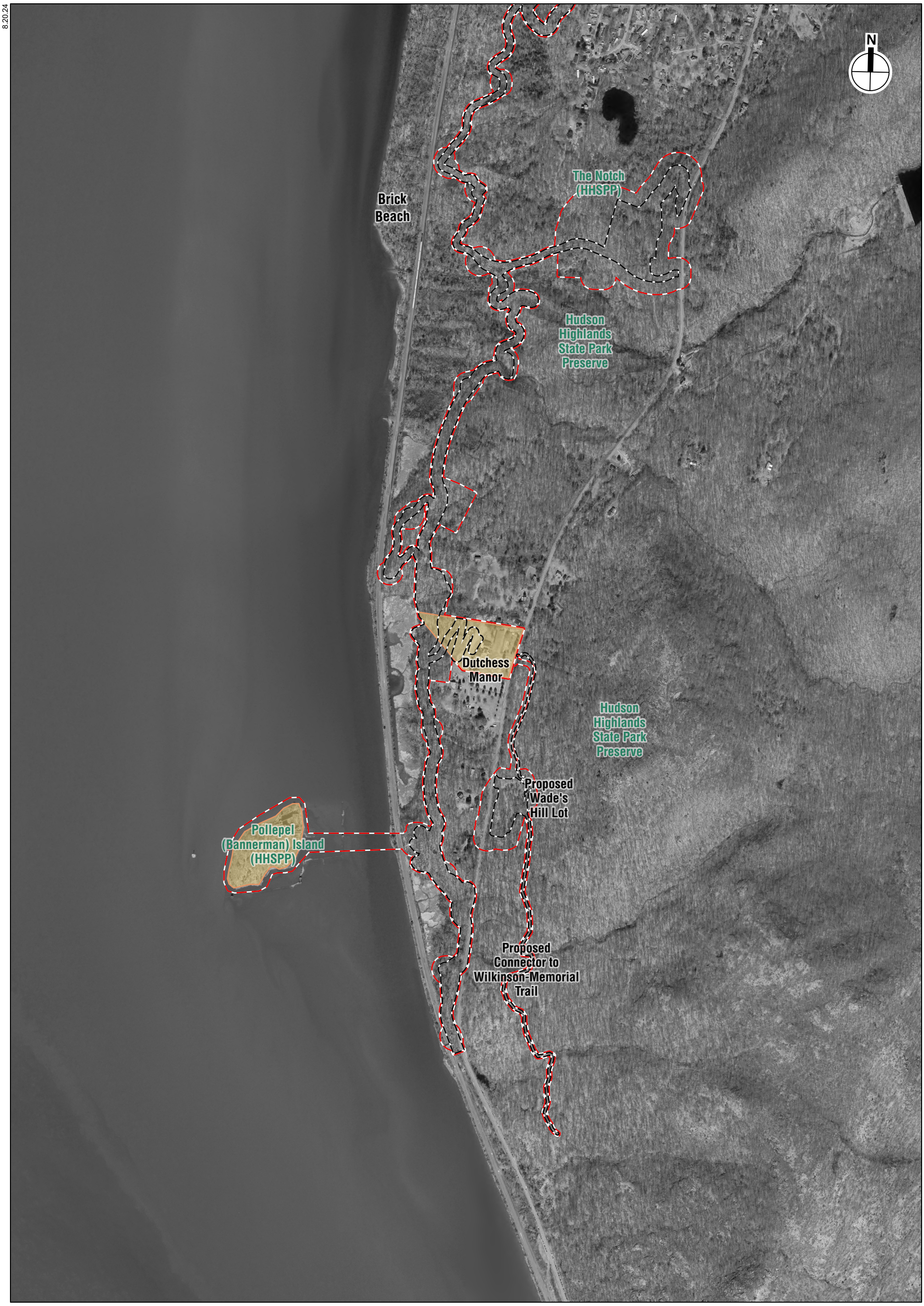
1 *17 Newlins Mills Rd*

HUDSON HIGHLANDS FJORD TRAIL

Project Impact Area

Figure A-1

8.20.24



Project Impact Area

Trail Corridor - Fjord Trail North

Known Resources

B *Dutchess Manor (S/NR-listed)*

C *Bannerman's Island (S/NR-listed)*

HUDSON HIGHLANDS FJORD TRAIL

Project Impact Area

Figure A-2

ATTACHMENT B

Archaeological Studies Prepared for Hudson Highlands Fjord Project

STRATA Cultural Resource Management, LLC.

2021 *Phase IA Archaeological Investigation: Hudson Highlands Fjord Trail, Putnam and Dutchess County, New York*. October 2024 (22SR00047)

2022 *Phase IB Archaeological Fieldwork: Hudson Highlands Fjord Trail, Putnam and Dutchess County, New York*. February 2022; Revised March 2022. (22SR00205)

2022 *Phase II Sit Evaluations: Hudson Highlands Fjord Trail, Putnam and Dutchess County, New York*. March 2022; Revised May 2022. Phase 2 report (22SR00323)

2024 *Phase IA/IB/II Archaeological Investigations: Hudson Highlands Fjord Trail, Putnam and Dutchess County, New York*. March 2024 (24SR00176)