



**New York State  
Parks, Recreation and  
Historic Preservation**

**KATHY HOCHUL**  
Governor

**ERIK KULLESEID**  
Commissioner

November 22, 2022

Stephen Gawlik  
VP/Senior Counsel  
Empire State Development  
95 Perry Street  
Buffalo, NY 14203

Re: ESDC  
New Buffalo Bills Stadium  
1 Bills Drive, Orchard Park, Erie County, NY  
22PR04875

Dear Stephen Gawlik:

Thank you for continuing to consult with the Division for Historic Preservation of the Office of Parks, Recreation and Historic Preservation (OPRHP). We have reviewed the October 2022 "DRAFT Phase IA Archaeological Investigation: Proposed New Buffalo Bills Stadium, One Bills Drive, Town of Orchard Park, Erie County, New York", prepared by Commonwealth Heritage Group, in accordance with the New York State Historic Preservation Act of 1980 (Section 14.09 of the New York Parks, Recreation and Historic Preservation Law). These comments are those of the Division for Historic Preservation and relate only to Historic/Cultural resources.

Based upon this review, the OPRHP has no further comments regarding the DRAFT Phase IA Investigation and we look forward to receiving the results of the additional soil borings as indicated on the enclosed Soil Boring Location Plan. The additional soil boring data will be used to develop a Phase IB archaeological testing plan that will facilitate the identification of Indigenous cemeteries and archaeological sites, if any such properties exist, within Investigation Area 2 (Map Enclosed).

We recommend that the soil boring report include, but not necessarily be limited to, the following information.

- A description of the depth of fill soils, depth of A-Horizon (topsoil), and depth of B-Horizon (subsoil) as interpreted by a geoarchaeologist.
- Figures that graphically depict depth of fill soils, depth of A-Horizon (topsoil), and depth of B-Horizon (subsoil).
- A description of construction depths versus fill depths to assist in determining where construction activities will impact native soils supplemented by a figure(s) graphically displaying this relationship. It would be beneficial to have construction plans included in the soil boring report.

- A pre-construction Phase IB testing plan for Investigation Area 2. This plan may include, but not necessarily be limited to, shovel testing to identify archaeological sites followed by mechanical soil stripping to identify burials.
- The name of a forensic anthropologist, or similar specialist, who will be on call to visit the project area for the purpose of identifying bone that may be human.
- A notification protocol so that staff from the consulting Indian Nations, OPRHP and DEC may visit the project area during the Phase IB archaeological investigation. We recommend that the Indian Nations, OPRHP, and DEC staff are provided a 7-day notification in advance of the start of archaeological testing.

Additionally, the OPRHP concurs with the recommendation for the establishment of a 50 ft. protective buffer around the existing perimeter of the Sheldon Historic Cemetery during construction activities. Additional archaeological comments regarding Investigation Area 1 will be provided after the OPRHP reviews the results of the fall 2022 archaeological Phase IB shovel testing investigation.

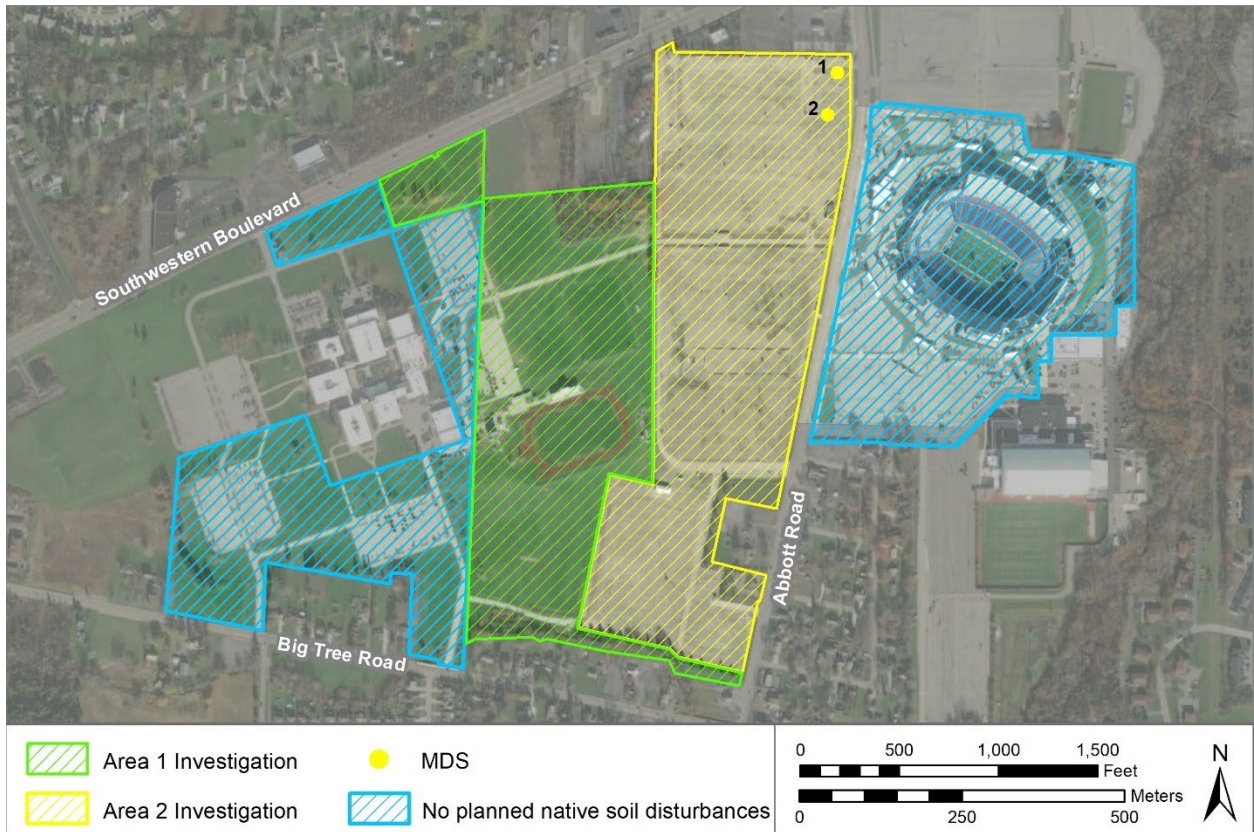
Please note that these are joint comments of the OPRHP and DEC. If you have any questions, I can be reached at [nancy.herter@parks.ny.gov](mailto:nancy.herter@parks.ny.gov).

Sincerely,



Nancy Herter  
Director, Technical Preservation Services Bureau





cc. Paul Tronolone, Empire State Development  
Charles Vandrei, NYSDEC Agency Preservation Officer  
Joselyn Ferguson, NYSDEC Research Scientist II  
Christine Abrams, Tonawanda Seneca Nation  
Alex Page, Berkey Williams, LLP  
Joseph Stahlman, Seneca Nation of Indians THPO  
Lee Redeye, Seneca Nation of Indians, Legal Council  
Bryan Printup, Tuscarora Nation of Indians  
Jenna Macaulay, Berkey Williams, LLP  
David Denk, NYSDEC  
Frances Kabat, LaBella  
Kate Whalen, Consulting Archaeologist, Commonwealth Cultural Resources Group  
Mark Steinback, Regional Director, Commonwealth Cultural Resources Group  
Lindsey Haubenreich, Senior Associate Phillips Lytle



**Figure 22. Summary of the areas of archaeological work proposed within the APE (NYS GIS Clearinghouse, 2022).**

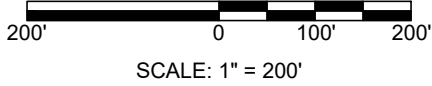
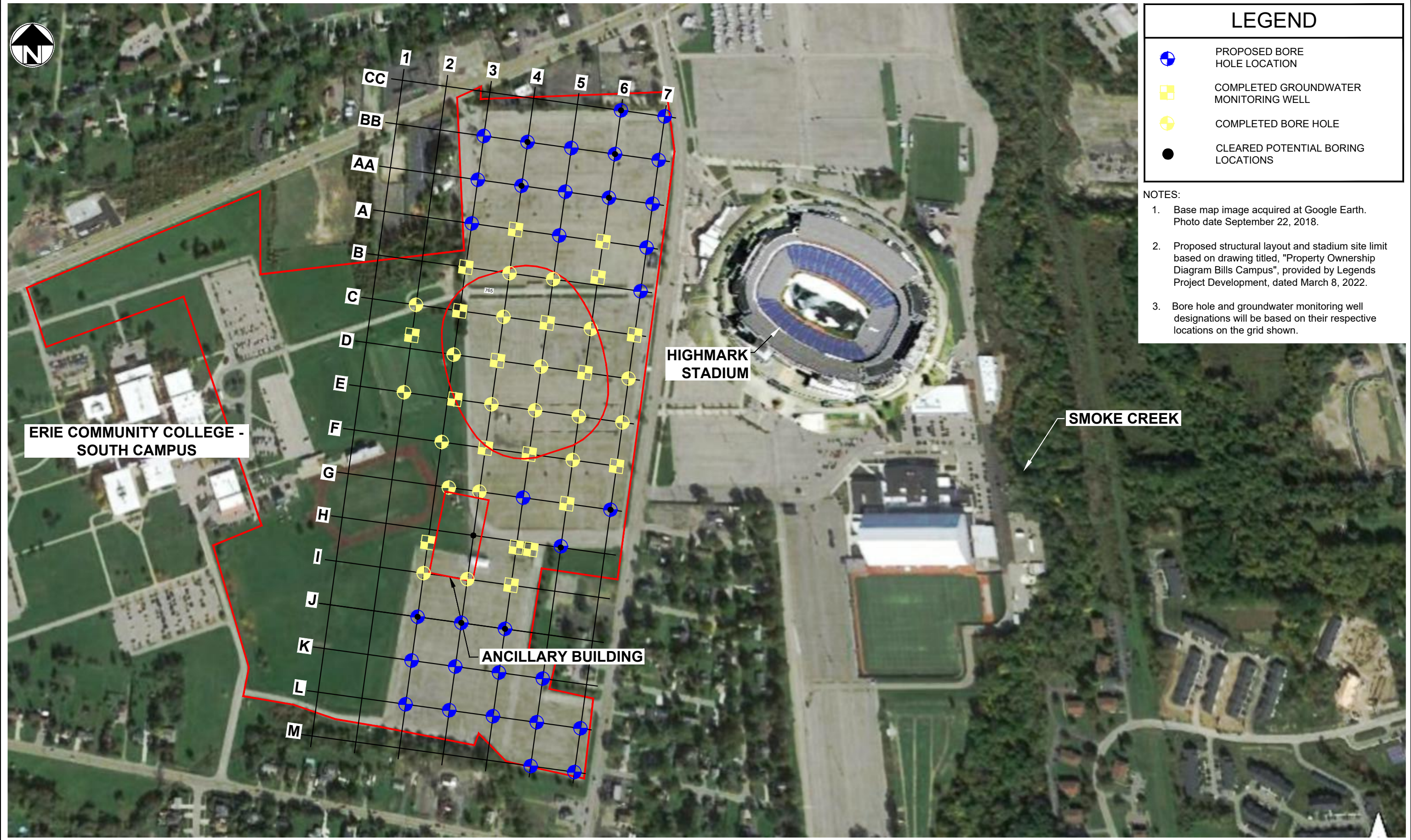


# LEGEND

-  PROPOSED BORE HOLE LOCATION
-  COMPLETED GROUNDWATER MONITORING WELL
-  COMPLETED BORE HOLE
-  CLEARED POTENTIAL BORING LOCATIONS

### NOTES:

1. Base map image acquired at Google Earth. Photo date September 22, 2018.
2. Proposed structural layout and stadium site limit based on drawing titled, "Property Ownership Diagram Bills Campus", provided by Legends Project Development, dated March 8, 2022.
3. Bore hole and groundwater monitoring well designations will be based on their respective locations on the grid shown.



## DRAFT

NOTE:  
UNAUTHORIZED ALTERATION OR ADDITION  
TO ANY SURVEY, DRAWING, DESIGN,  
SPECIFICATION, PLAN, OR REPORT IS A  
VIOLATION OF SECTION 7209 PROVISION 2 OF  
THE NEW YORK STATE EDUCATION LAW.



**McMahon & Mann**  
Consulting Engineering and Geology, P.C.  
2495 Main Street, Suite 432  
Buffalo, NY 14214 (716) 834-8932  
www.mmce.net

**BUFFALO BILLS STADIUM**  
ERIE COUNTY NEW YORK

PROPOSED BORING LOCATION PLAN  
DWG. NO. 22011-014

OCTOBER 2022