

## Response to Response to Redacted Hunter Report dated March 2016

### 1.0 Introduction

This document has been prepared in response to the redacted version of *A Historical and Archeological Synthesis of the Fishkill Supply Depot* [the Hunter report] dated March 2016, which has been submitted to the Planning Board. It is our understanding that several months ago the Friends of the Fishkill Supply Depot (FOFSD) attempted to place in the record a copy of the Hunter report and that the Town refused to accept it because the submission was made with a request that the information in it not be made public. The Hunter report was funded through a National Park Service grant to the FOFSD. The primary purpose of the grant was, as stated in the grant application, “the creation of four (4) separate maps (historic overview, inventory, synthesis-street, and synthesis-topo/parcel) that depict all known archaeological features of the Fishkill Supply Depot as identified from studies performed since the 1950s and located within the site's NRHP footprint.”<sup>1</sup> However, it has become obvious that the Hunter report is not wholly a neutral document but, where it discusses matters relevant to the Continental Common project, has been strongly influenced by the FOFSD.

The Hunter report acknowledges that its “principal aim” is merely to “summarize and synthesize” what is presently known about the depot.<sup>2</sup> Because the depot included many facilities outside the boundaries of the Continental Commons property, most of the information contained in that report has little or no direct bearing on the Continental Commons project. However, the Hunter report, contrary to its stated intent, also includes opinions and recommendations that bear directly on the Continental Common property and the issues directly before the Planning Board. In this regard, we believe that the report engages in advocacy on behalf of the FOFSD position in opposition to a particular development project, opposition

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<sup>1</sup> The grant application itself is entitled “Fishkill Supply Depot Mapping Project.” The final products section of the grant application calls for the four maps described above, complemented by a “bound presentation booklet (quantity 200) containing the 4 maps and citations of the various archaeological studies used, and a Technical Report . . . created to serve as an official record of the project.” The line item budget for the grant indicates that the entire grant was to be used for the preparation and printing of the maps and presentation booklet. No funds were allocated for the Technical Report.

<sup>2</sup> As discussed further in the following section of this review, the term “depot” can be used to refer to very different properties. There is a National Register property known as the “Fishkill Supply Depot National Register Site” which consists of 74 contiguous acres (hereafter referred to as “FSD National Register Site” or “NR Site.” The Continental Commons property is a 10.74 acre parcel located within the 74 acre NR Site. This 74 acre NR Site is only a very small part of the overall historic depot used during the Revolutionary War. This larger depot consisted of a wide range of diverse and distinct facilities covering a large area including portions of the Village of Fishkill and extending as far south as Snow Valley (site of the Lower Barracks) and as far west as Fishkill Landing (now the City of Beacon) (these dispersed facilities hereafter referred to as “Fishkill depot” or “the depot.”). Contemporary records, as far as we can determine, never use the name “Fishkill Supply Depot”, but simply referred to “Fishkill.” The term “Fishkill Supply Depot” does not seem to have come into use in historical accounts until sometime in the mid-19th century. It is the applicant’s position that the FOFSD and its consultants erroneously attempt to mischaracterize the Continental Commons Property as the entire depot, or a site containing the most important of the depot facilities. This is a false characterization, as the only depot facility shown by contemporary mapping (the Erskine 1777 map) to have been located on the Continental Commons property was a stable. These matters are discussed in greater length in subsequent sections of this report.

which is outside the scope and purpose of the NPS grant. The Hunter report should not be considered by the Board unless the full unredacted version is made available for comment by the Applicant. While we submit these comments on the partial and redacted report which has been submitted, we reserve the rights to comment further when the entire report is made available.

Our review of the redacted version of the Hunter report indicates that many of the reasons given by the Friends of the Fishkill Supply Depot for why Continental Commons should not be approved are contradicted by the report. These include claims that the Continental Commons property is the last remaining archeological remnant of the depot available for study and that the archeology of the Continental Commons property has not been extensively studied. These claims are reviewed and refuted below.

## **2.0 The “Fishkill Supply Depot”—Definitions**

The NPS grant that was used by the FOFSD to fund the Hunter report was intended to deal with the 74-acre property listed on the National Register of Historic Places (NR Site). However, the descriptions and discussions in the Hunter report deal with a much larger area which the report describes as the “Fishkill Military Supply Hub” (see Figure 1.1 in the Hunter report). The result is that the report is extremely confusing in its references to the various aspects of the depot (as described in Footnote 2 above).

The Hunter report uses the terms “Fishkill Supply Depot,” “core of the Fishkill Supply Depot,” “military supply hub,” “encampment,” “supply depot site,” “Fishkill Supply Depot site [lowercase]” and “Fishkill Supply Depot Site, [uppercase]” in different and sometimes contradictory or conflicting ways. Only the last of these terms, which refers to the National Register-listed archeological site (NR site) within which the Continental Commons property is located, has a precise definition and boundary, and even in that case the report notes that the boundary would “most likely would not pass muster under modern National Register designation standards” (1-1). Examples of the various and conflicting ways in which the depot is referred to in the Hunter report include the following statements:

“Only a portion of the core of the depot site lies within the currently designated limits of the National Register-listed property” (1-1);

“The main focus of the current study is on the core of the Fishkill Supply Depot, which is contained within a roughly triangular area bounded on the north by Route I-84, on the west by Clove Creek and on the southeast by Van Wyck Lake Road (Figure 1.2). It is within this area that the bulk of the depot-related archeological work has taken place and it also includes the National Register-designated “Fishkill Supply Depot Site” in its entirety “ (1-6).

“Early on in the course of conducting the current study it became clear that the Fishkill Supply Depot was but one component, albeit one of the key components, of a larger military supply hub that comprised several other elements in the surrounding countryside” (3-4).

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 archeological extent of the depot, although they have helped to define the focus of archeological activity at the site over the last 40 years (4-1).

### **3.0 Aspects of the Hunter Report Relevant to the Continental Commons Project**

The Hunter report maintains that the “Fishkill Supply Depot” was limited to the rather small “core area” surrounding and including the Fishkill Supply Depot NR Site. This position is not only contradicted by statements within the report, but by generally accepted descriptions of what was considered part of the depot. For example, the Hunter report includes the following quote:

“Of the various structures which together formed the Fishkill Supply Depot, the existence of the barracks, prison hospitals, guardhouse, paymaster’s office, clothing store, huts, printing shop, saw mill, provost, stables, armory, workshops, post office, magazine, blacksmith’s shop, storehouse, ordinance [sic] store and defensive fortifications have been confirmed in primary source documents’ (Goring 1975:4)” (2-4).

The Hunter report also ignores the fact that the National Register listing for the Fishkill Village Historic District states that Fishkill Village “during the Revolution functioned as part of a major Quartermaster-Commissary facility and encampment,” and “documentation is available to support the village’s inclusion within the military complex.” Finally we would quote from that what is arguably the best contemporary description of the Fishkill Supply Depot (Chastellux 1787): “I continued my journey therefore, and reached Fishkill about four o’clock. This town, in which there are not more than fifty houses in the space of two miles, has been long the principal depot of the American army.”

Rather than acknowledging that the Fishkill Supply Depot was a large group of various types of facilities disbursed over a wide area (only two of which, stable and a burial area were located on the Continental Commons property), the Hunter report attempts, through its tortuous use of conflicting definitions and terminology (see Section 2.0, above), to leave the impression that only a relatively small, self-described “core area” containing the Continental Commons property *is* the entire Fishkill Supply Depot.

The Hunter report’s interpretation is clearly at odds not only with the facts (including information in the report itself) but with what has been commonly accepted, (based in part on contemporary descriptions such as those of Chastellux and Ansbury) by historians for decades. The Hunter report’s interpretation is, however, consistent with the widely repeated and false contention of the Friends of the Fishkill Supply Depot that the Continental Commons property is the last remaining archeological remnant of the depot available for study. This is evidenced their July 4, 2016 letter to the Board. That letter states that the Continental Commons “development will forever halt our ability to understand the role of the Fishkill Supply Depot.” Another example is found in a November 2015 press release which stated that the Continental Commons property “represents the nation’s only undisturbed site of the Continental Army’s supply and logistics operation.”<sup>3</sup> Still another is found in a March 21, 2016 letter to County Executive

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<sup>3</sup> This claim is contradicted in the FOFSD’s August 2016 SEQRA review and comments on the Continental Commons project (the Burrow report). The Burrow report includes specific references to the Pluckemin

Molinaro which states that “Continental Commons will destroy nearly all that remains of a unique historic site.”

The Hunter report concludes, referring to locations “beyond the Fishkill Supply Depot,” but which are, in fact, as we have noted above, references to many locations that have always been considered part of the depot, that

“archeological remains from the Revolutionary War era may be expected in several locations. Of particular note is Wicopee Pass, roughly two miles south of the depot along U.S. Route 9, where the Lower Barracks, a hospital and defensive redoubts were positioned. The archeological sensitivity of this partially undeveloped location requires careful assessment, but will be especially high in areas of minimally disturbed ground. . . . Throughout the greater Fishkill area, extant buildings (houses, churches and other structures), especially those with known links to the war, are likely to have associated archeological deposits, while the sites of buildings since destroyed – not only the many houses and shops, but also the several colonial mills along Fishkill Creek – are also of profound archeological interest.”

In spite of this, the Hunter report’s Figure 5-2 titled “Archeologically Sensitive Areas at the Fishkill Supply Depot” includes only the Continental Commons property, a portion of the Van Wyck Homestead property, and a small area on the west side of Route 9 as archeologically sensitive. The report text concludes:

“Land on the east side of U.S. Route 9 is more archeologically sensitive and, in spite of extensive archeological excavations (destructive in themselves) and the recent construction of a gas station, much information about the depot still survives below ground.” No data of any kind that would support this as being applicable to the non-burial area portion of the Continental Commons property is presented. The report goes on to claim that “Traces of the Continental stables and a storehouse . . . likely still exist between Raiche Run and the Van Wyck Homestead.”

Again, no evidence to support this claim is provided.

The Hunter report does single out the Van Wyck Homestead property, noting that “The core of the homestead property, although frequently the subject of archeological exploration, is believed to still hold considerable archeological potential.” Given that the Van Wyck property has not been subject to the same level of disturbance that has been documented for the Continental Commons property, and has

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Revolutionary War archeological site in Somerset County, New Jersey. Pluckemin was occupied by companies of the Continental Artillery, armorers, artificers, and field elements of the Military Stores Department. In addition to barracks, historical sources indicate facilities included separate quarters for officers, a guard house, an armorer's shop, a forge, and storage facilities for the Military Stores Department (Siedel, John L. , 1987, *The Archaeology of the American Revolution: A Reappraisal & Case Study at the Continental Artillery Cantonment Of 1778-1779, Pluckemin, New Jersey.* Unpublished Ph.D. dissertation, University of Pennsylvania). The functional similarities of Pluckemin to the Fishkill Supply Depot are obvious.

compromised its archeological integrity, we would agree that the Van Wyck property is promising. But the use of the term “core” adds nothing to the analysis.

The report goes on to note that “The easterly extent of this archeologically sensitive zone is difficult to pinpoint, but resources may be anticipated within an area stretching between 400 and 500 feet east of U.S. Route 9, with the greatest concentration of archeological materials most likely to occur within 250 feet of the highway margin (Figure 5.1).” This would result in a large part of the eastern portion of the Fishkill Supply Depot archeological site falling outside the archeologically sensitive zone as defined by Hunter. It would also result in a large portion of the Continental Commons property (including the area recommended by the SHPO for mechanical stripping) being located beyond what the report concludes is “the greatest concentration of archeological materials.”

It should also be noted that the term “archeologically sensitive” has no generally accepted meaning other than that the possibility of a location containing potentially significant archeological remains is greater than zero. In this context is important to understand how Hunter Research, Inc. has on prior occasions defined the terms “archeological potential” and “archeological significance.”<sup>4</sup> Hunter has defined the former as “the likelihood that archaeologically discernible remnants of a resource survive, regardless of how scientifically important the data may be.” In other words, the mere existence of archeological remains on a property does not automatically means those remains have historic value or would be of interest to archeologists. Hunter has defined “archeological significance” as referring “to the importance of a site in the abstract based on its history, insofar as that is known, regardless of any determination regarding archeological survival.” In other word a piece of land can be considered to have “archeological significance” even if the archeological remains on the land have been destroyed. Hunter’s categorization of portions of the Continental Commons property as “archeologically sensitive” should be viewed in the context of these definitions.

Statements in the Hunter report support Continental Common’s contention that that the Fishkill Supply Depot (which by Hunter’s definition is limited to the area including and immediately around the Continental Commons parcel) has been exhaustively studied. For example:

Over the past half century, considerable historical and archeological effort has been expended on researching the Fishkill Supply Depot. . . . Archeological investigation of the depot has been no less intense and revealing in its detail, . . . There has been a proliferation of subsurface testing, excavation, monitoring, and remote sensing within and around the depot in an attempt to gauge the site’s archeological character and recover archeological data prior to destruction (1-1 – 1-2).

and

The principal aim of the current project has been to summarize and synthesize *the vast amount of historical and archeological activity that has occurred over the past five*

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<sup>4</sup> *Archaeological Sensitivity Study, African Burial Ground and the Commons Historic District, Borough of Manhattan, City of New York, New York: Historic Resource Database, August 17, 1993.* Report prepared by Hunter Research, Inc. Report on file, NYC Landmarks Preservation Commission.

*decades* and offer a balanced assessment of the depot site in terms of both its historical research possibilities and its archeological potential (1-2)(emphasis added).

and

Almost 50 separate archeological studies have been conducted within the limits of the National Register designated Fishkill Supply Depot Site (4-1).

and

The properties immediately east of U.S. Route 9 and south of Snook Road have received the most attention from archeologists in recent years.

This last quote is especially relevant in that it directly contradicts the claim of the July 13, 2016 posting to FOFSD's Facebook Page (well after they were in possession of the Hunter report) that "Most of the digs performed on the Fishkill Supply Depot site occurred on the west-side of US9 in advance of the construction of the Dutchess Mall site."

Although the Hunter report documents the prior land use history of the Continental Commons parcel, it does not explain how that history relates to the important question of the current status of the parcel's archeological integrity and how the archeological integrity of the parcel has been compromised. For example

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 2.6). . . . Roughly a decade later, the Beers map of Fishkill (Figure 2.7) depicts a similar, but slightly modified, landscape to that shown on the Bachman and Corey map of 1858. The horticultural structure present on the site of the depot stables in 1858 is no longer shown (2-15).

The Hunter report never addresses the issue of how the construction and subsequent demolition of these structures might have affected the archeological integrity of the Continental Stables—the only depot-related structure acknowledged to have been once located on the Continental Commons parcel. It also fails to note that as far back as 1969 the Office of State History had concluded that the construction of modern houses had disturbed the stable site. The report, nevertheless concludes, without any supporting proof, that "Traces of the Continental stables and a storehouse, as well as other related features and artifacts, likely still exist between Raiche Run and the Van Wyck Homestead"(5-2). It should be noted that historic cartography indicates that the "storehouse" was located north of what is now Snook Kill Road *on* the Van Wyck Homestead property, not the Continental Commons property, and the archeological integrity and potential of the areas north and south of Snook Kill Road should not be considered the same. The Hunter report calls out the latter, noting that "The core of the homestead property, although frequently the subject of archeological exploration, is believed to still hold considerable archeological potential" (5-2).

The Hunter report notes that a 1936 aerial photo shows “ On the opposite, eastern side of Route 9, north of Raiche Run, a large building, most likely the so-called ‘barn’ structure noted in many of the archeological reports, is visible set back from the highway toward the rear of where the depot stables are believed to have been located”(2-21). However, he does not note that this 19<sup>th</sup> century structure is now a ruin. Not surprisingly, the report makes no mention of the fact the Friends of the Fishkill Supply Depot claim that the ruin is a depot-associated structure. Nor does it consider how construction of, and activities associated with, this post-Revolutionary War structure would have affected the integrity of depot-related archeological deposits.

The report does acknowledge that a review of a 1955 aerial photograph of the Continental Commons parcel described as “especially useful as the imagery was recorded when there was minimal leaf cover and with little interference from shadows” indicates “no obvious markings visible in the fields, which may imply that *prolonged cultivation had perhaps taken a toll on archeological remains within the depot* (2-21and Figure 2.10)(emphasis added).

The Hunter report does contain a few additional references to archeological integrity. On page 5-2 it notes that “Much of the archeological potential of the Fishkill Supply Depot has been severely compromised, if not destroyed, by recent development activity and infrastructure improvements . . .” On page 5-5 it says that “The overall site is already heavily compromised and much valuable archeological data has almost certainly been lost, despite the best intentions of earlier residents, historians and archeologists.” It is unclear what the “site” referred to is but it can be presumed to be the Fishkill Supply Depot National Register Site.

The report goes on to states that “the remaining archeologically intact portions of the depot site possess a high historical, educational and cultural value, not only in terms of potential archeological information yield . . .” but does not call out what or where those “intact” areas are. This is especially confusing since the report also notes that that sole area mapped as “archeologically sensitive” on the east side of U.S. Route 9 (which include the Continental Commons property) has been the subject of “extensive archeological excavations” which are also described in the report as “destructive in themselves” (5-2).

Much of the actual archeological “data” presented in the report is included in Table 4.2 which is entitled “Summary of Historic Archeological Features Identified at the Fishkill Supply Depot.” The table is flawed and inaccurate. It presents data in a manner that exaggerates the relative importance and amount of archeological data recovered from the Continental Commons property as opposed to other areas within the Fishkill Supply Depot Site.

For example, the table contains only seven entries for the former Dutchess Mall site, the subject of intensive study by Temple University in the 1970’s. One of these is “several pits and postmolds” yielding “approximately 4,300 artifacts recovered from a range of features probably related to barracks occupation.” In contrast to this, 29 line items are listed for the Continental Commons property (exclusive of the burial area). Three of the 29 are “circular soil stains” and 8 are “rock concentrations.” Presentation of technical data in a way that seemingly equates a circular soil stain or a rock concentration with “several pits and postmolds” yielding “approximately 4,300 artifacts recovered from a range of features” is potentially highly confusing in a document intended for a lay audience.

A deconstruction of how Table 4.2 appears to have been created reveals several items of note. First the header for the section “East Side of U.S. Route 9” cites two sources: Hartgen 2011 and Hartgen 2013b. The first of these is a preliminary draft version of a document prepared for internal review by both Hartgen staff and the applicant’s attorney as part of the preparations for upcoming fieldwork. It was an internal working document, and because it was anticipated that it would be superseded and updated following fieldwork, it was never submitted to the State Historic Preservation Office or the Town of Fishkill. We are unaware how the Friends of the Fishkill Supply Depot obtained a copy. We would note that of all the archeological studies of the Continental Commons property listed the Hunter report’s Table 4.1 it is the only one identified in the bibliography as “Report on file, Friends of the Fishkill Supply Depot, Fishkill, New York. Every other report (other than the Temple University reports) is cited as “Report on file, New York State Office of Parks, Recreation and Historic Preservation, Waterford, New York.”

The report text quotes extensively from this non-public document:

“In 2011 Hartgen Archeological Associates, Inc. prepared another assessment of all the previous investigations of the Touchdown/Crossroads property, by this time referred to as the “Finalmente” property. This study assessed all the work that had been previously conducted on the property since the late 1960s and summarized the archeological features that had been identified up to that point. A total of 29 archeological features were enumerated north of Raiche Run, all of which were considered likely related to the Fishkill Supply Depot. This assessment recommended further archeological investigation for the area north of Raiche Run (Hartgen Archeological Associates, Inc. 2011)(4-11).

The June 2011 draft letter report from Hartgen was an internal document meant to summarize the opinions/recommendations of the previous archeological investigations undertaken on the site. As this was an initial compilation of the data, it was uncritical of the interpretations taken by other archeologists. Since that time, Hartgen has more critically reviewed the data sets and has arrived at differing conclusions and interpretations. The 2013 summary and, more importantly, the March 2, 2016 letter report provide a more detailed and critical evaluation of the previous archeological work. Although largely the same as the initial summary document, the differences are the result of Hartgen’s and John Milner Associates investigation of the site, and a more critical evaluation of the data. Hartgen’s March 2, 2016 summary letter report provided to SHPO and the Planning Board is more current and complete in its analysis. It was available, and should have been used in preparing the Hunter report.

Table 4-2 in the Hunter report (features) cites the Hartgen 2011 document more than 20 times identifying features as 18<sup>th</sup> century. This data is superseded by 2013 and 2016 analyses. Many of the “features” are likely part of a single feature (called Feature 1). The impression is created that many more archeological objects are present than is really the case. The 2016 Hartgen report concluded that the interpretation of Feature 1 as the Continental Stable as posited by earlier researchers is highly suspect given: the size of the artifact assemblage (around 15 possible military items); the composition of the artifact assemblage (lack of horse bone, farrier nails, tack); the disturbed context from which many of the possible military items were recovered; and finally, the high likelihood and documented re-use of the area for barns, storage structures, and the like.



This more detailed analysis of the artifacts and their provenances is not provided in the Hunter report, and as a result, their report greatly overstates the significance of the deposits on the Continental Commons property

#### **4.0 Hunter Report Recommendations Relating to the Continental Commons Property**

The Hunter report concludes with a series of recommendations that include several that have direct bearing on the Continental Commons project:

1. The local community, affected landowners and state and local officials are encouraged to reconsider the current National Register of Historic Places designation of the Fishkill Supply Depot Site with a view to updating the documentation, revising the boundary and possibly incorporating the depot into a thematic nomination of Fishkill area Revolutionary War sites” (5-5).

The reference to “area Revolutionary War sites” seems to be another attempt to reinforce the contention of both the Hunter report and the FOFSD that the depot was comprised only of a small “core” area within which the Continental Commons property is located. We also believe, as explained to the Planning Board during Continental Commons July 2016 presentation, that there is good reason to believe that the eastern boundary of the NR site should be moved westward. This could result in a portion of the Continental Commons falling outside the NR Site’s boundaries.

2. “As regulated land development and funding opportunities allow, future archeological field investigation should be undertaken within the defined archeologically sensitive zone” (5-4).

Since the “defined archeologically sensitive zone” specifically identified in the Hunter report consists almost entirely of the Continental Commons property (the Van Wyck Homestead is also included), it is clear that this recommendation is principally targeted at the Continental Commons project. The Continental Commons project *is* a “regulated land development.” The call for “future archeological field investigations” can likewise be seen as an attempt by an FOFSD proxy (Hunter) to argue that additional studies be conducted as part of an EIS.

3. “Serious consideration should be given to investigating the feasibility of public acquisition of privately owned land within the Fishkill Supply Depot on the east side of U.S. Route 9 to ensure preservation and sensitive treatment of archeologically sensitive land, most notably the site of the military cemetery on the south side of Raiche Run” (5-5).

As counsel for Continental Commons has noted in correspondence to the Planning Board, opponents of the project are asking for an EIS primarily to effectuate their real goal, which is to take the developer’s property away from him and turn it into a park to be maintained at public taxpayer expense. The opponents directly announce that they want an EIS to require the applicant to evaluate, as a “SEQR alternative” the concept of transferring (even donating) his property so that it can become an historical park. The Hunter report makes no mention of the fact that the Continental Commons proposal already

includes provisions for the permanent preservation of what it terms the “military cemetery on the south side of Raiche Run.

4. “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 cultural landscape of the Fishkill area and the military supply hub to the general public in an easily accessible manner “(5-6).

There is nothing in the Continental Commons proposal that is inconsistent with this recommendation, and much that is consistent with it. The Continental Commons proposal will include a trail, with associated historic interpretive signs linking the Van Wyck Homestead with the permanently preserved burial area; it will also include a visitor directly across Snook Kill Road from the Van Wyck Homestead.

In summary, we believe that the Hunter report clearly demonstrates that the Fishkill Supply Depot (the depot) consisted of much more than the 74-acre NR site. Had the report acknowledged what their own analysis supports, it would contradict the repeated claim of the FOFSD, the report’s financial sponsor, that the Continental Commons property is the last remaining archeological remnant of the depot available for study.

The Hunter report also effectively rebuts the FOFSD’s claim that the archeology of the Continental Commons property has not been extensively studied. The report includes descriptions and discussions of the numerous prior archaeological investigations of the Continental Commons property that have been completed and reported on.

Although the Hunter report describes some of extensive prior ground disturbing activities and events associated with the Continental Commons property that would have significantly damaged or destroyed its archeological integrity, it ignores or dismisses this information, and concludes that “Traces of the Continental stables and a storehouse [the latter is believed to have been located on the Van Wyck Homestead property], as well as other related features and artifacts, likely still exist between Raiche Run and the Van Wyck Homestead” (5-2).

Hunter report Figure 5-1 fails to differentiate between what the report’s own analysis suggests should be significantly different levels of “archeological sensitivity” for the Continental Commons property, the Van Wyck Homestead, and a narrow strip of land on the west side of Route 9.<sup>5</sup> This last area is of note, because Figure 5 excludes the area west of the narrow strip deemed “archeologically sensitive” which is located within the limits of the Fishkill NR Site. This is a direct contradiction of the position of the FOFSD (which is itself directly contradictory to the FOFSD’s claim that the Continental Commons

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<sup>5</sup> The reader is referred to the earlier discussion on page 5 of this response which describes how Hunter has previously defined the concepts of “archeological potential” and “archeological significance.”

property is the last remaining archeological remnant of the depot available for study) that “Currently paved areas at the Dutchess Mall cannot be written off as archaeologically disturbed based on the current state of knowledge. The absence of archaeological resources beneath the blacktop should be demonstrated by systematic archaeological study.”<sup>6</sup> That statement is accompanied by a photo of the abandoned Dutchess Mall parking lot.

In summary, the Hunter report, though obviously intended to advocate on behalf of the FOFSD position, ends up supporting the conclusion that the CC property has been thoroughly studied and has been extensively disturbed. In effect it supports the position and that no EIS is necessary for the Continental Commons project.


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<sup>6</sup> <http://www.fishkillsupplydepot.org/doc/FishkillSupplyDepot12.pdf>