

Exhibit S

Historic, Cultural, and Archaeological Resources

**Wheatridge Renewable Energy Facility East
January 2024**

**Prepared for
Wheatridge East Wind, LLC**

Prepared by



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Acronyms and Abbreviations

AINW	Archaeological Investigations Northwest
Certificate Holder	Wheatridge East Wind, LLC
CTUIR	Confederated Tribes of the Umatilla Indian Reservation
Facility	Wheatridge Renewable Energy Facility East
NRHP	National Register of Historic Places
OAR	Oregon Administrative Rules
ORS	Oregon Revised Statutes
RFA	Request for Amendment
SHPO	Oregon State Historic Preservation Office

1.0 Introduction

The Wheatridge Renewable Energy Facility East (Facility) is an approved, but not yet constructed, wind energy generation facility consisting of up to 66 turbines and related or supporting facilities with a peak generating capacity of up to 200 megawatts, to be located in an Approved Site Boundary of approximately 4,582 acres on over 42,000 acres of leased land in Morrow and Umatilla counties, Oregon. As part of Request for Amendment (RFA) 1 to the Facility Site Certificate, Wheatridge East Wind, LLC (Certificate Holder) is proposing to expand wind power generation at the Facility to provide the opportunity for increased power capacity and availability. This includes expanding the Site Boundary and micrositing corridors, increasing the peak generating capacity by adding more and newer turbines, change the intraconnection routes, and extending the construction date. See the RFA 1's Division 27 document (*Request for Amendment #1 for the Wheatridge Renewable Energy Facility East*) for a more detailed summary of the proposed changes.

The Energy Facility Siting Council (Council) previously found the Certificate Holder has demonstrated an ability to construct, operate, and retire the Facility in compliance with Council standards and conditions of the Site Certificate. Exhibit S provides an analysis of potential significant adverse impacts by the Facility to historic, cultural, and archaeological resources. This exhibit demonstrates that the Facility complies with the approval standards in Oregon Administrative Rule (OAR) 345-022-0090 and the submittal requirements in OAR 345-021-0010(1)(s). Specifically, OAR 345-022-0090 states that:

345-022-0090 Historic, Cultural and Archaeological Resources

1. *Except for facilities described in sections (2) and (3), to issue a site certificate, the Council must find that the construction and operation of the facility, taking into account mitigation, are not likely to result in significant adverse impacts to:*
 - (a) *Historic, cultural or archaeological resources that have been listed on, or would likely be listed on the National Register of Historic Places;*
 - (b) *For a facility on private land, archaeological objects, as defined in ORS 358.905(1)(a), or archaeological sites, as defined in ORS 358.905(1)(c); and*
 - (c) *For a facility on public land, archaeological sites, as defined in ORS 358.905(1)(c).*
2. *The Council may issue a site certificate for a facility that would produce power from wind, solar or geothermal energy without making the findings described in section (1). However, the Council may apply the requirements of section (1) to impose conditions on a site certificate issued for such a facility.*
3. *The Council may issue a site certificate for a special criteria facility under OAR 345-015-0310 without making the findings described in section (1). However, the Council may apply the requirements of section (1) to impose conditions on a site certificate issued for such a facility.*

The current WREFE project resulted from a Site Certificate and facility division approved in the Final Order on the Request for Amendment 1 to the Site Certificate¹ for WREFII. The Final Order imposed five conditions² intended to avoid potential impacts to historic, cultural, and archaeological resources (ODOE 2017). Under RFA 1, the changes proposed will not compromise the Certificate Holder's ability to comply with these conditions. Modifications to the current conditions are listed in Section 3.3.

2.0 Analysis Area

Pursuant to OAR 345-021-0010(1)(s)(A) and (B), the Analysis Area for historic, cultural and archaeological resources is defined as the microsite corridor for direct impacts, and includes a 1-mile buffer for auditory and visual impacts to historic sites and Historic Properties of Religious or Cultural Significance to Indian Tribes. The Amended Site Boundary is defined in RFA 1's Division 27 document and is shown on Figure S-1. The entire Analysis Area is located on private land.

3.0 Description of Cultural Resources Surveys Performed – OAR 345-021-0010(1)(s)(D)

OAR 345-021-0010(1)(s)(D) The significant potential impacts, if any, of the construction, operation and retirement of the proposed facility on the resources described in paragraphs (A), (B) and (C) and a plan for protection of those resources that includes at least the following:

Cultural resource studies for this Facility have been completed by the Confederated Tribes of the Umatilla Indian Tribe (CTUIR) in 2014, Tetra Tech in 2020 (King and Brady 2021), and Archaeological Investigations Northwest (AINW) in 2022 and 2023 (see Attachment S-1).

3.1 Methods – OAR 345-021-0010(1)(s)(D)(i)

(i) A description of any discovery measures, such as surveys, inventories, and limited subsurface testing work, recommended by the State Historic Preservation Officer or the National Park Service of the U.S. Department of Interior for the purpose of locating,

¹ Final Order on Request for Amendment 1 to the Site Certificate for the Wheatridge Renewable Energy Facility II (November 2020).

² PRE-HC-01 Submission of final design.

PRE-HC-02 Marking of buffer areas.

PRE-HC-03 Training by qualified archeologist.

CON-HC-01 Flagging of 200-foot avoidance buffer.

CON-HC-02 Work cease due to historical find.

identifying and assessing the significance of resources listed in paragraphs (A), (B) and (C).

The Analysis Area has been surveyed for cultural resources.

3.1.1 Records Review

A literature search and records review has been completed to identify previously recorded sites and surveys near the Analysis Area. This review included an examination of records on file with State Historic Preservation Office (SHPO) to identify the cultural resources studies that have been performed within 2 miles of the Analysis Area. Additionally historic documents and maps were also reviewed to determine the potential for historic-period resources.

The 2022 records review indicates that eight previous cultural resource studies have been performed within 2 miles of the Analysis Area. These studies were completed for nearby wind and solar energy projects and also for modifications to a telecommunication site. Thirty archaeological resources have been recorded within the same search area. The most common archaeological resources identified in the vicinity of the Analysis Area are historic-period refuse scatters, linear resources (roads and phone lines), and agricultural features, structures, and equipment. Pre-contact resources include stacked rock features and lithic scatters.

On June 1, 2022, the Certificate Holder met with CTUIR Cultural Resource Program staff via video conference. The Certificate Holder provided a history of the Facility and an overview of the proposed changes to the Facility Site Boundary. The results of the 2022 fieldwork and methodology were also presented. A second video conference occurred on May 1, 2023. The Certificate Holder met with CTUIR Cultural Resource Program staff again to provide the final results of the 2022/2023 cultural resource surveys completed by AINW, and to discuss the status of the current micro-siting design and the avoidance of cultural resources.

3.1.2 Field Surveys

Nine surveys have been conducted within a 2-mile radius of the Facility. Three of these surveys are within portions of the Analysis Area (Lorain et al. 2023, Dickson 2014, King and Berger 2021). These surveys are summarized in Table S-1. The results of these surveys are summarized in Section 3.2.

Table S-1. Field Efforts Undertaken within 2 Miles of the Facility

Author	Date	Description	Within the Analysis Area
Baker, Todd R., and Matt Wheaton	2011	Gleason Peak 1 Cell Tower Cultural Resource Survey. Terracon Consultants, Inc., Portland, Oregon.	No
Roulette, Bill R. and Michael Wanzenried	2011	Literature Review and Archaeological Resource Survey of the Mariah Wind Farm Site, Morrow County, Oregon.	No
Catherine Dickson	2014	An Archaeological Investigation for the Wheatridge Wind Energy Facility, Morrow and Umatilla Counties, Oregon	Yes
King, Erin, and Brady Berger	2019	Supplemental Cultural Resources Pedestrian Survey Report Addendum 1 - Wheatridge Solar Assessment, Morrow and Umatilla Counties, Oregon.	No
King, Erin, and Tia Cody	2019	Supplemental Cultural Resources Pedestrian Survey Report - Wheatridge Solar Assessment, Morrow and Umatilla Counties, Oregon.	No
May, Nathan J.	2020	Cultural Resources Monitoring for the Wheatridge Wind Energy Facility Construction Project, Morrow and Umatilla County, Oregon.	No
King, Erin, and Brady Berger	2021	Cultural Resources Pedestrian Survey Report, Wagon Trail Solar Project, Morrow County, Oregon. Tetra Tech, Inc. Report NO. 194-6496. Prepared for NextEra Energy Resources, Juno Beach, Florida.	Yes
King, Erin, Kaley Brown, and Brady Berger	2021	Wagon Trail Solar Project Cultural Resources Survey Report, Addendum 1, Morrow County, Oregon.	No
Lorain, Michal S., Nicholas M. Hlatky, Tara Seaver, and Jared Norman	2023	Cultural Resource Survey for the Wheatridge Renewables Energy Facility East, Morrow and Umatilla Counties, Oregon.	Yes

Three surveys have been conducted for cultural resources within the Analysis Area. In 2014, Cultural Resources Protection Program of the CTUIR conducted an archaeological field survey in the northern portion of the Analysis Area (Figure S-2; Dickson 2014). The archaeological field survey was performed from October 28, 2013 through January 17, 2014. A total of 13,097 acres was surveyed. Field teams walked parallel transects spaced 30 apart. Visibility varied: about 40 percent visibility in grazed areas; and a range in cultivated areas, from 10 percent visibility in areas with heavy stubble to 100 percent visibility in areas that were recently planted.

The archaeological field survey was performed by CTUIR, under the direction of Julius Patrick. The field archaeologists included Josh Moss, Breanne Taylor, Shari Sheoships, Joseph Alexander, Toby Patrick and Arthur Van Pelt. Shawn Steinmetz supervised the survey crews.

In 2020, Tetra Tech surveyed a small portion in the Northwest part of the Analysis Area as part of a cultural resource investigation for the Wagon Trail Solar Project (Figure S-2; King and Berger 2021). The archaeological field survey was performed from August 17, 2020 through August 29, 2020. A total of 4,409 acres was surveyed. Field teams walked parallel transects spaced at 20-meter intervals.

The archaeological field survey was performed under the direction of Erin King, M.A., RPA. Brady Berger served as Field Director during the survey. The field archaeologists included Rachel Channell, Andrew Lambert, Matt Kinsey, Jennifer Lemminger, Erin Flood, and Rand Michie. The pedestrian survey experienced good to excellent visibility (greater than 60 percent) throughout the Survey Area, in large part due to recently harvested agricultural fields. No areas of high probability for buried or obscured resources were identified.

The 2022/2023 pedestrian survey of the remaining portions of the Analysis Area was conducted over nine mobilizations between June and November 2022, and March 2023 by AINW (Lorain et al. 2023). Members of Warm Springs GeoVisions assisted during mobilizations in October, November, and March. The surveys were conducted under the supervision of a Professional Archaeologist.

The pedestrian survey of the Analysis Area was completed by walking parallel transects spaced no more than 20 meters. Mineral soil visibility ranged greatly from very good (>80 percent) to very poor (<5 percent) depending on vegetation and the presence or absence of agricultural activities. Some agricultural fields were fallow and had high visibility while others were in the middle of the growing season with low visibility. Mineral soil visibility also ranged significantly in the non-agricultural areas with higher visibility areas often located on flatter ridgelines and lower visibility areas often located on the slopes on either side of ridgelines. In many parts of the Analysis Area, anthropogenic terraces were noted and may be an indicator of previous agricultural activities in areas not currently under cultivation.

A few portions of the Analysis Area had slopes greater than 30 degrees and were not surveyed for health and safety purposes. Additionally, approximately 411 un-surveyed acres of the micro-siting corridors were added post-2023 pedestrian surveys; these areas will be surveyed prior to construction of the Facility (see Figure S-2) and findings will be reported to ODOE and applicable reviewing agencies. The survey of the viewshed surrounding the micro-siting corridor for aboveground resources has been completed for the Analysis Area. AINW recorded all buildings, structures and objects within a 1-mile radius of the micro-siting corridor (Lorain 2023). A total of 19 historic resources were documented. This survey included the viewshed surrounding the micro-siting corridor that was surveyed by CTUIR in 2014, which had not been surveyed for aboveground resources previously.

3.2 Survey and Inventory Results – OAR 345-021-0010(1)(s)(D)(ii)

(ii) The results of the discovery measures described in subparagraph (i), together with an explanation by the applicant of any variations from the survey, inventory, or testing recommended.

Surveys conducted within the Analysis Area have identified a total of 90 cultural resources. This includes 63 archaeological sites, eight isolated finds (five of which are archaeological objects), and 19 historic sites. These are summarized in Table S-2. Fifty-four of the archaeological sites and five archaeological objects identified in the Analysis Area have been left unevaluated for NRHP listing and are treated as potentially eligible for NRHP listing. Five archaeological sites have been recommended as eligible for NRHP listing. Two historic sites are recommended as eligible for listing on the NRHP. The remainder of resources have been recommended as not eligible for NRHP listing.

All of the eligible and unevaluated resources, which are treated as NRHP-eligible, within the Analysis Area are avoided by the Facility’s components and disturbance, as proposed. Note that any resources identified within the 411 acres of land to be surveyed prior to construction (see Figure S-2) shall in turn be avoided by Facility components and disturbance.

Table S-2. Cultural Resources Identified in the Amended Site Boundary

Resource #	Resource Description	Landowner Status	NRHP Recommendation	Affiliation/ Author
Archaeological Sites				
Site 22/3257-MSL-1	Stacked rock feature	Private	Unevaluated	AINW/Lorain et al. 2023
Site 22/3257-MSL-2	Stacked rock feature	Private	Unevaluated	AINW/Lorain et al. 2023
Site 22/3257-MSL-3	Stacked rock feature	Private	Unevaluated	AINW/Lorain et al. 2023
Site 22/3257-MSL-4	Stacked rock features	Private	Unevaluated	AINW/Lorain et al. 2023
Site 22/3257-MSL-5	Stacked rock feature	Private	Unevaluated	AINW/Lorain et al. 2023
Site 22/3257-MSL-7	Stacked rock feature	Private	Unevaluated	AINW/Lorain et al. 2023
Site 22/3257-MSL-8	Stacked rock feature	Private	Unevaluated	AINW/Lorain et al. 2023
Site 22/3257-MSL-9	Stacked rock feature	Private	Unevaluated	AINW/Lorain et al. 2023
Site 22/3257-MSL-11	Stacked rock feature	Private	Unevaluated	AINW/Lorain et al. 2023
Site 22/3257-MSL-13	Stacked rock features	Private	Unevaluated	AINW/Lorain et al. 2023
Site 22/3257-MSL-15	Stacked rock feature	Private	Unevaluated	AINW/Lorain et al. 2023
Site 22/3257-MSL-17	Stacked rock feature	Private	Unevaluated	AINW/Lorain et al. 2023
Site 22/3257-MSL-18	Stacked rock feature	Private	Unevaluated	AINW/Lorain et al. 2023
Site 22/3257-MSL-19	Stacked rock feature	Private	Unevaluated	AINW/Lorain et al. 2023
Site 22/3257-MSL-20	Stacked rock feature	Private	Unevaluated	AINW/Lorain et al. 2023
Site 22/3257-JN-2	Stacked rock feature	Private	Unevaluated	AINW/Lorain et al. 2023
Site 22/3257-MSL-21	Rock feature	Private	Unevaluated	AINW/Lorain et al. 2023
Site 22/3257-MSL-22	Rock feature	Private	Unevaluated	AINW/Lorain et al. 2023
Site 22/3257-MSL-23	Rock features	Private	Unevaluated	AINW/Lorain et al. 2023
Site 22/3257-MSL-24	Rock feature	Private	Unevaluated	AINW/Lorain et al. 2023
Site 22/3257-MSL-25	Rock feature	Private	Unevaluated	AINW/Lorain et al. 2023

Exhibit S: Historic, Cultural, and Archaeological Resources

Resource #	Resource Description	Landowner Status	NRHP Recommendation	Affiliation/ Author
Site 22/3257-MSL-26	Rock feature	Private	Unevaluated	AINW/Lorain et al. 2023
Site 22/3257-MSL-27	Rock feature	Private	Unevaluated	AINW/Lorain et al. 2023
Site 22/3257-JN-3	Stacked rock feature	Private	Unevaluated	AINW/Lorain et al. 2023
Site 22/3257-JN-4	Stacked rock feature	Private	Unevaluated	AINW/Lorain et al. 2023
Site 22/3257-JN-6	Stacked rock features	Private	Unevaluated	AINW/Lorain et al. 2023
Site 22/3257-JN-7	Stacked rock features	Private	Unevaluated	AINW/Lorain et al. 2023
Site 22/3257-RM-1	Stacked rock feature	Private	Unevaluated	AINW/Lorain et al. 2023
Site 22/3257-RM-2	Stacked rock feature	Private	Unevaluated	AINW/Lorain et al. 2023
Site 22/3257-RM-3	Stacked rock feature	Private	Unevaluated	AINW/Lorain et al. 2023
Site 22/3257-RM-4	Stacked rock features with historic-period refuse	Private	Unevaluated	AINW/Lorain et al. 2023
Site 22/3257-RM-5	Historic-period farm equipment	Private	Not Eligible	AINW/Lorain et al. 2023
Site 22/3257-RM-6	Historic-period farm equipment	Private	Not Eligible	AINW/Lorain et al. 2023
Site 22/3257-RM-7	Stacked rock feature	Private	Unevaluated	AINW/Lorain et al. 2023
Site 22/3257-RM-8	Stacked rock feature	Private	Unevaluated	AINW/Lorain et al. 2023
Site 22/3257-RM-9	Stacked rock features	Private	Unevaluated	AINW/Lorain et al. 2023
Site 22/3257-RM-10	Stacked rock feature	Private	Unevaluated	AINW/Lorain et al. 2023
Site 22/3257-RM-11	Stacked rock features	Private	Unevaluated	AINW/Lorain et al. 2023
Site 22/3257-RM-12	Stacked rock feature	Private	Unevaluated	AINW/Lorain et al. 2023
Site 22/3257-RM-13	Stacked rock features	Private	Unevaluated	AINW/Lorain et al. 2023
Site 22/3257-RM-14	Stacked rock features	Private	Unevaluated	AINW/Lorain et al. 2023
Site 22/3257-RM-15	Stacked rock feature	Private	Unevaluated	AINW/Lorain et al. 2023
Site 22/3257-RM-16	Stacked rock feature	Private	Unevaluated	AINW/Lorain et al. 2023
Site 22/3257-RM-17	Stacked rock feature	Private	Unevaluated	AINW/Lorain et al. 2023
Site 22/3257-RM-18	Stacked rock feature	Private	Unevaluated	AINW/Lorain et al. 2023
Site 22/3257-RM-19	Stacked rock feature	Private	Unevaluated	AINW/Lorain et al. 2023
Site 22/3257-RM-20	Stacked rock feature	Private	Unevaluated	AINW/Lorain et al. 2023
Site 22/3257-RM-21	Stacked rock feature	Private	Unevaluated	AINW/Lorain et al. 2023
Site 22/3257-RM-22	Stacked rock feature	Private	Unevaluated	AINW/Lorain et al. 2023
Site 22/3257-RM-23	Stacked rock feature	Private	Unevaluated	AINW/Lorain et al. 2023
Site 22/3257-RM-24	Stacked rock features	Private	Unevaluated	AINW/Lorain et al. 2023
Site 22/3257-RM-25	Stacked rock feature	Private	Unevaluated	AINW/Lorain et al. 2023
Site 22/3257-RM-26	Stacked rock feature	Private	Unevaluated	AINW/Lorain et al. 2023

Exhibit S: Historic, Cultural, and Archaeological Resources

Resource #	Resource Description	Landowner Status	NRHP Recommendation	Affiliation/ Author
Site 22/3257-RM-27	Stacked rock features	Private	Unevaluated	AINW/Lorain et al. 2023
Site 22/3257-RM-28	Stacked rock feature	Private	Unevaluated	AINW/Lorain et al. 2023
102812A	Farm Equipment	Private	Not Eligible	CTUIR/Dickson 2014
103012A	Stacked Rock features	Private	Eligible	CTUIR/Dickson 2014
110409A	Stacked rock feature	Private	Eligible	CTUIR/Dickson 2014
111410A	Stacked rock feature	Private	Eligible	CTUIR/Dickson 2014
111414A	Stacked Rock features	Private	Eligible	CTUIR/Dickson 2014
112714A	Farm Equipment	Private	Not Eligible	CTUIR/Dickson 2014
110508B	Historic artifact scatter	Private	Unevaluated	CTUIR/Dickson 2014
Vey Ranch Phone Line	Historic Phone Line	Private	Eligible	CTUIR/Dickson 2014
Archaeological Objects				
Isolate 22/3257-JN-1	Biface	Private	Unevaluated	AINW/Lorain et al. 2023
Isolate 22/3257-JN-5	lithic flake	Private	Unevaluated	AINW/Lorain et al. 2023
Isolate 22/3257-JN-9	Glass fragment	Private	Not Eligible	AINW/Lorain et al. 2023
Isolate 22/3257-MSL-12	Glass bottle	Private	Not Eligible	AINW/Lorain et al. 2023
Isolate 22/3257-MSL-16	Square nail	Private	Not Eligible	AINW/Lorain et al. 2023
102809A	Lithic Flake	Private	Unevaluated	CTUIR/Dickson 2014
103111A	Glass fragment	Private	Unevaluated	CTUIR/Dickson 2014
121808B	Lithic flake	Private	Unevaluated	CTUIR/Dickson 2014
Historic Built Environment Sites				
HR-1	Farm outbuilding	Private	Not Eligible	AINW/Lorain et al. 2023
HR-2	Turner Ranch	Private	Not Eligible	AINW/Lorain et al. 2023
HR-3	Single dwelling building	Private	Not Eligible	AINW/Lorain et al. 2023
HR-4	Kirk and Robinson Ranch	Private	Not Eligible	AINW/Lorain et al. 2023
HR-5	Barrat Ranch	Private	Not Eligible	AINW/Lorain et al. 2023
HR-6	O'Brien Ranch	Private	Not Eligible	AINW/Lorain et al. 2023
HR-7	Currin Ranch	Private	Not Eligible	AINW/Lorain et al. 2023
HR-8	Pump house	Private	Not Eligible	AINW/Lorain et al. 2023
HR-9	Vey Ranch	Private	Eligible (A, C)	AINW/Lorain et al. 2023
HR-10	Water cistern	Private	Not Eligible	AINW/Lorain et al. 2023
HR-11	Water cistern	Private	Not Eligible	AINW/Lorain et al. 2023
HR-12	Building	Private	Not Eligible	AINW/Lorain et al. 2023
HR-13	Site	Private	Not Eligible	AINW/Lorain et al. 2023

Resource #	Resource Description	Landowner Status	NRHP Recommendation	Affiliation/ Author
HR-14	Building	Private	Not Eligible	AINW/Lorain et al. 2023
HR-15	Building	Private	Not Eligible	AINW/Lorain et al. 2023
HR-16	Building	Private	Not Eligible	AINW/Lorain et al. 2023
HR-17	John Piper Ranch	Private	Not Eligible	AINW/Lorain et al. 2023
HR-18	Building	Private	Not Eligible	AINW/Lorain et al. 2023
HR-19	Kenny Ranch	Private	Eligible (A, C)	AINW/Lorain et al. 2023

3.3 Measures Designed to Prevent the Destruction of Historic, Cultural, and Archaeological Resources – OAR 345-021-0010(1)(s)(D)(iii)

OAR 345-021-0010(1)(s)(D)(iii) A list of measures to prevent destruction of the resources identified during surveys, inventories and subsurface testing referred to in subparagraph (i) or discovered during construction.

All NRHP-eligible resources will be avoided by the Facility, as proposed below. If avoidance is not possible, any significant resources will be mitigated to reduce impacts to a status of less than significant, per the Inadvertent Discovery Plan (see Attachment S-2). All mitigation measures will be identified in consultation with the Oregon Department of Energy (ODOE), Tribes, and SHPO. A buffer of 200 feet will be flagged around the resources for avoidance (see Attachment S-2).

The previously approved Site Certificate conditions, PRE-HC-01, PRE-HC-02, PRE-HC-03, and CON-HC-02 will remain applicable to prevent significant impacts on cultural resources. Recommended edits to Condition CON-HC-01 are provided in redline below.

Prior to construction activities, the certificate holder must flag or otherwise mark a 200-foot avoidance buffer around ~~historic archaeological sites~~ Cultural Resources, as identified by the maps and drawings prepared in accordance with Historic, Cultural, and Archeological Resources Conditions 1 and 2. ~~Exceptions to the standardized 200-foot buffer will be limited to those sites where such wide avoidance is infeasible and ODOE and CTUIR have been consulted. In these instances, the sites themselves will not be encroached upon, but the 200-foot buffer will be.~~ No disturbance is allowed within the buffer zones, unless resources assumed likely NRHP eligible (e.g. ~~6B2H-MC-ISO-17, WRH-BB-IS-01, WRH-DM-04~~) are concurred not likely NRHP eligible through SHPO review; or, a Historic, Cultural, and Archaeological Resources mitigation plan is submitted and accepted by the Department and SHPO which may include measures such as: additional archival and literature review; video media publications; public interpretation funding; or other form of compensatory mitigation deemed appropriate by the Department, in consultation with SHPO. For ~~historic~~ archaeological sites, an archeological monitor must be present if construction activities ~~cannot be avoided~~ ~~are required~~ within the ~~200-foot~~ ~~foot~~ ~~buffer~~ of sites identified as potentially eligible/~~unevaluated~~ for listing on the National Register of Historic Places (NRHP) unless otherwise agreed to by the Department and

SHPO. ~~The certificate holder may use existing private and public roads within the buffer areas but may not widen or improve private roads within the buffer areas. The no-entry restriction does not apply to public road rights-of-way within buffer areas.~~ Flagging or marking must be removed immediately upon cessation of activities in the area that pose a threat of disturbance to the site being protected.

The Certificate Holder has made every effort to avoid archaeological sites during the micro-siting process; however, impacts may still occur within the 200-foot avoidance buffers of 10 sites and one archaeological object that are either eligible or unevaluated for NRHP listing. The Certificate Holder met with the CTUIR's Cultural Resource Program staff on May 1, 2023, to discuss measures to prevent impacts to these resources when construction occurs within the avoidance buffer. An exception to the site conditions was agreed upon with the condition that a Tribal Monitor or Qualified Archaeologist is present whenever construction occurs inside an avoidance buffer. ODOE, SHPO, and CTUIR will be consulted for each resource where complete avoidance cannot be achieved. If archaeological material is uncovered by the construction, work will stop and the approved Inadvertent Discovery Plan procedures implemented (see Attachment S-2).

Umatilla County Setback Requirement

Section 152.616(HHH)(6)(a)(5) of the Umatilla County Development Ordinance requires a 50-meter setback of wind facility elements from known archaeological, historical or cultural sites of CTUIR; setbacks to other non-CTUIR archaeological, historical, or cultural sites are to be considered on a case-by-case basis.

The Facility is designed to maintain a minimum 50-meter setback to all identified archaeological, historic, and cultural resources of the CTUIR within Umatilla County.

4.0 Historic and Cultural Resources within the Analysis Area

Pursuant to OAR 345-022-0090(1)(a) this exhibit addresses potential impacts to significant historic, cultural and archaeological resources. Significant resources, in this context, refers to structures, objects, or sites that:

1. Are currently listed on the National Register of Historic Places (NRHP) as individual sites or contributing resources to a recognized historic district;
2. Have been deemed eligible for listing by the SHPO; or
3. Would become a contributing resource to a historic district or site as a result of a proposed preservation plan.

Pursuant to OAR 345-022-0090(1)(b) this exhibit also addresses potential impacts to archaeological objects and sites, many of which are not eligible for NRHP listing but nevertheless contribute to the cultural landscape of Oregon. Archaeological objects and sites are defined in Oregon Revised Statutes (ORS) 358.905(1) as follows:

- Archaeological object – means an object that is at least 75 years old, part of the physical record of an indigenous or other culture found in the state or waters of the state, and is material remains of past human life or activity that are of archaeological significance including, but not limited to, monuments, symbols, tools, facilities, technological by-products and dietary by-products.
- Archaeological site – a geographic locality in Oregon, including but not limited to submerged and submersible lands and the bed of the sea within the state’s jurisdiction, that contains archaeological objects and the contextual association of the archaeological objects with each other or biotic or geological remains or deposits.

4.1 Listed or Potential Resources for the National Register of Historic Places – OAR 345-021-0010(1)(s)(A)

OAR 345-021-0010(1)(s)(A) Historic and cultural resources within the analysis area that have been listed, or would likely be eligible for listing, on the National Register of Historic Places.

Within the Analysis Area there are 66 historic and cultural resources that are listed or likely to be eligible for listing on the NRHP (Table S-2). This includes a total of 59 archaeological sites, five archaeological objects, and two historic farm complexes. The precontact archaeological sites and objects that have not been evaluated for listing on the NRHP are considered potentially eligible for listing.

The Vey Ranch is an historic site that was established in 1890. It was found to be eligible for listing on the NRHP under criteria A and C. The historic site is associated with events that have made significant contributions to the broad patterns of history and it also embodies the distinctive characteristics of a type period or method of construction.

The Kenny Ranch is a nineteenth century farm located in Milk Canyon, on the easterly branch of Sand Hollow. It was established in 1883 by Irish immigrants Michael and Mary Kenny. Extant structures include the house, root cellar, and windmill. It was found to be eligible for listing on the NRHP under criterion A for its association with early homesteading by Irish immigrants in the Heppner area, and under C for embodying distinctive characteristics of a type, period, and method of construction.

4.2 Archaeological Objects and Sites on Private Lands – OAR 345-021-0010(1)(s)(B)

OAR 345-021-0010(1)(s)(B) For private lands, archaeological objects, as defined in ORS 358.905(1)(a), and archaeological sites, as defined in ORS 358.905(1)(c), within the analysis area.

A total of 63 archaeological sites have been identified on private lands within the Analysis Area (see Table S-2). All but four, are potentially eligible for listing on the NRHP. A total of five archaeological objects were documented within the Analysis Area.

Archaeological resources identified in the Analysis Area have been recommended as eligible for listing on the NRHP and are avoided by Facility components. Therefore, no physical impacts on archaeological objects or sites on private lands are expected to occur within the Analysis Area. Archaeological Objects and Sites on Public Lands – OAR 345-021-0010(1)(s)(C)

OAR 345-021-0010(1)(s)(C) For public lands, archaeological sites, as defined in ORS 358.905(1)(c), within the analysis area.

There are no archaeological sites or objects on public lands within the Analysis Area.

5.0 Proposed Monitoring Plan – OAR 345-021-0010(1)(s)(E)

OAR 345-021-0010(1)(s)(E) The applicant’s proposed monitoring program, if any, for impacts to historic, cultural and archaeological resources during construction and operation of the proposed facility.

Approved Condition CON-HC-01 requires monitoring of construction activities within 200 feet of a significant cultural resource. This condition remains applicable to all sites listed as eligible or unevaluated (Table S-2).

6.0 References

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Figures

(Note that Figure S-2 is confidential and is provided under separate cover)

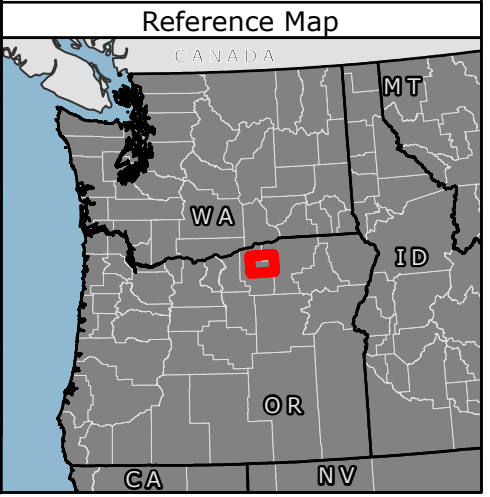
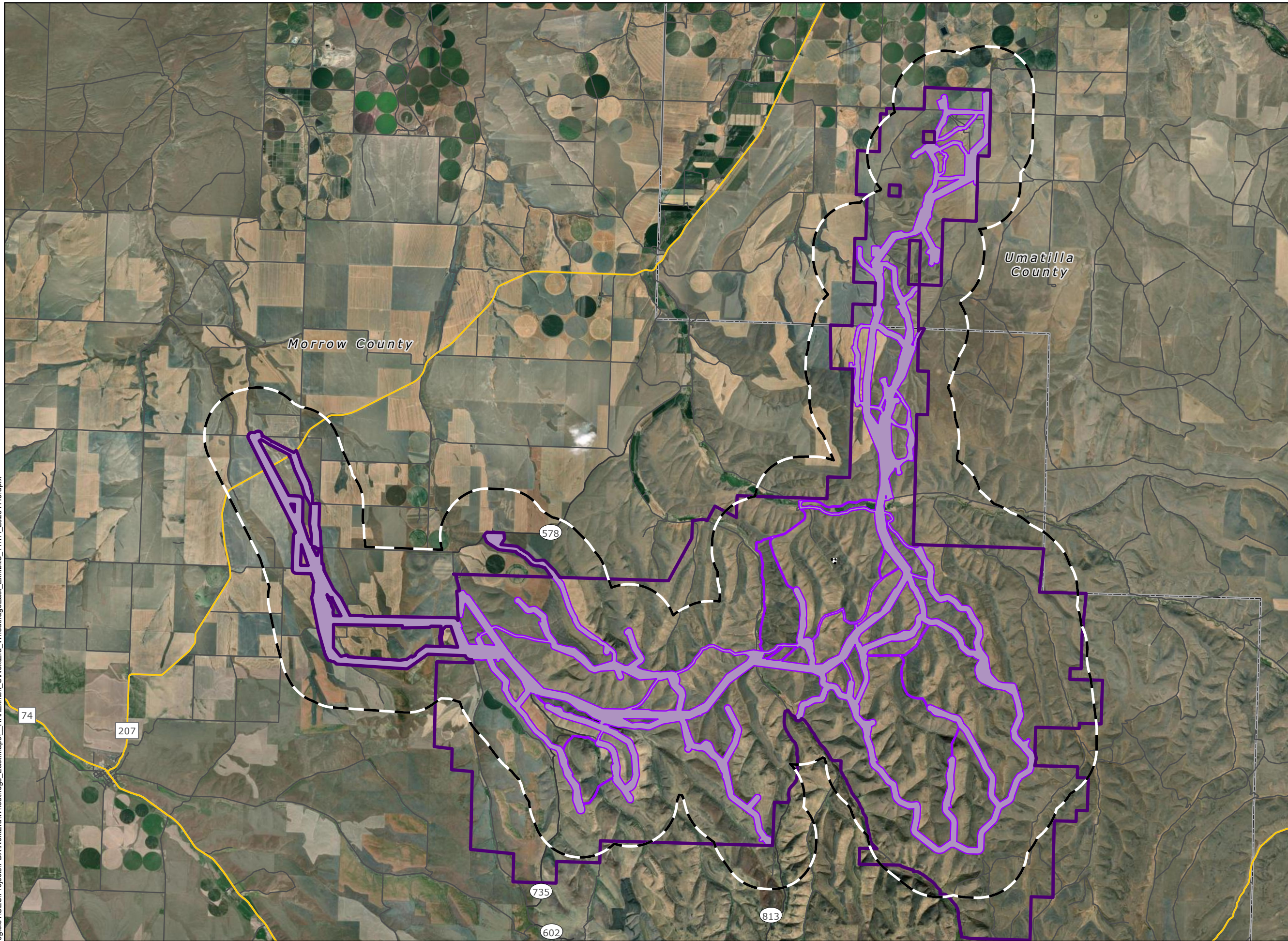
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Wheatridge Renewable Energy Facility East

Figure S-1 Historic, Cultural, and Archaeological Resources Analysis Area

MORROW AND UMATILLA COUNTIES, OR

- Amended Site Boundary
- Amended Micrositing Corridor
- Archaeological Analysis Area
- Aboveground/HPRCSIT Analysis Area
- County Boundary
- State Highway
- County Highway
- Local Roads



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**Attachment S-1: Cultural Resources
Inventory and Evaluation Report**
**(CONFIDENTIAL – PROVIDED UNDER
SEPARATE COVER)**

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Attachment S-2: Inadvertent Discovery Plan

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Inadvertent Discovery Plan

Wheatridge Renewables Energy Facility East

Morrow and Umatilla Counties, Oregon

October 2023

Author:
Lara Rooke, MA, RPA

Prepared for

NextEra Energy

Prepared by



This Document Contains Confidential Non-public Historic and Archaeological Information

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1.0 INTRODUCTION

NextEra Energy (NextEra) proposes to construct the Wheatridge Renewables Energy Facility East (Project) in Morrow and Umatilla Counties, Oregon. The project is located approximately 30 kilometers (km) (18.6 miles [mi]) south-southwest of Hermiston along the ridgetops of rolling hills. The Project will be a 300-megawatt facility comprised of turbines and associated infrastructure. Project components include turbines, access roads, crane paths, collection lines, battery storage, project substation, meteorological towers, and interconnection line.

NextEra seeks an amendment to the Site Certificate through the Oregon Department of Energy (ODOE) and Oregon Energy Facility Siting Council (EFSC or Council) for the Facility. To meet the requirements for site certification, NextEra must develop an Inadvertent Discovery Plan (IDP) for monitoring construction activities and responding to the discovery of archaeological resources or buried human remains.

2.0 CULTURAL RESOURCES IN THE PROJECT AREA

The entirety of the Facility site boundary and a one mile viewshed was surveyed for cultural resources. A total of 90 cultural resources have been identified. This includes 63 archaeological sites, 8 isolated finds, and 19 historic sites. Fifty-four of the archaeological sites and five isolated finds identified in the Facility Site Boundary have been left unevaluated for National Register of Historic Places (NRHP) listing and are treated as potentially eligible. Five archaeological sites and two historic building sites have been recommended as eligible for NRHP listing. The remainder of resources have been recommended as not eligible for NRHP listing.

All NRHP-eligible resources will be avoided by the Facility. If avoidance is not possible, any significant resources will be mitigated to reduce impacts to a status of less than significant. All mitigation measures will be identified in consultation with the ODOE, Confederated Tribes of the Umatilla (CTUIR), and the State Historic Preservation Office (SHPO).

Prior to construction, NextEra will develop a Monitoring Plan that incorporates this IDP and includes necessary staff, agency, and tribal contact information once determined. This plan should include monitoring protocols and staffing roles and incorporate input from the CTUIR, SHPO, and ODOE.

3.0 PROCEDURES FOR THE DISCOVERY OF ARCHAEOLOGICAL RESOURCES

If any staff, contractors, or subcontractors, including archaeological and/or tribal monitors, believe that they have encountered cultural or archaeological remains of any kind, all work at and adjacent to the discovery shall immediately cease. The area of work stoppage will be adequate to provide for the security, protection, and integrity of the archaeological discovery. A cultural resource discovery may be pre-contact period or historic period in age and consist of (but not limited to):

- Areas of charcoal or charcoal-stained soil and stones;
- Stone tools or waste flakes (i.e., an arrowhead or stone chips);
- Bone, burned rock, or shell, whether or not seen in association with stone tools or chips;

- Clusters of tin cans, ceramics, flat glass, or bottles; and
- Concentrations of brick, railway tracks, or logging or agricultural equipment.

In the event unrecorded archaeological resources are identified during the construction or operation of the Project, work within 200 feet of the find shall be halted and directed away from the discovery until a Qualified Archaeologist¹ assesses the resource and its significance for inclusion on the NRHP. This assessment will include coordination with the CTUIR (a wider avoidance area will be required for human remains; see below.) The archaeologist, in coordination with ODOE, SHPO, Facility personnel, CTUIR, and the landowner, shall make the necessary plans for treatment of the finds and for the evaluation and mitigation of impacts if the finds are found to be eligible for listing on the NRHP.

A Qualified Archaeologist will determine if the remains are archaeological and greater than 50 years old. If the archaeologist believes that the discovery is a cultural resource, he or she in coordination with the NextEra's Construction Manager will establish a 200-foot avoidance buffer to protect the discovery site where construction activities will be suspended until treatment of the discovery can be determined. Vehicles, equipment, and unauthorized personnel will not be permitted to traverse the discovery site or avoidance area. Any newly discovered archaeological resource will be considered eligible to the NRHP until determined otherwise. Work in the immediate area will not resume until treatment of the discovery has been completed.

If archaeological artifacts are observed during construction, the Qualified Archaeologist will ensure proper documentation and assessment of any discovered cultural resources. All precontact and historic cultural material discovered during project construction will be recorded by the archaeologist in SHPO's online archaeological site form database. Site overviews, features, and artifacts will be photographed. Stratigraphic profiles and soil/sediment descriptions will be prepared for subsurface exposure. Discovery locations will be documented on scaled site plans and site location maps.

If the Qualified Archaeologist in consultation with the SHPO, ODOE, and CTUIR determines that the discovery is an NRHP-eligible cultural resource, they will consult to determine appropriate treatment to be presented and agreed upon in a Memorandum of Agreement (MOA) or other appropriate documentation. Mitigation measures will be developed in consultation with NextEra, ODOE, SHPO, CTUIR, and the landowner, and could include avoidance through redesign, conducting data recovery, and/or relocating materials or remains. Treatment measures performed may include protecting in place or data recovery such as mapping, photography, limited probing, and sample collection, or other activity deemed appropriate through an MOA or other appropriate documentation.

ODOE, SHPO, the Legislative Commission on Indian Services (LCIS), and CTUIR will decide when construction may continue at the discovery location. Where cultural resources are encountered during construction, but additional project effects to the resources are not anticipated, Facility

¹ *Qualified Archaeologist* - means a person with qualifications meeting the federal secretary of the interior's standards for a Professional Archaeologist. An individual who has: (A) A post-graduate degree in archaeology, anthropology, history, classics or other germane discipline with a specialization in archaeology, or a documented equivalency of such a degree; (B) Twelve weeks of supervised experience in basic archaeological field research, including both survey and excavation and four weeks of laboratory analysis or curating; and (C) Has designed and executed an archaeological study, as evidenced by a Master of Arts or Master of Science thesis, or report equivalent in scope and quality, dealing with archaeological field research.

construction may continue while documentation and assessment of the cultural resources proceed. If continued construction is likely to cause additional impacts to such resources, Facility activities within a radius of 200 feet of the discovery will cease until the Qualified Archaeologist has documented the site, evaluated its significance in consultation with CTUIR, and assessed potential effects to the site.

Discovery Procedures: What to do if you find something

- 1) **Immediately Discontinue All Ground Disturbing Activity. Do Not Touch or Move the Objects and Maintain the Confidentiality of the Site. Do Not Take Photos.** Removing bone fragments, artifacts, and other items from any archaeological site, without proper authorization, is against the law. Violators could be charged in state or federal court resulting in a fine or imprisonment.
- 2) Do not draw any attention to the area with obvious flagging or markers. Maintain confidentiality concerning the discovery of the cultural resource, and do not discuss with anyone other than the contact people listed above. Secure and protect area of inadvertent discovery with 100-foot buffer—work may continue outside of this buffer.
- 3) Notify NextEra’s Project Manager and ODOE (see Attachment A).
- 4) Construction Manager will need to contact a Qualified Archaeologist to assess the find.
- 5) If archaeologist determines the find is an archaeological site or object, contact SHPO and CTUIR. If it is determined to *not* be archaeological, you may continue work.

4.0 PROCEDURES FOR THE DISCOVERY OF HUMAN REMAINS

If human remains and/or associated grave goods are inadvertently encountered during Project activities, the Oregon State protocol for inadvertent discovery of human remains will be followed. All activity that may cause further disturbance to the remains shall cease and the area secured and protected from further disturbance. A 200-foot avoidance buffer will be utilized for human remains and associated grave goods until appropriate treatment is completed. The presence of skeletal remains will be immediately reported to the County Medical Examiner and Oregon State Police. The remains will not be touched, moved, or further disturbed. The County Medical Examiner will assume jurisdiction over the human skeletal remains and determine whether those remains are forensic or non-forensic. If the County Medical Examiner determines the remains are non-forensic, then they will report that finding to SHPO and the State Physical Anthropologist with the LCIS, who will then take jurisdiction over the remains and will notify CTUIR.

Although excavation work in the immediate area of a human remains find will not resume until assessment has been completed, excavation work may continue in other parts of the Facility that have been surveyed for cultural resources. Due to the sensitive nature of such a find, human remains should never be left unattended. No work will resume in the area of a human remains discovery until written authorization has been received from the LCIS and SHPO.

Discovery Procedures: What to do if you find something

- 1) **Immediately Discontinue All Ground Disturbing Activity. Do Not Touch Or Move the Objects, and Maintain the Confidentiality of the Site. Do Not Take Photos.** Removing bone fragments, artifacts, and other items from any archaeological site, without proper authorization, is against the law. Violators could be charged in state or federal court resulting in a fine or imprisonment.
- 2) Do not draw any attention to the area with obvious flagging or markers. Maintain confidentiality concerning the discovery of the cultural resource, and do not discuss with anyone other than the contact people listed above. Secure and protect area of inadvertent discovery with 60-meter/200-foot buffer, then work may continue outside of this buffer with caution.
- 3) Cover remains from view and protect them from damage or exposure, restrict access, and leave in place until directed otherwise. Do not take photographs. Do not speak to the media.
- 4) Notify (refer to **Attachment A** for contact information):
 - NextEra Project Manager
 - ODOE
 - Oregon State Police **DO NOT CALL 911**
 - SHPO
 - LCIS State Physical Anthropologist
 - CTUIR and other appropriate Native American Tribes determined by LCIS
- 5) If the site is determined not to be a crime scene by the Oregon State Police, do not move anything! The remains will continue to be secured in place along with any associated funerary objects, and protected from weather, water runoff, and shielded from view.
- 6) Do not resume any work in the buffered area until a plan is developed and carried out between ODOE, SHPO, LCIS, and CTUIR and you are directed that work may proceed.

5.0 CONFIDENTIALITY

The Facility and employees shall make their best efforts, in accordance with federal and state law, to ensure that its personnel and contractors keep the discovery confidential. The media, or any third-party member or members of the public are not to be contacted or have information regarding the discovery, and any public or media inquiry is to be reported to ODOE. Prior to any release, the responsible agencies and Tribes shall concur on the amount of information, if any, to be released to the public.

To protect fragile, vulnerable, or threatened sites, the National Historic Preservation Act, as amended (Section 304 [16 U.S.C. 470s-3]), and Oregon State law (Oregon Revised Statute 192.501(11)) establishes that the location of archaeological sites, both on land and underwater, shall be confidential.

ATTACHMENT A: CONTACTS

1. NextEra Energy

Project Manager To be determined prior to construction

2. Cultural Resource Contacts

Qualified Archaeologist Lara Rooke, Tetra Tech
(425) 217 7625 (Cell)

State Archaeologist, Oregon SHPO John Pouley
(503) 480-9164

Deputy State Historic Preservation Officer,
Oregon SHPO Christine Curran
(503) 986-0684

State Physical Anthropologist, LCIS Dr. Elissa Bullion
(971) 707-1372 or (503) 986-1067

3. Agency Contacts

ODOE Christopher Clark
(503) 871-7254

Oregon State Police Craig Heuberger
(503) 731-0079 or (503) 731-3030 (dispatch)

Morrow County Medical Examiner (541) 676-5421

Umatilla County Medical Examiner (541) 966-3600

4. Tribal Contacts

CTUIR Teara Farrow Ferman (Human Remains)
(541) 429-7230 or (541) 377-2959 (cell)

Ashley Morton (Archaeological Remains)
(541) 429-7214