

EXHIBIT S
HISTORIC, CULTURAL, AND ARCHAEOLOGICAL RESOURCES
OAR 345-021-0010(1)(s)

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FIGURE

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

ATTACHMENTS

- S-1 Technical Report: Cultural Resources Survey for the Archway Solar Energy Project, Lake County, Oregon January 2020. [*Confidential and Not for Public Distribution. Provided Under Separate Cover.*]
- S-2 Cultural Resources Phase II Survey Protocol for the Archway Solar Energy Project, Lake County, Oregon
- S-3 Cultural Resources Inadvertent Discovery Plan, Archway Solar Energy Facility, Lake County, Oregon
- S-4 Cultural Resources Monitoring Plan, Archway Solar Energy Facility, Lake County, Oregon

INTRODUCTION

Archway Solar Energy LLC (Applicant) proposes to construct the Archway Solar Energy Facility (Facility) in Lake County, Oregon, with generating capacity of up to 400 megawatts (MW). The Facility may also contain a battery energy component with storage capacity of up to 400 MW and discharge capacity of up to 1,600 megawatt-hours. This Exhibit S provides historic, cultural, and archaeological resources information as required by Oregon Administrative Rules (OAR) 345-021-0010(s).

S.1 CULTURAL RESOURCES ANALYSIS AREA

The cultural resources analysis area for this Exhibit includes all areas within the Facility site boundary. The Facility site boundary is defined as the perimeter of the area where the Facility will be constructed. The cultural resources survey conducted for the Facility encompassed the entire analysis area. A desktop review was completed to identify archaeological investigations and prehistoric and historical sites previously recorded within the analysis area, and within 1.0 mile of the analysis area. A pedestrian field survey led by a professional archaeologist encompassed the entire analysis area with the exception of federal lands which were surveyed by a Bureau of Land Management archaeologist.

The Project site is located approximately 9 miles east of Christmas Valley, the nearest town, and 25 miles west of United States (U.S.) Highway 395 in the eastern part of the Fort Rock Basin within the northern Great Basin. The site is on privately owned land that is surrounded to the southeast and southwest by public land managed by the U.S. Department of the Interior's Bureau of Land Management. Figure S-1 shows the cultural resources analysis area.

S.2 INFORMATION ABOUT HISTORIC, CULTURAL, AND ARCHAEOLOGICAL RESOURCES

OAR 345-021-0010(1)(s) *Information about historic, cultural and archaeological resources. Information concerning the location of archaeological sites or objects may be exempt from public disclosure under ORS 192.502(4) or ORS 192.501(11). The applicant shall submit such information separately, clearly marked as "confidential," and shall request that the Department and the Council keep the information confidential to the extent permitted by law. The applicant shall include information in Exhibit S or in confidential submissions providing evidence to support a finding by the Council as required by OAR 345-022-0090, including:*

Response: This Exhibit provides information about historic, cultural, and archaeological surveys conducted within the Facility site boundary and general findings of those surveys. Additional information is provided in Attachment S-1, *Technical Report: Cultural Resources Survey of the Proposed Archway Solar Energy Facility, Lake County, Oregon* (cultural resources survey report, Jacobs, 2020). The cultural resources survey report is a confidential document that is exempt from public disclosure under Oregon Revised Statute (ORS) 192.501(11), and as such is provided separately under confidential cover. Applicant also provided copies of the confidential cultural resources survey report to the Oregon State Historic Preservation Office (SHPO) and area Tribes as identified by the Commission on Indian Services including the Klamath Tribes, Burns Paiute Tribe, and the Confederated Tribes of the Warm Springs Reservation of Oregon (CTWSRO).

The sections that follow describe the cultural resources survey methodology, historic resources listed or eligible for listing on the National Register of Historic Places (NRHP), archaeological objects and sites on private land and public lands with regulatory definitions of "objects" and "sites," potential Facility impacts to historic, cultural, and archaeological resources, and proposed monitoring.

The conclusion derived from the cultural and archaeological surveys is that construction, operation, and retirement of the proposed Facility are not likely to result in significant adverse impacts to historic, cultural, or archaeological resources that have been listed on, or would likely be listed on the NRHP. This Exhibit and the attached confidential cultural resources survey report provide evidence to support a finding by the Council as required by OAR 345-022-0090.

S.3 SURVEY METHODOLOGY

The survey methodology can be split into three main components. The first component involved a desktop file search of previous cultural investigations and archaeological site records as well as cartographic research to determine the likelihood of historic, cultural, and archaeological sites existing within the Facility site boundary. This background review and research was also used to determine the appropriate field methods for the identification of cultural resources.

The second component of the survey involved field investigation of all private land within the site boundary, which included a pedestrian survey spaced at 20 meter. Photographs of the survey and detailed notes were taken by the surveyors. Linear transects were guided using Project Shape files loaded on a Trimble Geo7x handheld global positioning system (GPS) unit with submeter accuracy. Artifacts were observed only, no collection took place.

The third component of the survey involved communication and consultation with the Klamath Tribes, Burns Paiute Tribe, and the CTWSRO. Responses were received from Christian Nauer of CTWSRO, and meetings were held with Les Anderson, Perry Chocktoot and other personnel with the Klamath Tribes, as well as Diane Teeman of the Burns Paiute Tribe.

S.3.1 File Search

A professional archaeologist from Jacobs Engineering Group, Inc. (Jacobs) conducted a file search through the Oregon Archeological Remote Records Access (OARRA) online database on June 25, 2018, for previously recorded cultural resources and previous cultural resource investigations conducted within 1.0 mile of the site boundary. A total of three previous cultural resource investigations were conducted within 1.0 mile of the site boundary, two of which were for the Outback Solar Facility north of the Facility site (Ponte et al. 2011; Bowden 2012). A total of 8 cultural resources were identified in these investigations but were not evaluated as avoidance was possible. The third study was for a transmission line located south of the Facility which identified several precontact sites and avoidance recommendations (Cole 1979). The file search did not identify any previously recorded NRHP-eligible resources, archaeological sites, or objects (as defined by ORS 358.905(1)(a) and (c)) within the site boundary.

S.3.2 Cartographic Research

Historic-era General Land Office (GLO) plats of survey were reviewed to investigate the potential for undocumented historic-era cultural resources to be located within the site boundary. A review of the 1882 GLO maps for Lake County (Township 27 North, Range 19 East, and Township 28 South, Range 18 East) showed no cultural resources within the site boundary. The GLO maps showed no features other than the topographic ridges on the south end of the Christmas Valley subbasin (Jacobs, 2020).

Historic maps (Metsker Maps to 1958; USGS maps to 1955) show no cultural features aside from roads within the site boundary. One U.S. Geological Survey (USGS) map (USGS, 1953) shows a number of unimproved roads that lead to Vaughn Well and along the transmission line in the southern portion of the site boundary, and Threemile Road and several wells and alkali flats in other portions of the Facility (Jacobs, 2020).

S.3.3 Pedestrian Survey

A team of archaeologists from Jacobs, led by professional archaeologist David Sheldon, M.S., conducted the pedestrian surface survey between September 5 and October 20, 2018, by walking linear survey transects within the site boundary spaced no more than 20 meters apart. The survey was guided by the use of a Trimble Geo7X global positioning system unit with submeter accuracy preloaded with data files with the Facility site boundary. Once an artifact was identified, all field staff stopped and attempted to determine if the artifact was an isolated find or part of a larger site by intensively surveying within a 10-meter radius of the find. Sites are defined as 10 or more artifacts located within 10 meters of one another. Field documentation included notes on any cultural resources observed, ground visibility, vegetation, landforms, and areas of visible disturbance.

S.3.4 Subsurface Probing

Subsurface testing will be conducted by the same team of Jacobs archaeologists prior to the start of construction in accordance with the Phase II Cultural Resources Survey Protocol included here as Attachment S-2. The testing will be conducted in the western portion of the site boundary where soils have been determined suitable for buried archeological resources.

S.4 HISTORIC RESOURCES LISTED OR ELIGIBLE FOR LISTING ON NATIONAL REGISTER OF HISTORIC PLACES

(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.

Response: No previously recorded historic or cultural resources within the Facility site boundary are listed, or would likely be eligible for listing, on the NRHP.

S.5 ARCHAEOLOGICAL OBJECTS AND ARCHAEOLOGICAL SITES ON PRIVATE LANDS

(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.

S.5.1 Regulatory Definitions

For private lands, ORS 358.905(1)(a) defines archaeological objects as follows:

(a) Archaeological object means an object that:

(A) Is at least 75 years old;

(B) Is part of the physical record of an indigenous or other culture found in the state or waters of the state; and

(C) 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.

For private lands, ORS 358.905(1)(c) defines archaeological sites as follows:

(c)(A) Archaeological site means a geographic locality in Oregon, including but not limited to submerged and submersible lands and the bed of the sea within the states jurisdiction, that contains archaeological objects and the contextual associations of the archaeological objects with:

(i) Each other; or

(ii) Biotic or geological remains or deposits.

(B) Examples of archaeological sites described in subparagraph (A) of this paragraph include but are not limited to shipwrecks, lithic quarries, house pit villages, camps, burials, lithic scatters, homesteads and townsites.

S.5.2 Archaeological Objects and Sites Found within the Analysis Area

The pedestrian survey identified 57 archaeological sites and 60 isolates within the Facility site boundary. The 57 sites comprise 46 precontact sites, 9 historic sites and 2 multicomponent sites. Isolates comprise 58 precontact isolates, 1 multicomponent isolate and 1 historic isolate. Site forms for all resources have been submitted to SHPO.

S.6 ARCHAEOLOGICAL OBJECTS AND ARCHAEOLOGICAL SITES ON PUBLIC LANDS

(C) For public lands, archaeological sites, as defined in ORS 358.905(1)(c), within the analysis area.

Response: Only an access road and transmission line crossing will occur on public lands. These lands were surveyed by Bureau of Land Management and no archaeological sites, as defined in ORS 358.905(1)(c), were found.

S.7 POTENTIAL IMPACTS TO HISTORIC, CULTURAL, AND ARCHAEOLOGICAL RESOURCES

(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:

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

S.7.1 Discovery Measures

The historic, cultural, and archaeological surveys described in Section S.4 and in the confidential cultural resources survey report (Attachment S-1) were conducted to identify archaeological sites in accordance with guidelines from SHPO and the U.S. Department of the Interior. No additional discovery measures are recommended or proposed. Should detailed design result in placement of Facility components outside of the previously surveyed area, additional field surveys would be required. The field surveys would be conducted in accordance with the same procedures followed for the original surveys. Any results would be communicated to the Oregon Department of Energy and to SHPO in a report to be provided for review before Facility construction begins.

(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.

Response: The discovery measures identified 57 archaeological sites and 60 isolates within the Facility site boundary. The 57 sites comprise 46 precontact sites, 9 historic sites and 2

multicomponent sites. Isolates comprise 58 precontact isolates, 1 multicomponent isolate and 1 historic isolate. All of the resources are potentially eligible for listing on the NRHP, though it is unlikely that any of the 60 isolates would be eligible.

S.7.2 Protective Measures

- (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.*

Response: The Applicant will site Facility components in such a way as to avoid direct impacts and minimize indirect impacts to potentially NRHP-eligible resources during construction, operations, and retirement activities.

The Applicant has taken the following measures:

- Designed layout to avoid all identified archaeological sites and 41 of 60 identified isolates. All isolates impacted were considered by Jacobs Engineering Group to have limited probability for buried archaeological components.
- Designed layout to avoid 185 acres in the East and 380 acres in the West after it was determined that the soils in these areas have a higher probability of buried human remains.
- Prepared Phase II Cultural Resources Survey Protocol with applicable SHPO archeological permits included as Attachment S-2
- Prepared Inadvertent Discovery Plan (IDP) included as Attachment S-3 and Monitoring Plan included as Attachment S-4

The Applicant will take the following measures prior to start of construction:

- Implement Phase II Cultural Resources Survey Protocol, complying with SHPO archeological permits, and make adjustments to layout as necessary
- Move as many cultural resources as possible that will be within the fenceline to a curated facility in close coordination with the Klamath Tribes

The Applicant will take the following measures during construction:

- Delineate all remaining archeological sites within the fenceline to avoid impacts from construction
- Implement IDP and Monitoring Plan
- Use tribal monitors during all earth disturbing activities

In addition, the Applicant will take the following measures to mitigate for unavoidable impacts:

- Implement mitigation measures agreed to by Applicant in coordination with the Klamath Tribes, Burns Paiute, and CTWSRO. The discussion with the tribes remains ongoing, however the final agreement will be shared with SHPO and ODOE.

S.8 PROPOSED MONITORING PROGRAM

(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.

Response: At least one archaeological monitor will be on site during Facility construction activities. Additional monitors from the Klamath Tribes may also be on site. The lead monitor will keep daily logs describing work activities, soil types, and findings, if any. This information will be compiled in a monitoring report to be distributed to the area Tribes, SHPO, and the Oregon Department of Energy at the completion of Facility activities. The monitor will follow the monitoring plan provided in Attachment S-4. In advance of construction, the monitor will provide a brief cultural resource awareness training to construction personnel to describe the types of resources that may be present below the ground surface and appropriate actions to take in case of a find. In case of a post-review discovery, the archaeological monitor will follow the Inadvertent Discovery Plan protocol described in Attachment S-3 to this Exhibit S.

S.9 SUMMARY

The evidence provided in this Exhibit and attachments demonstrates that construction, operation, and retirement of the proposed Facility are not likely to result in significant adverse impacts to historic, cultural, or archaeological resources that are eligible or potentially eligible for listing on the NRHP.

S.10 REFERENCES

- Bureau of Land Management (BLM). 1869. Plat of Township 4 North, Range 23 East, Willamette Meridian. General Land Office (GLO) Records. Accessed October 2, 2016. <http://www.glorerecords.blm.gov/search/>.
- Bureau of Land Management (BLM). 2016. Township 4 North, Range 23 East, Willamette Meridian. General Land Office (GLO) Records. Accessed October 2, 2016. <http://www.glorerecords.blm.gov/search/>.
- Metsker Maps. 1935. *Township 4 North, Range 23 East, Willamette Meridian, Morrow County, Oregon*.
- U.S. Geological Survey (USGS). 1906. *Blalock Island Quadrangle, Oregon-Washington*. 1:125,000, 30 Minutes Series, U.S. Department of the Interior.
- U.S. Geological Survey (USGS). 1953. *Pendleton Quadrangle, Oregon; Washington*. Revised 1973. 1:250,000, 30 Minute Series, U.S. Department of the Interior.
- U.S. Geological Survey (USGS). 1975. *Pendleton Quadrangle, Oregon; Washington*. 1:250,000, 30 Minute Series, U.S. Department of the Interior.
- U.S. Geological Survey (USGS). 1984. *Hermiston Quadrangle, Oregon; Washington*. 1:100,000, U.S. Department of the Interior.
- U.S. Geological Survey (USGS). 1993. *Golgotha Butte Quadrangle, Washington*. 1:24,000, U.S. Department of the Interior

Attachment S-2: Cultural Resources Phase II Survey
Protocol for the Archway Solar Energy Project, Lake
County, Oregon

Cultural Resources Phase II Survey Protocol, Archway Solar Energy Facility, Lake County, Oregon

The Phase I cultural resources survey for the Archway Solar Energy Facility (ASEF or Facility) conducted by Jacobs Engineering, Inc. (Jacobs) identified a total of 57 archaeological sites and 60 isolates. The survey also identified areas of high probability of finding buried archaeological resources. The Phase I survey identified all 57 archaeological sites as potentially eligible for listing on the National Register of Historic Places (NRHP). While isolates are generally considered ineligible for listing on the NRHP, there is the potential for isolates identified on the surface to be part of a buried archaeological site. Jacobs recommended that subsurface probing should be complete at up to 8 of the isolates to confirm isolate status if they cannot be avoided (Attachment S-1 Table 37). Jacobs also recommended that exploratory subsurface testing be complete in up to five areas of high probability for buried archaeological resources if they cannot be avoided (Attachment S-1 Figure 4). All applicable permits from the Oregon State Historic Preservation Office (SHPO) will be received prior to conducting any subsurface testing. Representatives of the Klamath Tribes will be notified at least 1 week prior to the commencement of survey activities and offered a chance to participate as observers.

The Applicant is committed to working with the Confederated Tribes of Warm Springs (CTWSRO), Klamath Tribe, and Burns Paiute tribe to ensure the Phase II surveys are performed in the most effective way possible. Applicant has had multiple meetings and a site visit with these stakeholders to continue communicating and consulting on the Phase II plan. The Phase II exploration will include isolate testing and additional surveying, however the exact amount and locations of these activities are still being discussed with the tribes.

SHPO Archaeological Excavation Permit Application

The application for a SHPO archaeological excavation permit requires a comprehensive research design that includes a regional archaeological background context statement, data gaps identified in regional studies, research questions designed to address the data gaps, and methods that will be employed to address those questions. The excavation permit will include a discrete scope of work outlining which sites will be evaluated and the maximum level of effort needed to complete the task. To the extent possible, the research design will incorporate research questions generated by prior surveys conducted in the region. In addition, the permit application will require a written agreement from the landowner granting permission to conduct excavations on their property and also, a curation agreement from a suitable curation facility. The permit application will also require a letter from a curation facility agreeing to curate the collection.

Field Investigations

The field investigations described below are designed to address the research questions that will be generated as part of the archaeological excavation permit. The methods employed at each site and the associated level of effort are subject to the approval of the Oregon SHPO as a part of the research design review for the excavation permit application.

Isolate Testing

A total of 60 isolates were identified during the Phase I pedestrian survey. Isolates are generally considered ineligible for listing on the National Register of Historic places as they do not meet the definition of an archaeological site (10 or more artifacts). However, precontact isolates may be a surface manifestation of a more substantial buried archaeological site. Oregon SHPO field guidelines suggest that 2-4 shovel probes are excavated at each isolate where soils suggest the potential for buried resources to confirm the isolate status or to determine if the isolates should be redefined as sites. At the Archway Solar Energy Facility, there are 19 isolates (1 historic and 18 precontact) which are affected by the Facility layout. If these isolates remain impacted by the Facility, subsurface testing will occur at these impacted isolates to ensure the isolates are not a substantial buried archeological site. If the isolates are determined to be a buried archeological site, the Facility layout will be changed to avoid the site, or a mitigation plan will be developed in cooperation with the tribal stakeholders.

Subsurface Testing

All identified archeological sites have been avoided by the facility layout with a 30m buffer. Thus, no subsurface testing will be conducted at the archeological sites.

Methods

A total of 20 isolates are located in areas where project ground disturbing activities are planned. Of the 20 isolates, 19 are precontact and 1 is historic. Per Oregon SHPO guidelines (SHPO 2016:35), 2-4 shovel tests should be excavated at isolated finds (within 2 meters) with the potential for subsurface deposits (e.g. prehistoric isolates) to determine the maximum horizontal and vertical extent of the isolate and whether or not the isolate is part of a larger site. Unless environmental factors suggest otherwise, precontact isolates are usually subject to subsurface testing to identify if they are indeed isolates or part of a larger, buried archaeological site. The precontact isolates identified in the project area were located in areas of playa. Previous investigations in similar environmental contexts within the Fort Rock Basin have demonstrated that surface finds in open playa context typically do not contain deeply buried archaeological material (Oetting 1993). Although isolate testing was not recommended in the initial Phase I report (Sheldon et al. 2020), Area Tribes requested testing of isolates during the March 8, 2022 site visit.

Jacobs will document the results of the field effort in an Addendum Cultural Resources Report. Once the report is finalized, Jacobs will submit the report, GIS data, and resource forms to SHPO through the GoDigital submittal process, and share the report with Area Tribes. After a 30-day review and comment period, Jacobs will update the report to address comments from the SHPO or Area Tribes if necessary.

In addition to isolate testing, a certain amount of additional pedestrian surveying is expected as part of the Phase II protocol. This scope of work is in ongoing discussions with the area tribes.

Attachment S-3: Cultural Resources Inadvertent
Discovery Plan, Archway Solar Energy Facility, Lake
County, Oregon

Cultural Resources Inadvertent Discovery Plan, Archway Solar Energy Facility, Lake County, Oregon

Archway Solar Energy LLC (Applicant) proposes to construct a photovoltaic solar power generation facility in Lake County, Oregon. The project will consist of photovoltaic panels, inverters, mounting infrastructure, electrical collection system, substation, energy storage, operations and maintenance building, private service roads, a 500-kilovolt transmission line, and fencing. The Inadvertent Discovery Plan should be followed if cultural materials, including human remains, are encountered during construction.

Recognizing Cultural Resources

A cultural resource is an item of historical, traditional, or cultural importance. The item could be prehistoric or historic. Examples are as follows:

- A multispecies accumulation of shell (shell-midden) with associated bone, stone, antler, or wood artifacts, burned rocks, or charcoal
- Bones that appear to be human or animal bones associated with a shell-midden (i.e., with associated artifacts or cooking features)
- An area of charcoal or very dark, stained soil with associated artifacts
- Artifacts made of chipped or ground stone (i.e., an arrowhead, adze, or metate) or an accumulation (more than one) of cryptocrystalline stone flakes (lithic debitage)
- Items made of botanical materials
- Clusters of tin cans or bottles, agricultural, or military equipment that appears to be older than 50 years

Onsite Responsibilities

STEP 1: STOP WORK IMMEDIATELY. If the contractor or subcontractor believes that he or she has uncovered any cultural resource during construction of the Project, all work adjacent to the discovery must stop. The discovery location should not be left unsecured at any time.

STEP 2: NOTIFY CONSTRUCTION PROJECT MANAGEMENT IMMEDIATELY. Contact the construction project manager or cultural resources specialist for the Project, as listed below.

Construction Project Manager

To be determined.

Cultural Resources Specialist

If the construction project manager cannot be reached, contact one of the designated Cultural Resources Specialists:

David Sheldon, M.S., RPA
Jacobs
Cell: (360) 219-6953
david.sheldon@Jacobs.com

Matt Steinkamp, M.S., RPA
Jacobs
Cell: (503) 358-9499
matt.steinkamp@jacobs.com

STEP 3: NOTIFY THE STATE HISTORIC PRESERVATION OFFICE IMMEDIATELY. The construction project manager or cultural resources specialist will contact the Oregon State Historic Preservation Office (SHPO) immediately.

Note: If human remains are encountered, treat them with dignity and respect at all times. Cover the remains with a tarp or other materials (not soil or rocks) for temporary protection in place and to shield them from being photographed. Do not call 911 or speak with the media.

STEP 4: PARTICIPATE IN CONSULTATION AND DOCUMENTATION. The construction project manager will participate in consultations with Oregon SHPO and affiliated Tribes. After consultation, the construction project manager will complete a written plan of action describing the disposition of cultural resources pursuant to 43 *Code of Federal Regulations* (CFR) Part 10 and will execute his or her prescribed duties within that plan of action.

Further Contacts and Consultations

Construction Project Manager

The construction project manager's responsibilities as follows:

- **Secure the Site:** The construction project manager is responsible for taking appropriate steps to protect and secure the discovery site. All work will stop in an area adequate to provide for the total security, protection, and integrity of the resource. Vehicles, equipment, and unauthorized personnel will not be permitted to traverse the discovery site. Work in the immediate area will not resume until treatment of the discovery has been completed following provisions for treating archaeological/cultural material in consultation with the affiliated Tribe(s).
- **Direct Construction Elsewhere Onsite:** The construction project manager will direct construction to resume away from cultural resources where appropriate and in communication with the affiliated Tribe(s).
- **Contact Project Cultural Resources Specialist:** If the cultural resources specialist has not yet been reached in earlier attempts, the construction project manager will do so.

Cultural Resources Specialist

The cultural resources specialist's responsibilities are as follows:

- **Notify Tribes:** If not already notified, the cultural resources specialist will notify the Tribe(s) of the discovery.
- **Identify Find:** The construction project manager will consult with the Tribes and will ensure that a qualified individual examines the find to determine if it is a cultural resource, as follows:

- If it is determined to not be a cultural resource, work may proceed with no further delay.
- If it is determined to be a cultural resource, the cultural resources specialist will send a certified letter to the Tribal Historic Preservation Offices, notifying them that a cultural resource has been discovered and requesting further consultation.
- If the find may be human remains or funerary objects, the cultural resources specialist will follow the procedures described in Section 5.0.
- Notify State Agencies: The construction project manager will contact Oregon SHPO.
- Formulate Plan: The construction project manager, affiliated Tribes, and Oregon SHPO will consult to determine a plan for disposition of the cultural resources.

Any required excavation or removal of cultural resources will be carried out under the requirements of 43 CFR Part 10.3 and 16 *United States Code* 470 aa, and will require a permit from the Oregon SHPO. The activity that resulted in the inadvertent discovery may resume thirty (30) days after certification of receipt of notification.

Oregon Historic Preservation Office

State Archaeologist
Dennis Griffin, Ph.D.
e-mail: Dennis.Griffin@oregon.gov

(503) 986-0674

-or-

Assistant State Archaeologist
John Pouley
E-mail: john.pouley@oregon.gov
(503) 986-0675

Tribes

Confederated Tribes of the Warm Springs Reservation of Oregon
Robert Brunoe, Tribal Historic Preservation Officer
THPO@ctwsbnr.org
PO Box 460
Warm Springs, Oregon 97761
(541) 553-3555

Klamath Tribes
Perry Chocktoot
Perry.chocktoot@klamathtribes.com
PO Box 436
Chiloquin, OR 97624
(541)783-2219 x159

Burns Paiute Tribe
Diane Teeman
dlteeman.burns.paiute@gmail.com
100 Pasigo St., Burns, OR 97220
(541) 413-1190 or (541)573-8096

Special Procedures for the Discovery of Human Skeletal Material

Any human skeletal remains will at all times be treated with the utmost dignity and respect. The attached document titled *Tribal Position Paper on the Treatment of Human Remains* (Government to Government Cultural Resources Cluster Group, September 2006) describes the appropriate protocol on the treatment of Native American human remains.

STEP 1: STOP WORK. In the event that human remains are discovered, stop all work in the area and secure the site.

STEP 2: NOTIFY APPROPRIATE PARTIES. Notify the construction project manager, law enforcement, and the coroner, immediately. The coroner (with the assistance of law enforcement personnel) will determine if the remains are human and whether the discovery site constitutes a crime scene, and will notify Oregon SHPO and the Tribes.

Lake County Medical Examiner
Charles Graham D.O.
100 North D Street, Suite 100
Lakeview, OR 97630
Phone: 541-947-3366

Lake County Sheriff's Department
513 Center Street
Lakeview, OR 97630
Main Office: (541) 947-6027
Christmas Valley Substation: (541)576-2781

STEP 3: PROTECT THE REMAINS. There shall be no photography or drawings and sketches made of the human remains or funerary objects found with the human remains without written permission signed by the affiliated Tribes. Cover the remains with a tarp or other materials (not soil or rocks) for temporary protection in place and to shield them from being photographed. Remains should not be removed from the site prior to identifying the remains as Native American or not. If the remains are determined to be Native American, final disposition will be decided through consultation with the affiliated Tribes, Oregon SHPO, and Archway Solar Energy LLC.

STEP 4: CONSULTATION. If the coroner determines the remains are nonforensic, and if it is determined that the remains constitute a cultural resource, the construction project manager or appointed representative will participate in consultation with the affiliated Tribes and Oregon SHPO. The construction project manager or appointed representative will complete a written plan of action describing the disposition of cultural resources pursuant to 43 CFR Part 10 and will execute its prescribed duties within that plan of action. If the remains are determined to be Native American, final disposition will be decided through consultation with the affiliated Tribes, Oregon SHPO, and Archway Solar Energy LLC. If the medical examiner is not able to make a determination of Native American, a qualified forensic anthropologist from the State, Tribe, or contracted archaeological firm will need to be consulted for final determination.

Proceeding with Construction

Project construction outside the discovery location may continue while documentation and assessment of the cultural resources proceed. The construction project manager and a qualified archaeologist or Tribal representative must determine the boundaries of the discovery location. Construction may continue at the discovery location only after the process outlined in this plan is followed and the Oregon SHPO (and the federal agencies, if any) determines that compliance with state and federal laws is complete.

Attachment
Tribal Position Paper on the Treatment
of Human Remains

Treatment of Native American Human Remains Discovered Inadvertently or Through Criminal Investigations on Private and Non-Federal Public Lands in Oregon

Native American burial sites are not simply artifacts of the tribe's cultural past, but are considered sacred and represent a continuing connection with their ancestors. Native American ancestral remains, funerary objects, sacred objects and objects of cultural patrimony associated with Oregon Tribes are protected under state law, including criminal penalties (ORS 97.740-.994 and 358.905-.961). The laws recognize and codify the Tribes' rights in the decision-making process regarding ancestral remains and associated objects. Therefore both the discovered ancestral remains and their associated objects should be treated in a sensitive and respectful manner by all parties involved.

Identification of Human Remains

- > Oregon laws (ORS 146.090 & .095) outline the types of deaths that require investigation and the accompanying responsibilities for that investigation. The law enforcement official, district medical examiner, and the district attorney for the county where the death occurs are responsible for deaths requiring investigation. Deaths that require investigation include those *occurring under suspicious or unknown circumstances*.
- > If human remains that are inadvertently discovered or discovered through criminal investigations **are not clearly modern**, then there is high probability that the remains are Native American and therefore ORS 97.745(4) applies, which requires immediate notification with State Police, State Historic Preservation Office, Commission on Indian Services, and all appropriate Native American Tribes. To determine who the "appropriate Native American Tribe" the responsible parties should contact the Legislative Commission on Indian Services (CIS). To determine whether the human remains are Native American the responsible parties should contact the appropriate Native American Tribes at the initial discovery. It should be noted that there may be more than one appropriate Native American Tribe to be contacted.
- > If the human remains are possibly Native American then the area should be secured from further disturbance. The human remains and associated objects **should not be disturbed, manipulated, or transported from the original location until a plan is developed in consultation with the above named parties**. These actions will help ensure compliance with Oregon state law that prohibits any person willfully removing human remains and/or objects of cultural significance from its original location (ORS 97.745).
- > All parties involved and the appropriate Native American Tribes shall implement a culturally sensitive plan for reburial.

Notification

- > State law [ORS 97.745 (4)] requires that any discovered human remains suspected to be Native American shall be reported to-
 1. State Police (current contact Sgt. Chris Allori, Department of State Police, office phone 503-731-4717, cell 503-708-6461, or Dispatch 503-731-3030)
 2. State Historic Preservation Office (SHPO) Primary contact= Dennis Griffin, State Archaeologist, office phone 503-9860674, cell phone 503-881-5038
 - Secondary contact= John Pouley, Asst. State Archaeologist, office phone 503-986-0675, cell phone 503-480-9164.

3. Commission on Indian Services (CIS)
 - Current contact= Karen Quigley, Director, office phone 503-986-1067. Karen will provide the list of appropriate Native American Tribes.

4. All appropriate Native American Tribes provided by CIS.
 - Burns Paiute Tribe- Diane Teeman 541-417-1986
 - Confederated Tribes of Coos, Lower Umpqua and Siuslaw- Stacy Scott 541-888-9577 X7513
 - Confederated Tribes of Grand Ronde- Briece Edwards 503-879-2084
 - Confederated Tribes of Siletz- Robert Kentta 541-444-2532
 - Confederated Tribes of the Umatilla Indian Reservation- Teara Farrow 541-276-3629, secondary contact; Catherine Dickson 541-429-7231
 - Confederated Tribes of Warm Springs- Bobby Bruno 541-553-2002
 - Coquille Indian Tribe- Kassie Rippee 541-756-0904 X1216
 - Cow Creek Band of Umpqua Indians- Jessie Plueard 541-677-5575 X5577
 - Klamath Tribes Perry Chocktoot 541-783-2219 x159

*Note: This document was created by the Government to Government Cultural Resource Cluster Group in September, 2006.

Attachment S-4: Cultural Resources Monitoring Plan,
Archway Solar Energy Facility, Lake County, Oregon

Cultural Resources Monitoring Plan, Archway Solar Energy Facility, Lake County, Oregon

Consultation with the Oregon State Historic Preservation Office (SHPO) and the Klamath Tribes, along with background research and a pedestrian survey, has identified the possibility that buried archaeological resources or human remains may be present within the Archway Solar Energy Facility (ASEF or Facility) boundary. This monitoring plan was designed to identify and protect archaeological resources or burials that may be present within the Facility area and provides guidelines to be implemented during Facility construction and operation. Representatives of the Klamath Tribes will be notified at least 2 weeks prior to the commencement of ground-disturbing Facility activities and asked to participate in monitoring.

Cultural Resources Monitor

The Cultural Resources Monitor (Monitor) will have at a minimum an undergraduate degree in anthropology, archaeology, historic archaeology, or a related field and at least 1 year of professional archaeological experience or equivalent specialized training. The Monitor will work closely with the construction managers to provide status updates on a daily basis. The Monitor's actions and activities will be reviewed on a daily or as-needed basis by a cultural resource professional meeting the Secretary of Interior Standards of professional archaeology.

Monitoring Duties

The Monitor will provide a cultural resource awareness training (CH2M, 2017: Appendix F) to construction personnel on the role and responsibility of the Monitor and the procedures to be followed in the event of a cultural resource discovery.

The Monitor will be present during ground-disturbing activities to watch and inspect cleared ground and excavated areas for signs of previously undiscovered archaeological resources. Ground-disturbing activities include those activities that remove earth with excavating equipment but exclude those activities that involve post-driving equipment. The Monitor will observe activities involving native soil disturbance in areas where subsurface deposits may exist.

If the Monitor or other construction personnel discover archaeological materials during construction, the Monitor will have authority to halt construction and will notify the designated cultural resource contacts. If archaeological materials are discovered, all work will stop in the immediate area (100 feet [30 meters]) of discovery. The discovery perimeter will be flagged to prevent access and protect further disturbance to materials.

The Monitor will prepare a daily monitoring log (briefly describing the field conditions, type of construction equipment being used, construction progress and activities) and record any finds of archaeological material.

It is the Monitor's responsibility to ensure that the appropriate cultural resource protections (for example, flagging avoidance areas and installing no entry signs) are in place before construction work begins.

Construction-Related Discoveries

The Monitor will photograph the work area and any cultural resources in the immediate area before work begins to establish a record of baseline conditions in the proposed Facility area.

In the event that previously unidentified archaeological materials are encountered during monitoring, the Monitor will stop construction-related activities within the immediate vicinity (100 feet [30 meters]) of the discovery. The monitor will follow the guidelines outlined in the *Inadvertent Discovery Plan for Cultural Resources* (ASEF Application for Site Certificate Attachment S-4).

The Monitor will evaluate whether significant cultural resources are present and, if so, whether they will be adversely affected by continuing operations. The types of cultural resources that may be encountered include prehistoric artifacts such as grinding stones, fire-cracked rock, shell fragments, (or midden deposits), projectile points, lithic materials, bone, cobble tools, or other indicators, such as post mold stains or fish weir stakes. Historic artifacts may include glass bottles, ceramic objects, metal objects, building foundations, bricks, concrete, or other indicators. The Monitor will have authority to direct Facility-related activities away from the newly identified cultural resources.

The area of the discovery will be delineated using flagging tape, rope, or some other means to ensure Facility activities do not continue in the area of the discovery. The Monitor will notify the field construction manager and contact the Facility's Cultural Resources Manager or designee. Ground-disturbing activities in the immediate vicinity of the discovery will remain stopped to avoid any additional impacts to the discovery until significance is determined and an appropriate treatment can be identified and implemented through consultation between the Applicant, SHPO, and the Klamath Tribes. During this period, construction activities outside the find area will continue.

If the newly identified cultural resources are determined to be either an isolate or a site, the Monitor or designated Cultural Resources Specialist will determine whether the new material is a stand-alone cultural resource or part of an adjoining site. The Monitor will document the discovery and prepare an isolate or site form and request a Smithsonian trinomial from SHPO. Isolate discoveries will be recorded and construction will continue. Isolate finds will be reported in a final Facility monitoring report.

Discovery of Human Remains

In the event that human skeletal remains are discovered during construction activities, the Monitor will follow the protocol outlined in the *Inadvertent Discovery Plan for Cultural Resources*.

Monitoring Documentation

Cultural resource monitoring will be documented in daily monitoring logs (see Attachment 1) and photographs. Areas monitored during the day will be marked on a map (see Figure 1 in Attachment 2). Photographic documentation will be collected by the Monitor before Facility construction begins, during ground-disturbing activities, and after work is complete.

Monitoring Report

A monitoring report will be prepared by the Monitor following the completion of monitoring activities. The monitoring report will include descriptions and photographs of monitored activities within the Facility area. The monitoring report will be submitted to SHPO, the CTUIR and the Oregon Department of Energy after completion of the monitoring activities.

Attachment 1
Daily Cultural Monitoring Log

Daily Cultural Monitoring Log

Archway Solar Energy Project, Lake County, Oregon

Monitor Name(s): _____ Date: _____

Participant Name(s): _____

Job Site Contact: _____ Phone Number: _____

Project Description:

Conditions:

Location and Dimensions (Length x Width x Height) of Excavation:

Excavation Technique (include types of equipment used):

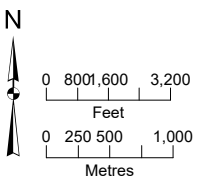
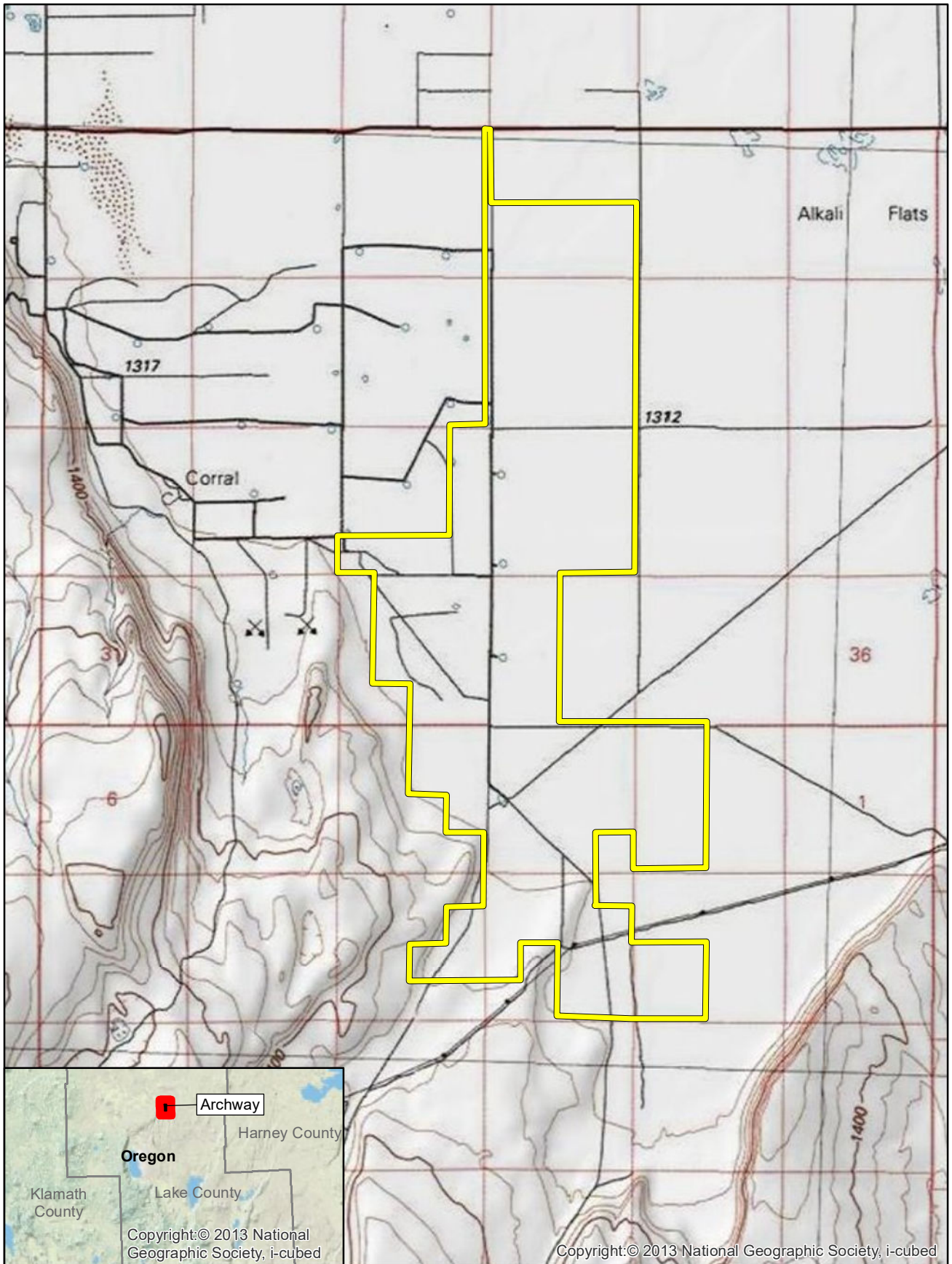
Sediment Description (if sediment is fill, explain why):

Cultural Materials Observed:

Additional Notes:

Sketch Maps of the Excavation and Sidewalls:

Attachment 2
Figures

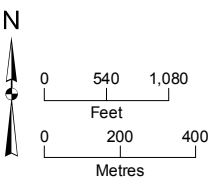
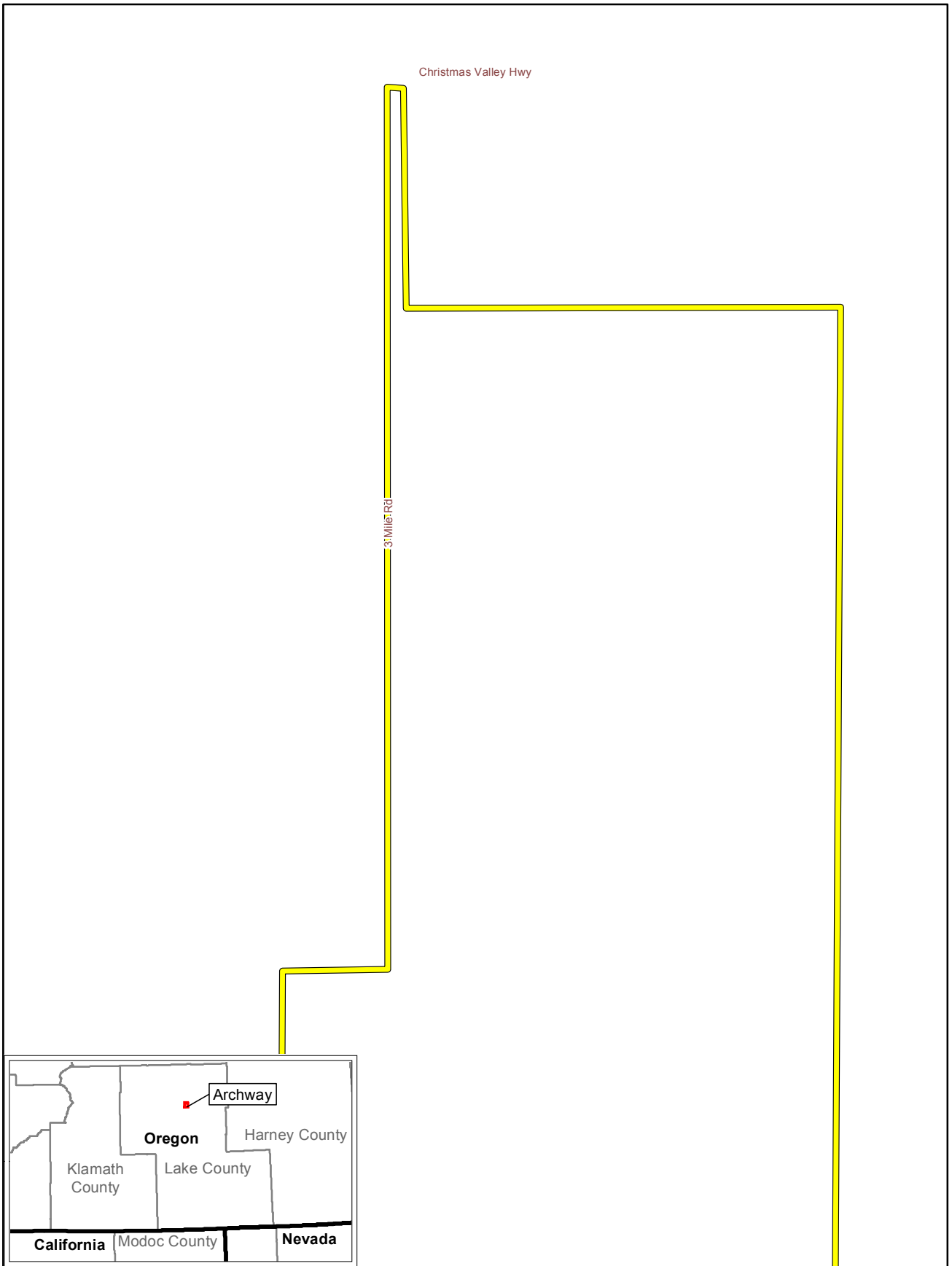


 Archway Solar Site Boundary

Notes:
1. Topographic map:
Vaughn Well, OR

Figure 1
Project Boundary on 1:24K Topographic Background

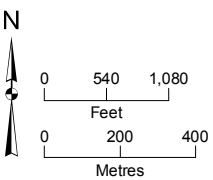
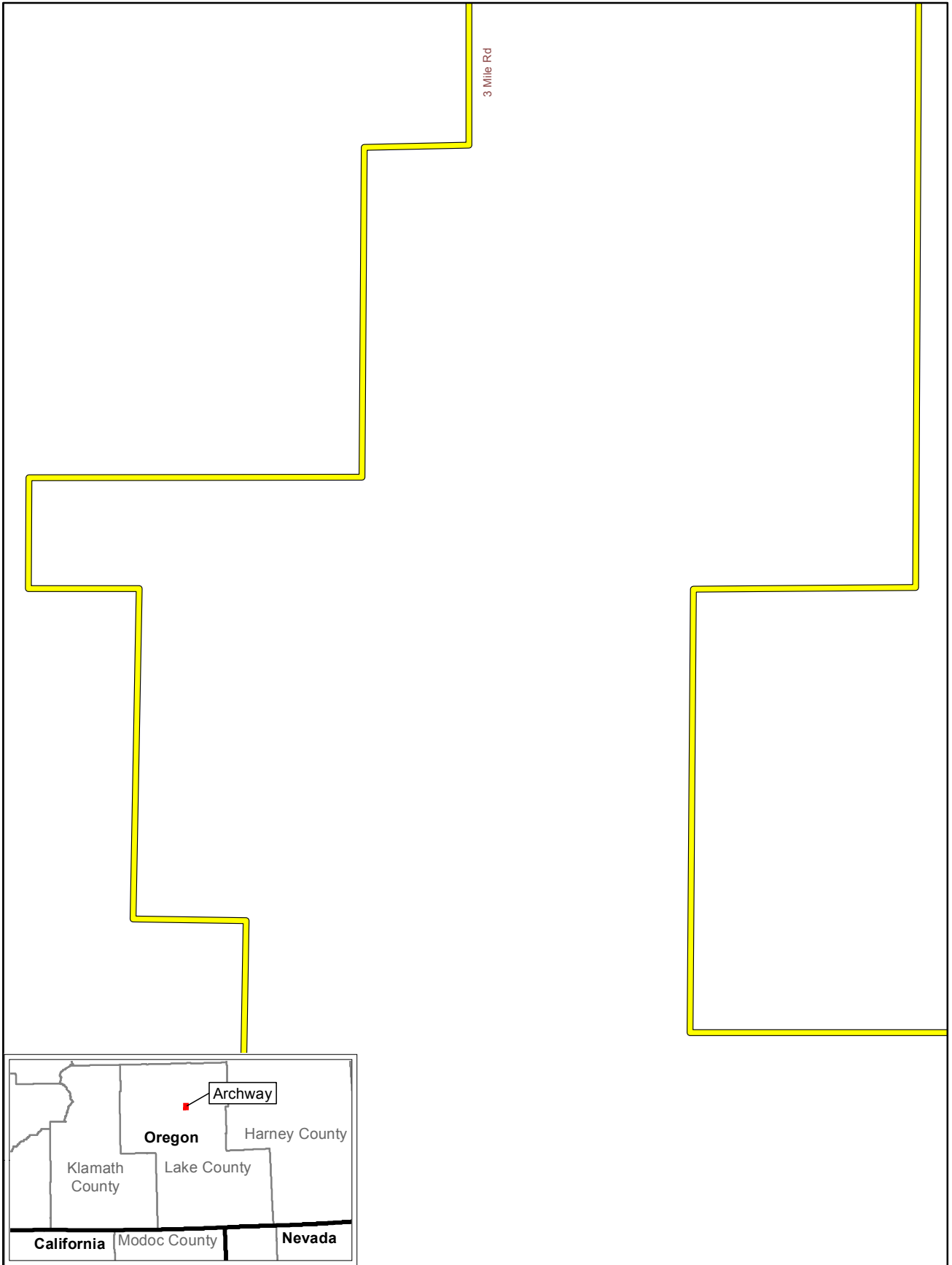
Invenery
Lake County, Oregon



Trans_RoadSegment_Selection
 Archway Solar Site Boundary

Notes:
 Aerial imagery: Digital Globe
 2017

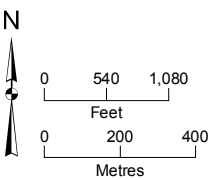
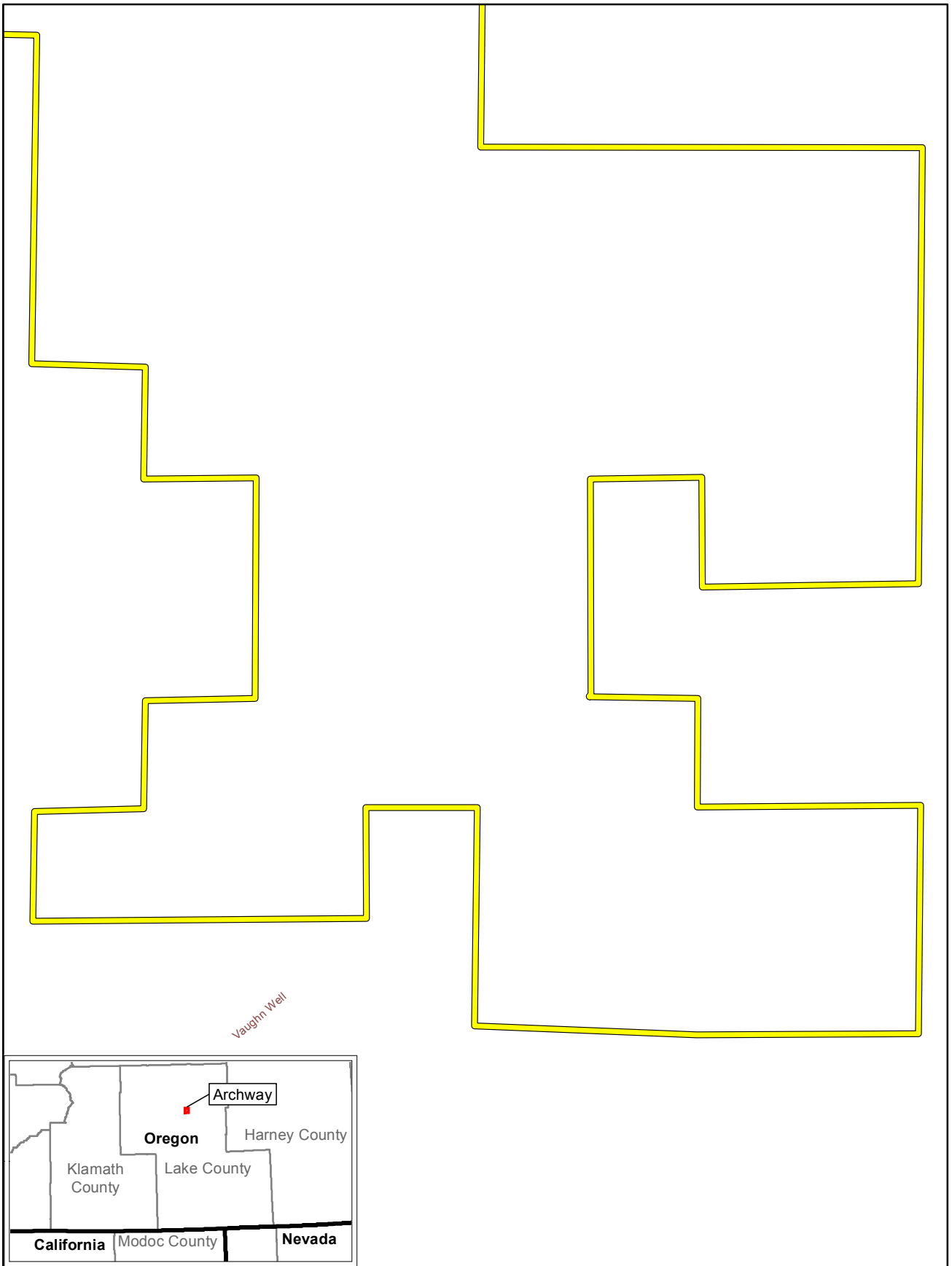
Figure 2
 Project Boundary on Modern Aerial Imagery
 Archway Solar Energy Project
 Inverenergy
 Lake County, Oregon



Trans_RoadSegment_Selection
 Archway Solar Site Boundary

Notes:
 Aerial imagery: Digital Globe
 2017

Figure 2
 Project Boundary on Modern Aerial Imagery
 Archway Solar Energy Project
 Inverergy
 Lake County, Oregon



Trans_RoadSegment_Selection
 Archway Solar Site Boundary

Notes:
 Aerial imagery: Digital Globe
 2017

Figure 2
 Project Boundary on Modern Aerial Imagery
 Archway Solar Energy Project
 Inverergy
 Lake County, Oregon