

**July 23-24, 2020 Council Meeting**

**Agenda Item H: Council Review of the Draft Proposed Order on Request for Amendment 5 of the  
Montague Wind Power Facility Site Certificate**

**Supplemental Attachment to the July 11, 2020 Staff Report for Agenda Item H**

<b>DPO Comments Received from July 11 – July 22, 2020</b>		
<b>Name</b>	<b>Organization</b>	<b>Date</b>
Heidi Hartman	Oregon Department of State Lands	07/13/2020
Jason Allen	Oregon State Historic Preservation Office	07/17/2020
Stephen Wrecsics	Morrow County Planning Department	07/17/2020
Teara Farrow Ferman	Confederated Tribes of the Umatilla Indian Reservation	07/21/2020
Shawn Steinmetz	Confederated Tribes of the Umatilla Indian Reservation	07/21/2020
Donald Moorehouse	Oregon Department of Transportation	07/21/2020

## ESTERSON Sarah \* ODOE

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**Subject:** FW: Montague Wind Power Facility - Notice of Comment Period on Draft Proposed Order/Request for Amendment 5 of Site Certificate - (July 23 Comment Deadline)

**From:** HARTMAN Heidi <heidi.m.hartman@state.or.us>

**Sent:** Monday, July 13, 2020 2:53 PM

**To:** ESTERSON Sarah \* ODOE <Sarah.Esterson@oregon.gov>

**Subject:** RE: Montague Wind Power Facility - Notice of Comment Period on Draft Proposed Order/Request for Amendment 5 of Site Certificate - (July 23 Comment Deadline)

Hi Sarah,

If any of the proposed work under the amendment occurs within an area that is not covered by an active, concurred delineation, then a new wetland delineation is required.

*Heidi Hartman*

**Aquatic Resource Coordinator**

*Baker, Gilliam, Grant, Hood River, Jefferson, Morrow,  
Sherman, Umatilla, Union, Wallowa*

**[Oregon Department of State Lands](#)**

1645 NE Forbes Road, Suite 112

Bend, OR 97701

**Office:** 541-388-6060 | **Fax:** 541-388-6480 | **Cell:** 541-419-7650

*pronouns: she/her/hers*

## ESTERSON Sarah \* ODOE

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**From:** Stephen Wrecsics <swrecsics@co.morrow.or.us>  
**Sent:** Friday, July 17, 2020 4:18 PM  
**To:** ESTERSON Sarah \* ODOE  
**Cc:** Stephanie Case; Matt Scrivner; Sandra Pointer; Gregg Zody  
**Subject:** Montague Request for Amendment 5 Comment Letter  
**Attachments:** RFA5 Comment Letter Signed.pdf

Please find Morrow County's comments on RFA5 for Montague Wind Power Facility.  
Hope everything is good on your end!

Have a great weekend,

### Stephen Wrecsics

GIS Planning Technician | Planning Department  
Morrow County, Oregon | 45.8958, -119.4980

**MA:** P.O. Box 40, Irrigon Oregon 97844  
**PA:** 205 Third Street NE, Irrigon Oregon 97844  
**P:** 541.922.4624  
**W:** [www.co.morrow.or.us](http://www.co.morrow.or.us)



## PLANNING DEPARTMENT

PO Box 40 • 205 Third Street NE  
Irrigon, Oregon 97844  
(541) 922-4624

July 20, 2020

Sarah Esterson, Senior Siting Analyst  
Oregon Department of Energy  
550 Capitol Street NE, 1<sup>st</sup> Floor  
Salem, OR 97301

Dear Mrs. Esterson,

Morrow County appreciates the opportunity to comment on the Montague Wind Power Facility, LLC (current certificate holder) Request for Amendment 5 (RFA5) and the Draft Proposed Order (DPO). It is the understanding of Morrow County that Amendment #5 would split the previously approved facility components into three site certificates, those certificates are to be owned by individual LLC companies created by Avangrid Renewables, LLC. Additionally, RFA5 would approve the reduction in the site boundary; increased solar micro-siting area; construct and operate new equipment; use an alternative route for a segment of the transmission line; and modify some site certificate conditions.

Although the Montague Wind Power Facility is located outside of Morrow County with little to no direct impact, a portion of the components required for future projects may need to utilize the Morrow County road network. Because of this potential impact, Morrow County would require that a full Road Use Agreement be implemented with Morrow County Public Works prior to the start of construction. Morrow County Public Works Director, Matt Scrivner can be reached by email at [mscrivner@co.morrow.or.us](mailto:mscrivner@co.morrow.or.us) or by phone at 541.989.9500 and will be able to fully address this requirement.

Again, the opportunity to comment is very much appreciated. It has been a pleasure working with you and other Department staff to date, and I anticipate that will continue. Should you have any questions about this comment letter, or need additional information, please do not hesitate to contact me.

Regards,

A handwritten signature in blue ink, appearing to read "Stephen Wrecsics".

Stephen Wrecsics  
GIS Planning Technician

Cc: Stephanie Case, Interim Morrow County Planning Director  
Matt Scrivner and Sandra Pointer, Morrow County Public Works

Montague Wind Power Facility  
Request for Amendment 5

July 17, 2020  
Page 1 of 1

**ESTERSON Sarah \* ODOE**

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**From:** ALLEN Jason \* OPRD  
**Sent:** Friday, July 17, 2020 3:46 PM  
**To:** ESTERSON Sarah \* ODOE  
**Cc:** matthew.hutchinson@avangrid.com  
**Subject:** SHPO Case Nbr SHPO Case No.: 10-0378, ODOE, Avangrid Renewables Montague Wind Power, NWP-2010-86  
**Attachments:** SHPO Response Letter Case Nbr SHPO Case No.\_ 10-0378.pdf

Hello Sarah and Matthew,

Please find my letter requesting consultation and renegotiation of the mitigation measures for adverse effects to the historic Weatherford Barn, attached. If you have any questions, or would like to discuss, please feel free to get in touch with me directly.

Cheers,  
-Jason

Please find the SHPO's response to your request for comment on cultural resources at the above-identified project. This attachment serves as your file copy. If you have any questions, please feel free to contact me.



Oregon  
Kate Brown, Governor

Parks and Recreation Department  
State Historic Preservation Office  
725 Summer St NE Ste C  
Salem, OR 97301-1266  
Phone (503) 986-0690  
Fax (503) 986-0793  
www.oregonheritage.org



July 17, 2020

Ms. Sarah Esterson  
OR Dept of Energy  
550 Capitol St NE, 1st Flr  
Salem, OR 97301

RE: SHPO Case No. 10-0378  
ODOE, Avangrid Renewables Montague Wind Power, NWP-2010-86  
Wind farm  
(1N 20E 1, 12) (1N 21E 1, 4, 5, 6, 7, 8), Arlington, Gilliam County

Dear Ms. Esterson:

This letter is in regard to the proposed expansion of the solar array associated with the Montague Wind Power Facility, specifically, the effect of the expansion of the solar facility on the historic property known as the Weatherford Barn. As you recall, the Weatherford Barn has been identified as a significant agricultural property, and is eligible for listing in the National Register of Historic Places. Through previous consultation on an earlier iteration of the proposed facility, and recognized in the draft Mitigation Plan (Part IV), it was found that the integrity of setting, feeling, and association would all be diminished through the construction of the solar facility immediately to the south of the Barn on the opposite side of Bottemiller Lane.

Review of Figure 3 of the latest iteration of the solar array site plan indicates that the new proposal will completely surround the historic Weatherford Barn. Where under the previous proposal the integrity of setting and feeling of the barn would be diminished such that the effect was found to be adverse, and mitigation options proposed, the new proposal will result in those aspects of integrity of the barn being lost entirely, leaving no way to view the barn from any perspective without the presence of the solar array encroaching on the setting. Where it was previously still possible to gain some sense of the barn in a close-to-intact setting similar to that at the time of the Barn's construction, by viewing the barn from the south, the new proposal eliminates that opportunity. We believe that the increased scale of the adverse effect justifies likewise increasing the scale of the mitigation effort.

As you may know, there is no specific approach to mitigation, and measures meant to resolve adverse effects are arrived at through consultation and negotiation among the involved and invited consulting parties. In reviewing the Draft Mitigation Plan that identifies the agreed upon mitigation options for resolving the adverse effects to the barn arising from the previous iteration of the proposed facility, there are some opportunities to adjust the mitigation options by "scaling up" the effort appropriately. For example, where Option 1 involves the documentation of 25 barns, among other things, this number could be adjusted upward to a suitably agreed-upon number. Similarly, Option 3 provides for a \$25,000 donation to the local historical museum, a figure which could also be "scaled up." Option 2, by contrast is more difficult to make such logical adjustments to, however, another approach could be to create a combination of two or more of these options, adjust the scalable numbers appropriately, and come to an agreement on a suitable mitigation package that includes elements from two or all three of these options.

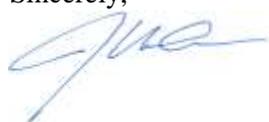
In any event, because the previous mitigation options were developed through consultation with a variety of consulting parties, and the scope of work has changed such that it is reasonable to assume that these options would look different had the current scope of work been considered, we feel strongly that it would be very appropriate to reinitiate consultation with those consulting parties so that the mitigation options may be



adjusted to match the increased scale of the impacts. We look forward to participating in such consultation.

If you have questions, or would like to discuss any of the above items, please feel free to contact our office.

Sincerely,

A handwritten signature in blue ink, appearing to read "JMA", is positioned above the typed name.

Jason Allen, M.A.

Historic Preservation Specialist

(503) 986-0579

[jason.allen@oregon.gov](mailto:jason.allen@oregon.gov)

cc: Matt Hutchinson, Avangrid Renewables

## ESTERSON Sarah \* ODOE

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**From:** MOREHOUSE Donald <Donald.MOREHOUSE@odot.state.or.us>  
**Sent:** Tuesday, July 21, 2020 3:52 PM  
**To:** ESTERSON Sarah \* ODOE  
**Cc:** PETERS Scott  
**Subject:** Montague Wind Power Facility

Hi Sarah,

An ODOT Miscellaneous/Construction Permit must be obtained for all work within the state highway right of way. Please contact District Operations Coordinator/Permit Specialist, Scott Peters at 541-296-2215 to obtain this. Thanks,

**Don Morehouse (he/him/his)**  
**Senior Transportation Planner**  
**ODOT Region 4**  
**Desk: (541) 388-6046**  
**Personal Cell: (805) 458-3320**  
**Work Cell: (541) 233-6558**  
[Donald.Morehouse@odot.state.or.us](mailto:Donald.Morehouse@odot.state.or.us)

*\*\*I will be working from home for the week of July 20-July 24:*

- *Monday - Thursday (7:30AM-5:00PM)*
- *Friday - (7:30AM-11:30AM)*



## ESTERSON Sarah \* ODOE

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**From:** Teara Farrow Ferman <TearaFarrowFerman@ctuir.org>  
**Sent:** Tuesday, July 21, 2020 8:37 AM  
**To:** ESTERSON Sarah \* ODOE  
**Cc:** Shawn Steinmetz  
**Subject:** CTUIR Comments on Montague Wind Amendment 5 & Draft Proposed Order  
**Attachments:** CTUIR Comments Memo\_Montague Wind Amendment 5 & Draft Proposed Order 072120.pdf

Sarah,

Attached are our comments. Please let Shawn or I know if you have any questions or comments.

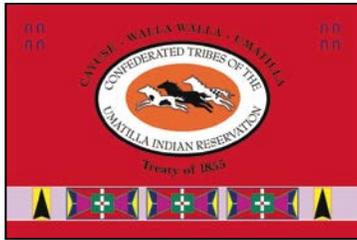
Respectfully,

**TEARA FARROW FERMAN**

Manager | Cultural Resources Protection Program  
Confederated Tribes of the Umatilla Indian Reservation  
46411 Timine Way | Pendleton | Oregon 97801  
541.276.3447 Office | 541.429.7230 Fax  
TearaFarrowFerman@ctuir.org

Assistant General Manager | Átaw Consulting, LLC  
A Small Business Enterprise of the CTUIR  
46411 Timine Way | Pendleton | Oregon 97801  
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TearaFarrowFerman@ctuir.org

The information in this e-mail may be confidential and intended only for the use and protection of the Confederated Tribes of the Umatilla Indian Reservation. If you have received this email in error, please immediately notify me by return e-mail and delete this from your system. If you are not an authorized recipient for this information, then you are prohibited from any review, dissemination, forwarding or copying of this e-mail and its attachments. Thank you.



**Confederated Tribes** *of the*  
**Umatilla Indian Reservation**  
**Cultural Resources Protection**  
**Program**

46411 Timine Way, Pendleton, Oregon 97801

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## MEMORANDUM

**To:** Sarah Esterson, Senior Siting Analyst  
Oregon Department of Energy  
Sent via email to: sarah.esterson@oregon.gov

**From:** Teara Farrow Ferman, Cultural Resources Protection Program Manager *Teara Farrow Ferman*  
Department of Natural Resources  
Confederated Tribes of the Umatilla Indian Reservation  
46411 Timine Way, Pendleton, OR 97801  
TearaFarrowFerman@ctuir.org  
541-276-3447

**Date:** July 21, 2020

**RE:** Confederated Tribes of the Umatilla Indian Reservation's Comments on the Montague Wind Power Facility Request for Comments on Request for Amendment 5 and Draft Proposed Order

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### General Comments:

Thank you for contacting the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) regarding the Request for Comments on Request for Amendment 5 and Draft Proposed Order for the Montague Wind Power Facility project. The CTUIR encouraged Oregon Department of Energy (ODOE) to review previous comments submitted by the CTUIR regarding this project. The project proponent has not been in contact with the CTUIR regarding amendment 5 or mitigation to the adverse effect for this project. Negotiations began quite some time ago but were stopped by Avangrid Renewables, LLC. The CTUIR has reached out to them however no further communications has been held. The CTUIR requests ODOE require the project proponent to re-engage in communication with the CTUIR immediately. The CTUIR offers the following concerns with the project.

### Specific Comments:

The Montague Wind Power Facility's Request for Amendment 5 will have a significant adverse effect to historic properties of religious and cultural significance to the CTUIR. The CTUIR first communicated these concerns to Oregon Department of Energy in a letter dated February 26, 2010. The additional development area in the latest amendment to the Montague Wind project's footprint will have a significant adverse effect to two historic properties of religious and cultural significance to the CTUIR. These historic properties are known as *Ulikš* and *Ala?ála* (Hunn 2015:86).

These historic properties are seasonal camps that were early stops on the CTUIR's seasonal round of First Foods harvesting. These seasonal camps were bases that the CTUIR used to access adjacent plant harvesting and hunting areas. *Ulíkš* and *Ala?ála* are the traditional names for these locations and they are places that are linked together, physically, by a network of trails, and are the places that are referred to when tribal members relay the history of the area in oral histories and stories related to these locations.

The fact that the place names for *Ulíkš* and *Ala?ála* remain and are used confirms that these places are embedded in the CTUIR's culture. Hunn (1996:20) and others assert that place names contain a wealth of information and illustrate indigenous people's reliance on the land and its resources. When these place names are used they are acting as an archive of deep-rooted knowledge and link the present and the past in their use (Banks 2002:209, Hunn 1996:20). Tribal members believe places know their names, which were given by the Creator cannot be changed (OHP 243, Stevens and Palmer 1855).

These historic properties, *Ulíkš* and *Ala?ála*, will be directly affected by Montague Wind Power Facility's Request for Amendment 5 and there will also be indirect effects to the historic properties that will impact the viewshed beyond the footprint of the proposed developments. The changes proposed in Amendment 5 will ultimately cause a significant adverse effect to the integrity of design, setting, feeling, and association of both historic properties. These historic properties also have integrity of location, but that will not be effected by this project.

CTUIR elders believe that *Ulíkš* and *Ala?ála* each retain integrity of location, design, setting, feeling, and association, despite the changes that have already occurred at and around these historic properties. The construction of roads, powerlines, infrastructure, and towers for this project will be a significant adverse effect to the integrity of design, setting, feeling and association at *Ulíkš* and *Ala?ála*. For instance, the significance of these places continues today through ongoing use, stories, traditions, and the belief system that have been passed down through the generations. When constructed the Montague Wind project will create an audible intrusion, as the turbines turn and that will be constant disturbance. Diminishing the chances of solitude and quiet contemplation within this space. These quiet communications will be changed forever at this location after the construction of the project ultimately effecting the integrity of design, setting and feeling. Integrity of design, setting and feeling will also be impacted by the tower lights at night and by visible infrastructure during day time visits.

These locations are a physical link the CTUIR has with its history and religion and are important elements for perpetuating the CTUIR's ongoing cultural identity. The direct effects from this project include development and ground disturbance within the boundaries of the historic properties. The changes to the landscape with the addition of wind and solar infrastructure effect the integrity of these locations. There is also the possibility that buried archaeological materials could be located within the project area that are related to these historic properties that could be unearthed during project construction.

The indirect effects will also have a significant impact to the the viewshed within the property and when viewing these areas from outside the historic properties boundaries. The project will alter the setting and feeling that exist at these historic properties today. The connection with the natural landscape and the unbroken skyline will no longer exist in some locations. The association *Ulíkš* and *Ala?ála* have with each other will be altered when the viewshed is changed.

CTUIR elders believe that *Ulíkš* and *Ala?ála* retain integrity, despite the changes that have already occurred at the historic properties. The CTUIR members have watched and experienced these changes over time. These locations endure despite the changes and they are the physical reminder of the place names, the resources located in these areas, stories, and the ceremonies/acts associated with these locations. When elders visit these sites to teach their children and grandchildren the sites' names and what people did there, it will be difficult to find a place where what they see is the same thing their grandparents saw when they were taught, and so far back to time immemorial. There will be another break between the people and the land they promised the Creator they would protect.

These places, *Ulíkš* and *Ala?ála*, are a physical connection to the tribe's past, between how members of the CTUIR lived before contact with non-Indian people and after contact with non-Indian people, to how they continue to use the landscape today. The physical and spiritual importance of these areas remains intact. This is a place the people promised to protect, in accordance with CTUIR traditions. Just as the CTUIR's history, culture, and traditions are intertwined, so are these traditional use areas. These areas are important to the CTUIR's traditional culture and spiritual way of life.

Prior to Admendment 4 the CRPP has been working with the project proponent to mitigate for adverse effects to a historic property of religious and cultural significance to the CTUIR that work is unfinished. Now we are presented with Admendment 5 and there are more potential developers that have not contacted the CRPP. Admendment 5 impacts have not been discussed with the new project proponent(s) on how they will impact *Ulíkš* and *Ala?ála*. This letter hopes to begin that conversation with developers that are not aware of the project's effects to a historic properties of religious and cultural significance to the CTUIR . These adverse effects should be mitigated for.

The CRPP would like the project proponent(s) to have a cultural resources monitor on site during the ground disturbing portion of the project(s). Having a cultural resource monitor working during the ground disturbing portions of the project construction will help assure our community that if there is an inadvertent discovery during the construction that it will be handled in an appropriate manner. In locations that have been used for agriculture in the past it is likely that Moldboard plowing has been the primary tillage tool, like most of North America, since intensive agriculture started more than 150 years ago. Moldboard plowing depths of 15–20 cm were common in the past. More recently some farmers are plowing at depths of 25–30 cm to eliminate plow pans created by these past practices (Reicosky and Archer 2007:110). This means that common farming practices are penetrating the ground to an approximately depth of 12 inches. The CRPP's agrees with Reicosky and Archer (2007)

that the average agricultural field disturbance is close to 12 inches and that any construction plans that require going beyond that depth are likely impacting undisturbed portion of the subsurface by past farming. On the plateau it is not uncommon for precontact archaeological sites to be buried by a 100 cm or more of soil.

If your office requires additional information or explanation of any of the information present in this memo please contact Shawn Steinmetz, Archaeologist, at [ShawnSteinmetz@ctuir.org](mailto:ShawnSteinmetz@ctuir.org) or me.

## **Bibliography**

Banks, Judy

2002 Studying the Meaning of Place. *Journal of Northwest Anthropology*, 36 (2):203-211.

Hunn, Eugene S.

1996 Columbia Plateau Indian Place Names: What Can They Teach Us? *Journal of Linguistic Anthropology*, 6 (1):3-26.

Hunn, Eugene S., E. Thomas Morning Owl, Philip E. Cash Cash, and Jennifer Karson Engum

2015 Čáw Pawá Láakni - *They are Not Forgotten: Sahaptian Place Names Atlas of the Cayuse, Umatilla, and Walla Walla*. Tamástslikt Cultural Institute, Pendleton, Oregon.

OHP 243

2008 *OHP 243 Oral History Interview*, CRPP Oral History Project. On file at the Confederated Tribes of the Umatilla Indian Reservation Cultural Resources Protection Program, Mission, Oregon.

Reicosky, D.C., and D.W. Archer

2007 Moldboard Plow Tillage Depth and Short-term Carbon Dioxide Release. *Soil & Tillage Research*, 94:109-121.

Stevens, Isaac I. and Joel Palmer

1855 *A True Copy of the Record of the Official Proceedings at the Council in the Walla Walla Valley, held jointly by Isaac I. Stevens, Gov. and Supt. W.T. and Joel Palmer, Supt. Indian Affairs O.T. on the Part of the United States with the Tribes of Indians Named in the Treaties made at that Council, June 9<sup>th</sup> and 11<sup>th</sup>, 1855*. On file at the Confederated Tribes of the Umatilla Indian Reservation Cultural Resources Protection Program, Mission, Oregon.

## ESTERSON Sarah \* ODOE

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**From:** Shawn Steinmetz <ShawnSteinmetz@ctuir.org>  
**Sent:** Tuesday, July 21, 2020 11:52 AM  
**To:** ESTERSON Sarah \* ODOE  
**Subject:** RE: Contact Information for Matt Hutchinson Avangrid

Sarah:

The CRPP will continue to work with Avangrid to mitigate the effects to the HPRCSIT outside of the State process. We do not feel that conditions need to be added to the request for amendment. If you need additional information please call me @ 541-240-9206.

Thanks,

Shawn

Shawn Steinmetz  
Archaeologist  
Confederated Tribes of the Umatilla Indian Reservation  
Cultural Resources Protection Program  
46411 Timine Way  
Pendleton, Oregon 97801  
(541) 429-7963  
shawnsteinmetz@ctuir.org

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**From:** ESTERSON Sarah \* ODOE [mailto:Sarah.Esterson@oregon.gov]  
**Sent:** Tuesday, July 21, 2020 11:20 AM  
**To:** Shawn Steinmetz <ShawnSteinmetz@ctuir.org>  
**Subject:** Contact Information for Matt Hutchinson Avangrid

**EXTERNAL EMAIL: Please use caution when clicking links or opening attachments.**

**Matt Hutchinson**  
Senior Permit Manager

1125 NW Couch St., Suite 700, Portland, OR 97209  
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Stay connected!

The opinions expressed by the author are his or her own and are not necessarily those of the Confederated Tribes of the Umatilla Indian Reservation. The information, contents and attachments in this email are Confidential and Private.