Preliminary Application for Site Certificate for the Muddy Creek Energy Park

Exhibit J. Historic, Cultural, and Archaeological Resources

Submitted to the
Oregon Energy Facility Siting Council

Prepared for
Muddy Creek Energy Park, LLC

Prepared by

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Acronyms and Abbreviations

Acronym/Abbreviation	Definition
Applicant	Muddy Creek Energy Park, LLC
EFSC	Oregon Energy Facility Siting Council
Facility	Muddy Creek Energy Park
HBE	historic built environment
HPA	high probability areas
OAR	Oregon Administrative Rules
ORS	Oregon Revised Statutes
NRHP	National Register of Historic Places
SHPO	State Historic Preservation Office

1.0 Introduction

Muddy Creek Energy Park, LLC (Applicant) seeks to develop the Muddy Creek Energy Park (Facility), consisting of a 150-megawatt solar energy generation facility, a 150-megawatt battery energy storage system project, and related or supporting facilities on approximately 1,590 acres of private land in Linn County, Oregon. This Application for Site Certificate demonstrates that the proposed Facility will be designed, constructed, and operated consistent with the relevant Oregon Energy Facility Siting Council (EFSC) siting criteria and standards. In addition to meeting the minimum required EFSC criteria, the Applicant proposes to design, construct, and operate the Facility using agrivoltaics. Agrivoltaics co-locates the Facility with active farm operations to retain agricultural production and minimize agricultural impacts within the Facility Site Boundary.

Exhibit J provides an analysis of potential significant impacts of the Facility to historic, cultural, and archaeological resources. The information contained herein supports demonstration of compliance with the Historic, Cultural, and Archaeological Resources approval standard for Oregon Administrative Rules (OAR) 345-022-0090. Specifically, OAR 345-022-0090 states that:

> *(4) To assist the Council in determining whether the standard outlined in (1) through (3) has been met, the Applicant must submit information about historic, cultural and archaeological resources. Information concerning the location of archaeological sites or objects may be exempt from public disclosure under ORS 192.345(11). The applicant must 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 must include information in this exhibit or in confidential submissions providing evidence to support a finding by the Council as required by OAR 345-022-0090, including:*
>
> > *(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;*
> >
> > *(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;*
> >
> > *(c) For public lands, archaeological sites, as defined in ORS 358.905(1)(c), within the analysis area;*

Pursuant to OAR 345-021-0010(1)(s), this exhibit provides information about historic, cultural, and archaeological surveys conducted for the Analysis Area and general findings of those surveys. More detailed information is provided in the survey reports included in confidential Attachment J-1. Cultural resource survey reports are confidential documents that are exempt from public disclosure under Oregon Revised Statutes ORS 192.345(11); Attachment J-1 is provided to the Oregon Department of Energy under separate cover.

1.1 Analysis Area

Pursuant to OAR 345-001-0010, the Analysis Area for historic, cultural, and archaeological resources consists of both Direct and Indirect Analysis Areas. The Direct Analysis Area is defined as the Facility Site Boundary. The Direct Analysis Area accounts for physical impacts to historic, cultural, and archaeological resources. The Indirect Analysis Area is defined as the Facility Site Boundary and a 0.5-mile buffer, with the exception of to the west where the Indirect Analysis Area terminates at Interstate 5. The Indirect Analysis Area accounts for auditory and visual impacts to historic sites (i.e., historic buildings and structures) and Historic Properties of Religious or Cultural Significance to Indian Tribes. The Applicant's cultural resources contractor, Dudek, has assessed that beyond 0.5 miles, the area's topography and evergreen tree cover would make the Facility either not visible or only partially visible and thus no visual or auditory impacts on cultural resources beyond that buffer distance. The Analysis Area is shown on Figure J-1. The entire Direct Analysis Area is located on private land.

1.2 Tribal Outreach

The Applicant retained Dudek to conduct a cultural resources survey for the Facility. Through multiple surveys conducted in 2022 and 2026, Dudek surveyed 1,991 acres within the Facility Site Boundary. On behalf of the Applicant, Dudek initiated consultation with the Confederated Tribes of the Siletz Indians, Confederated Tribes of Grand Ronde, and Confederated Tribes of the Warm Springs Reservation, describing the Project and soliciting any concerns about the Project's potential to effect tribal resources. Dudek also notified the Tribes of anticipated field schedules and provided opportunities for Tribes to have a tribal monitor present for the field investigations. A draft of the survey report was also provided to Tribes for review and input.

2.0 Description of Surveys – OAR 345-022-0090(4)(d)(A)

> *(A) 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 subsections (a), (b), and (c);T*

The Facility's limit of disturbance within the Site Boundary has been wholly surveyed and the Indirect Analysis Area has been subjected to a historic built environment reconnaissance survey from public rights of way. Results of the survey are included in Berger et al. (2026), which is attached here as confidential Attachment J-1.

2.1 Methods

Dudek initially conducted a records search via Oregon Archaeological Records Remote Access and Oregon Historic Sites Database to determine whether any cultural resources investigations have been conducted within 1 mile of the Analysis Area. Historic maps (e.g., General Land Office maps,

Metsker maps, and historic U.S. Geological Survey topographic maps) were also examined to determine the likelihood of encountering cultural resources during their fieldwork. Dudek also reviewed historic newspapers and archival files held by Willamette Heritage Center and Oregon Historical Society. The records search was followed by archaeological field investigations and historic built environment (HBE) surveys.

2.1.1 Archaeological Field Investigations

Archaeological field surveys were conducted between November 15, 2022, and August 3, 2023, and again between February 2 and 6, 2026. The survey followed current State Historic Preservation Office (SHPO) Guidelines for Conducting Field Archaeology in Oregon (SHPO 2023, 2025) and was designed to determine if archaeological resources were present within survey area and to evaluate their significance, if possible, from the collected survey data. The 2022-2023 field survey included a pedestrian survey of 1,152 acres (2024 Survey Area) and exploratory subsurface testing of high probability areas (HPAs). A supplemental field survey included a pedestrian survey of an additional 84.2 acres (2026 Survey Area) and exploratory testing of HPAs. Figure J-2 depicts survey coverage of the analysis area.

The pedestrian survey was conducted by Dudek using parallel transects spaced no greater than 20 meters apart in the 2024 Survey Area and, in the 2026 Survey Area, no greater than 15 meters apart to reflect updated draft SHPO guidelines1 (SHPO 2025). A few small areas with standing water or densely growing blackberries (typically along the margins of the agricultural fields) prevented parallel transects. In these cases, meandering transects were walked as parallel to one another as possible, oriented along game trails, stream fords, and other paths of least resistance. All soil exposures were inspected for the presence of cultural materials. When archaeological resources were encountered during the pedestrian survey, the field crew systematically searched the area to delineate resource boundaries and to identify artifact concentrations, tools, and features. No archaeological materials were collected.

Shovel probes were excavated in HPAs for buried archaeological deposits, which were selected prior to fieldwork through analysis of LiDAR maps and the National Resources Conservation Service soil survey (see discussion below). These areas were refined during the pedestrian survey through avoidance of highly disturbed portions of the survey area. Shovel probes were cylindrical in shape, measuring approximately 30 centimeters in diameter and excavated to a minimum depth of 50 centimeters below surface and two consecutive sterile 10-centimeter levels, where possible. Soils mapped within the survey area are generally clayey and saturated most of the year. Under saturated conditions, too much clay can make soils stick to the screen making it very difficult to examine the soil for artifacts. Under these conditions, very small flakes might also be crushed with the force needed to pass saturated clay soils through a screen (Bowden 2016), a situation only aggravated by using screens with finer mesh. Given these conditions, the soils were screened through 1/4-inch mesh hardware cloth. Observations were made for each shovel probe that

[1] These finalized guidelines are not yet published by SHPO but are expected to be put in place in 2026.

included sediment description and presence or absence of cultural materials. These observations were recorded and the probes were backfilled. Locations of all shovel probes were recorded using a GPS unit. The artifacts found in shovel probes were described, photographed, assigned tracking identifiers, bagged, and returned to the hole. No archaeological materials were collected.

Archaeological resources (sites and isolated finds) were delineated with radial shovel probes (using the same methodology described for HPA shovel probing). These boundary-confirming shovel probes were excavated outside the resource boundaries at cardinal directions, where appropriate. Where positive probes were encountered, the resource boundary was adjusted to encompass the probe. In these cases, the shovel probe became internal to the resource boundary and the probe was terminated at the depth of the observed artifacts. Radial shovel probes were excavated at cardinal or subcardinal directions outside of these finds until the resource was bounded by negative shovel probes or the natural topography.

2.1.2 Determination of High Probability Areas

HPAs were determined by Dudek based on several cultural and geomorphological factors identified prior to fieldwork and were subsequently verified in the field. Sources included relative-elevation LiDAR and National Resources Conservation Service maps, the proximity to a perennial water source, proximity to intermittent or re-channelized streams draining the nearby uplands, local and regional landforms, soil formation data, ethnographic context, and proximity to known archaeological resources. Given most of the survey area was uniformly flat, HPAs were determined primarily by their proximity to natural drainages and wetlands, micro-topographical rises, and within portions of the survey that are mapped as having soils typically occurring along alluvial terraces.

2.2 Built Environment Survey Methods

Dudek conducted a reconnaissance-level survey of previously unrecorded historical built environment (HBE) resources on January 5 and 6, 2023, and during several field surveys between July 11, 2023, and August 4, 2023. The survey focused on buildings and structures located within 0.5 miles of the survey area. The HBE survey followed Oregon SHPO guidelines. The survey entailed documenting each water feature, transmission line, and HBE resource located on adjacent parcels. Where buildings were determined during post-fieldwork research to be less than 45 years old, they were removed from the inventory results. Documentation included detailed notes and photographs, noting character-defining features, spatial relationships, and observed alterations, and examining any Indirect Analysis Area features throughout the HBE survey area.

2.3 Records Review

Dudek's records search identified a total of four cultural resource surveys that had been conducted within 1 mile of the survey area. Of the previous cultural resource surveys, two were conducted ahead of I-5 improvements, one was associated with a wetland restoration project, and one was associated with a farmland irrigation project. None of the previous surveys had been conducted

within the survey area addressed for the Facility. The records search identified two previously recorded isolates (07/1578-1 and 07/1578-2) and one site (Luther White Cemetery) recorded within 1 mile of the survey area. No previously recorded archaeological resources were identified as within the survey area. Both isolates consist of multiple pieces of obsidian debitage that were found subsurface during archaeological testing.

According to the Oregon Historic Sites Database, nine built environment historic resources had been previously recorded within 1 mile of the survey area – none are within the Facility Site Boundary. These resources include four barns (Charles M. Grimes Barn, D. J. "Doug" Wassom Barn, John F. Kelly Barn, and Bell E. Grimes Barn), three houses (Charles M. Grimes House, Hon. B. R. and Hannah Wilmore Grimes House, and John Sommerville House), one bridge (Muddy Creek Bridge), and one road (Territorial Road Stage Route). All nine resources were determined to be National Register of Historic Places (NRHP)-eligible/contributing, four of which are associated with the Grimes family, one of the earliest notable families in the area.

2.4 Survey Results – OAR 345-022-0090(4)(d)(B)

> *(B) The results of the discovery measures described in paragraph (A), together with an explanation by the applicant of any variations from the survey, inventory, or testing recommended;*

Dudek recorded 11 archaeological resources within the Direct Analysis Area (Table 1). The 11 identified archaeological resources include one multicomponent site (13993-01), four precontact lithic material sites (1993-03, 13993-04, 13993-06, 13993-09, and 13993-11), and five precontact isolates (13993-02i, 13993-05i, 13993-07i, 13993-08i, and 13993-10i). Five of the archaeological resources were recorded on the surface, including one multicomponent site (13933-01), three precontact lithic material sites (13993-04, 13993-06, and 13993-09), and one precontact isolate (13993-02i). Seven of the archaeological resources—precontact lithic material sites 13993-03 and 13993-11 and precontact isolates 13993-05i, 13993-07i, 13993-08i, 13993-10i—were identified during the subsurface probing.

Table J-1. Inventory Results

Resource #	Description	NRHP Recommendation	Management Recommendation	Applicable EFSC Siting Standard OAR 345-022-0090(4)	Distance to Proposed Infrastructure
Archaeological Sites					
13993-01	Multi-component Site: Precontact Lithic Scatter; Historic Refuse Scatter (Surface)	Unevaluated	Avoid (100 feet). If avoidance infeasible, test for NRHP eligibility.	A, B	139.38 feet; Solar Fenceline
13993-03	Precontact Lithic Scatter (Subsurface)	Unevaluated	Avoid (100 feet). If avoidance infeasible, test for NRHP eligibility.	A, B	61.47 feet; Solar Fenceline
13993-04	Precontact Lithic Scatter (Surface/Subsurface)	Unevaluated	Avoid (100 feet). If avoidance infeasible, test for NRHP eligibility.	A, B	59.77 feet; Solar Fenceline
13993-06	Precontact Lithic Scatter (Surface/Subsurface)	Unevaluated	Avoid (100 feet). If avoidance infeasible, test for NRHP eligibility.	A, B	104.77 feet; Permanent Road
13993-09	Precontact Lithic Scatter (Surface/Subsurface)	Unevaluated	Avoid (100 feet). If avoidance infeasible, test for NRHP eligibility.	A, B	1844.02 feet; Solar Fenceline
13993-11	Precontact Lithic Scatter (Subsurface)	Not Eligible	No further management needed.	B	91.78 feet; Solar Array
Isolates					
13993-02i	Precontact Core (Surface)	Not Eligible	No further management needed.	None	418.69 feet; Solar Fenceline
13993-05i	Precontact Debitage (Subsurface)	Not Eligible	No further management needed.	None	84.01 feet; Solar Fenceline
13993-07i	Precontact Debitage (Subsurface)	Not Eligible	No further management needed.	None	75.03 feet; Underground Collector Lines
13993-08i	Precontact Debitage (Subsurface)	Not Eligible	No further management needed.	None	2386.81 fee; Solar Fenceline
13993-10i	Precontact Debitage (Subsurface)	Not Eligible	No further management needed.	None	2128.64 feet; Solar Fenceline
Historic Built Environment					
BE-13933-01	Pacific Power Diamond Hill Substation (1964)	Not Eligible	No further management needed.	None	214.59 feet; Overhead Transmission Line
BE-13993-02	Rural Residential (1968)	Not Eligible	No further management needed.	None	516.43 feet; Overhead Transmission Line
BE-13993-03	Rural Farmstead (ca. 1960)	Not Eligible	No further management needed.	None	1654.34 feet; Overhead Transmission Line
BE-13993-04	Rural Residential (1963)	Not Eligible	No further management needed.	None	1872.81 feet; Underground Collector Lines
BE-13993-05	Rural Farmstead (1928)	Not Eligible	No further management needed.	None	715.53 feet; Solar Fenceline
BE-13993-06	Barn (ca. 1975)	Not Eligible	No further management needed.	None	836.5 feet; Solar Fenceline
BE-13993-08	Oak Grove Safety Rest Area (1962)	Not Eligible	No further management needed.	None	932.69 feet; Solar Fenceline
BE-13993-11	Rural Residential (1966)	Not Eligible	No further management needed.	None	1610.64 feet; Underground Collector Lines
BE-13993-12	Pacific Power Tap207004 to Diamond Hill Transmission Line (1964)	Not Eligible	No further management needed.	None	67.71 feet; Laydown Areas
BE-13993-13	Emerald People's Utility District Diamond Hill to Tap 207009/Transmission Line (1964)	Not Eligible	No further management needed.	None	16.43 feet; Overhead Transmission Line
BE-13993-14	Pacific Power Diamond Hill to McKenzie Transmission Line (1964)	Not Eligible	No further management needed.	None	16.22 feet; Overhead Transmission Line
BE-13993-15	Pacific Power Calapooya to Diamond Hill/ Transmission Line (1964)	Not Eligible	No further management needed.	None	67.03 feet; Overhead Transmission Line
BE-13993-18	Rural Residential (ca. 1952)	Not Eligible	No further management needed.	None	993.31 feet; Solar Fenceline
BE-13993-20	Little Muddy Creek Channel (ca.1910)	Not Eligible	No further management needed.	None	76.77 feet; Permanent Road
BE-13993-21	Priceboro Drive/ Little Muddy Creek Bridge (1971)	Not Eligible	No further management needed.	None	142.45 feet; Underground Collector Lines

Six of the precontact archaeological resources—Site 13993-11 and the five isolates: 13993-02i, 13993-05i, 13993-07i, 13993-08i, and 13993-10i)—are recommended by Dudek to be not eligible for listing in the NRHP. Dudek recommends no further work for these resources. The multicomponent site (13993-01) and the four remaining precontact lithic material sites (13993-03, 13993-04, 13993-06, and 13993-09) are unevaluated for listing in the NRHP. Dudek recommends these five resources should be treated as potentially NRHP-eligible and avoided by Facility development.

A total of 15 HBE resources were identified by Dudek's HBE reconnaissance survey[2] within the Indirect Analysis Area, including one substation (BE-13993-1), four transmission lines (BE-13993-12 through -15), seven rural residential properties (BE-13993-2 through -6, BE-13993-11, and BE-13993-18), one highway rest stop (BE-13993-8), one water conveyance system (BE-13993-20), and one bridge structure (BE-13993-21). All are outside the Facility Site Boundary in the Indirect Analysis Area.

After archival research, field survey, and site significance evaluations, all of the HBE resources within the Indirect Analysis Area were recommended by Dudek as not eligible for the NRHP.

3.0 Potential Impacts – OAR 345-022-0090(4)(d)

> *(d) The significant potential impacts, if any, of the construction, operation and retirement of the proposed facility on the resources described in subsections (a), (b), and (c) and a plan for protection of those resources that includes at least the following:*

Six of the identified resources are protected under Siting Standards OAR 345-022-0090(4) (a) and (b): 13993-01, 13993-03, 13993-04, 13993-06, and 13993-09. All are archaeological sites that are unevaluated for NRHP eligibility. Dudek has recommended that all six of the sites be avoided by construction by a minimum of 100 feet. With the exception of two sites, 13993-03 and 13993-04, all are avoided by this recommended minimum distance (Table 2). The two sites that are not avoided by the recommended minimum distance (13993-03 and 13993-04) are precontact lithic scatters with subsurface components. While the established boundaries of archaeological sites 13993-03 and 13993-04 are avoided by construction, the recommended 100-foot-wide avoidance buffer is not. The proposed solar fenceline is approximately 62 feet from site 13993-03 and 60 feet from site 13993-04.

The remaining resources in Table 2 do not meet the criteria for consideration under any of the Siting Standards under OAR 345-022-0090(4). They are recommended by Dudek as not eligible for listing on the NRHP and are thus not historic properties considered under OAR 345-022-0090(4)(a). Because remaining archaeological sites and isolates in Table 2 (13993-11, 13993-02i, 13993-05i, 13993-07i, 13993-08i, 13993-10i) have been recommended as not eligible for listing in the NRHP, they also do not meet the definition of archaeological objects or sites in ORS 358.905(1).

[2] Three additional HBE resources (BE-13993-16, -17, and -19) are included in Berger et al. (2026)/confidential Attachment J-1, however these are outside the extent of the Indirect Analysis Area.

Under ORS 358.905(1)(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*** [emphasis added] including, but not limited to, monuments, symbols, tools, facilities, technological by-products and dietary by-products. ORS 358.905(1)(c) defines "archaeological site" as 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 associations of the archaeological objects with each other or biotic or geological remains or deposits. The identification of an archaeological object is dependent on significance, and the identification of an archaeological site is dependent upon the inclusion of archaeological objects. It is common practice that NRHP-eligibility equates to significance or a statement of significance by or to a Tribe. This is supported by ORS 358.905(1)(b) where "site of archaeological significance" is defined as an archaeological site on, or eligible for inclusion on, the NRHP as determined in writing by the SHPO or any archaeological site that has been determined significant in writing by an Indian Tribe. Without NRHP eligibility or listing or statements from Tribes indicating significance, the archaeological resources in Table 2 that have been recommended by Dudek as not eligible for the NRHP are not considered under Siting Standards at OAR 345-022-0090(4).

There are no public lands within the Direct Analysis Area. Thus, Siting Standard OAR 345-022-0090(4)(c) is not applicable.

4.0 Measures Designed to Prevent the Destruction of Resources – OAR 345-022-0090(4)(d)(C)

> *(C) A list of measures to prevent destruction of the resources identified during surveys, inventories and subsurface testing referred to in paragraph (A) or discovered during construction; and*

All cultural resources identified by Dudek have been avoided by Facility design. Where construction disturbance will occur within 200 feet of a resource protected under OAR 345-022-0090(4)(a) and/or (b), as indicated in Table 2, a flagged 100-foot exclusionary zone will be established during construction to ensure avoidance. Environmental monitors will confirm flagging remains in place and accurately placed during construction.

If avoidance of resources protected under OAR 345-022-0090(4)(a) or (b), as indicated in Table 2, is not possible, any significant resources will be mitigated to reduce impacts to a status of less than significant.

Although the potential for additional archaeological resources to be discovered during construction is considered low, a preliminary Inadvertent Discovery Plan is included as Attachment J-2 and will be implemented during Facility construction.

5.0 Monitoring – OAR 345-022-0090(4)(e)

(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.

Two archaeological sites that have not been evaluated for NRHP eligibility and are potentially NRHP-eligible are not avoided by a recommended distance of 100 feet. The Applicant will avoid archaeological sites 13993-03 and 13993-04 by a minimum of 100 feet in final design. If avoidance of this buffer is infeasible in final design, such as due to topography or avoidance of other resources, archaeological monitoring of ground disturbance within the 100-foot avoidance buffer will be implemented during construction. Archaeological monitoring will be conducted by an archaeologist and/or a Tribal monitor. An Archaeological Monitoring Plan will be drafted prior to construction and outline when and where archaeological monitoring is to occur, daily documentation requirements for monitoring activities, the authority of the monitor(s) to stop construction when necessary, and requirements for reporting the results of archaeological monitoring. The monitoring plan will be submitted to the Oregon Department of Energy, SHPO, and interested Tribes for review prior to finalization.

Archaeological monitoring of construction outside the 100-foot avoidance buffers around resources protected under protected under OAR 345-022-0090(4)(a) or (b), as indicated in Table 2, has not been recommended by Dudek. The potential for additional unidentified archaeological resources in the Facility Site Boundary is considered low based upon the extent of surface and subsurface survey conducted as well as the analysis of high probability areas completed by Dudek. Therefore, archaeological monitoring broadly across the Facility is not anticipated.

6.0 References

Berger, Brady, Thomas Dols, Sydney Randall, Jennifer Olander, Evan Brisentine, Adrienne Donovan-Boyd, and Zach Windler. 2026. *Cultural Resources Inventory Report, Muddy Creek Solar and Energy Storage Project, Linn County, Oregon*. March 2026. Dudek, Portland, Oregon. Submitted to Hanwha Renewables, Irvine, California.

SHPO (Oregon State Historic Preservation Office). 2023. *Guidelines for Conducting Field Archaeology in Oregon*. November 2013; Minor Revision January 2016; Updating the Archaeological Field Guidelines Placeholder July 2023. Accessed February 7, 2024. https://www.oregon.gov/oprd/OH/Documents/FieldGuidelines.pdf.

SHPO. 2025. *Oregon Archaeological Guidelines: State and Federal Laws, Research, Field Methods and Analyses, National Register of Historic Places Evaluations, and Documentation Standards (DRAFT)*. Accessed January 12, 2026. https://www.oregon.gov/oprd/OH/Documents/DRAFT_Oregon_Archaeological_Guidelines_web.pdf.

7.0 Approval Standards and Submittal Requirements

Table J-2. Approval Standards and Submittal Requirements Matrix

Requirements	Location
OAR 345-022-0090 Historic, Cultural and Archaeological Resources	
Approval Standards	
(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:	Section 3
(a) Historic, cultural or archaeological resources that have been listed on, or would likely be listed on the National Register of Historic Places;	Table 2; Section 3
(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	Table 2; Section 3
(c) For a facility on public land, archaeological sites, as defined in ORS 358.905(1)(c).	N/A
(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.	
Submittal Requirements	
(4) To assist the Council in determining whether the standard outlined in (1) through (3) has been met, the Applicant must submit information about historic, cultural and archaeological resources. Information concerning the location of archaeological sites or objects may be exempt from public disclosure under ORS 192.345(11). The applicant must 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 must include information in this exhibit or in confidential submissions providing evidence to support a finding by the Council as required by OAR 345-022-0090, including:	
(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;	Table 2; Section 3
(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;	Table 2; Section 3
(c) For public lands, archaeological sites, as defined in ORS 358.905(1)(c), within the analysis area;	N/A
(d) The significant potential impacts, if any, of the construction, operation and retirement of the proposed facility on the resources described in subsections (a), (b), and (c) and a plan for protection of those resources that includes at least the following:	
(A) 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,	Section 2

Requirements	Location
identifying and assessing the significance of resources listed in subsections (a), (b), and (c);	
(B) The results of the discovery measures described in paragraph (A), together with an explanation by the applicant of any variations from the survey, inventory, or testing recommended;	Section 2.4
(C) A list of measures to prevent destruction of the resources identified during surveys, inventories and subsurface testing referred to in paragraph (A) or discovered during construction; and	Sections 4 and 5
(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.	Section 5

Figures

(Figure 2 confidential–provided under separate cover)

Muddy Creek Energy Park

Figure J-1
Cultural Resources Analysis Area

LINN COUNTY, OR

Facility Site Boundary/ Direct Analysis Area

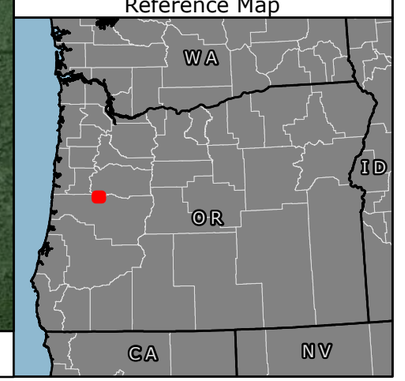
Indirect Analysis Area

Interstate Highway

TETRA TECH

Hanwha Renewables

Reference Map



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WGS 1984 UTM Zone 10N

0 0.5 1 2 3 Miles

NOT FOR CONSTRUCTION

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Attachment J-1. Cultural Resources Inventory and Evaluation Report

(Confidential–provided under separate cover)