

# **Inadvertent Discovery Plan: Cultural Resources and Human Remains Schumann Wind Project, Umatilla County, Oregon**

## **INTRODUCTION**

Schumann Wind, LLC, a Delaware Limited Liability Company by BayWa r.e. Wind, LLC, its sole member, proposes to construct a wind power generation project between the towns of Athena and Milton-Freewater, Oregon known as the Schumann Wind Project. Project activities will include the installation of new wind turbines and associated infrastructure within an area covering approximately 712 acres. The project area is located in northeastern Oregon, near the community of Milton-Freewater and is in the area surrounding Pine Creek and adjacent to the Chopin Wind project. Specifically, the project area is situated within Sections 17, 18, 19, 20, 29, and 30, of Township 5 North, Range 35 East and Sections 13 and 24 of Township 5 North, Range 34 East, Willamette Meridian (WM). The elevation of the project area ranges between 1120 and 1960 feet (341 to 591 meters) above sea level. The entire project will be located in Umatilla County, Oregon.

The purpose of this Inadvertent Discovery Plan is to 1) ensure compliance with applicable federal and state laws and regulations regarding cultural resources and human remains, 2) develop work site protocols to be followed in the event of an inadvertent discovery; and 3) identify appropriate point of contacts associated with the protocol.

## **CULTURAL RESOURCES LAWS**

The Schumann Wind project will follow state of Oregon cultural resource laws as there are no federal lands or nexus involved in the project. For informational purposes federal laws are listed below in case the project becomes federalized at any point. The state cultural resource laws that must be abided by include, but are not limited to, the following:

### ***State of Oregon***

- Oregon Administrative Rules 736-051-0080 through 0090, archaeological excavation permits
- Oregon Revised Statutes (ORS) 97.740-97.760, Indian graves and protected objects
- ORS 358.905-358.955, protection of archaeological objects and sites
- ORS 390.235, archaeological permit requirements

### ***Federal***

- National Historic Preservation Act of 1966, as amended, and its implementing regulations (36CFR800)
- Archaeological Resources Protection Act of 1979 (Public Law 96-95, 16 U.S.C. 470aa-470mm)
- Native American Graves Protection and Repatriation Act of 1990, and its implementing regulations (36CFR61)

## **MONITORING**

Schumann Wind, LLC will retain a qualified archaeologist or a cultural resources monitor who will be supervised by an individual meeting the Secretary of Interior's Standards and Guidelines. The archaeological monitoring is necessary due to the poor visibility during the archaeological inventory survey, the presence of historic trails, and the presence of cultural resources in adjacent areas of the Schumann Wind project area. Additionally, there is one historic property of religious and cultural significance to the CTUIR. The monitor will compile daily monitoring forms indicating date, time, activities observed, and any findings. Monitoring work will be documented in a letter report which will be submitted to Schumann Wind, LLC and the Oregon State Historic Preservation Office.

## **PROTOCOL FOR THE INADVERTENT DISCOVERY OF HUMAN REMAINS AND ARCHAEOLOGICAL RESOURCES**

In the event of the inadvertent discovery of human remains and/or archaeological resources, the archaeologist and all project construction staff will follow the following protocols:

- 1) All work within 100 feet of the discovery will be stopped; this will be known as the discovery area (discovery and buffer zone). The discovery will be left in place and not disturbed, and the Site Inspector will be notified.
- 2) The discovery area will be protected through security measures. The integrity of the discovery is of highest concern and appropriate steps will be taken to protect the discovery. A physical barrier such as hazard fencing will be placed around the discovery area to avoid unauthorized personnel and equipment from entering the discovery area.
- 3) A transportation corridor, outside of the discovery area boundary, can be created if necessary to allow for vehicles and personnel to move to and from project areas while the discovery is being handled.
- 4) At the discretion of the qualified archaeologist, an additional buffer (beyond the initial 100 feet buffer) may be added to the discovery area to ensure that no activities impact the discovery location including unauthorized personnel.
- 5) If the discovery includes human remains, the Site Inspector will notify the Oregon State Police, the Confederated Tribes of the Umatilla Indian Reservation, and the Oregon State Historic Preservation Office. The Oregon State Police will assist in determining whether it should be treated as a crime scene or as a human burial.
- 6) The Site Inspector will ensure that no construction work will be allowed to resume until after treatment of the discovery has been completed.

The discovery will be treated as described below depending on whether the discovery represents human remains or archaeological resources.

### ***Human Remains***

Any human remains, burial sites, or funerary objects that are discovered during construction will be treated with the utmost respect, dignity, and confidentiality. No photograph should be taken unless they are needed to help identify whether or not the items observed are human remains. The treatment of Native American human remains will follow the State of Oregon's

developed protocol, *Treatment of Native American Human Remains Discovered Inadvertently or Through Criminal Investigations on Private and Public, State-Owned Lands in Oregon* ([https://www.oregonlegislature.gov/cis/Documents/treatment\\_remains111412.pdf](https://www.oregonlegislature.gov/cis/Documents/treatment_remains111412.pdf)). These protocols were created by the Government to Government Cultural Resource Cluster Group in September 2006 and updated October 2009, February 2011.

### Contacts

Oregon State Police:

- Sgt. Chris Allori, Office (503) 731-4717, Cellular (503) 708-6461

State Historic Preservation Office (SHPO):

- Dennis Griffin, State Archaeologist, Office (503) 986-0674, Cellular (503) 881-5038

Legislative Commission on Indian Services (LCIS):

- Karen Quigley, Director, Office (503) 986-1067

Confederated Tribes of the Umatilla Indian Reservation:

- Primary: Teara Farrow Ferman, Program Manager, Office (541) 429-7230, Cellular (541) 377-2959
- Secondary: Bambi Rodriguez, Assistant Program Manager, Office (541) 429-7203, Cellular (541) 377-2939

If any inadvertent discovery of human remains is on federal or tribal lands, the inadvertent discoveries section of the Native American Graves Protection and Repatriation Act will be followed.

### **Archaeological Resources**

It is illegal to disturb an archaeological site on private or public land without obtaining an archaeological excavation permit, ORS 358.920(1)(a). These laws apply when archaeological resources are inadvertently discovered and determined to be archaeological. The qualified archaeologist will follow the Treatment of Inadvertent Discoveries and Site Preservation protocols developed in the *Guidelines for Conducting Field Archaeology in Oregon*, developed by the Oregon State Historic Preservation Office (SHPO), April 2007 ([http://www.oregon.gov/oprd/HCD/ARCH/docs/draft\\_field\\_guidelines.pdf](http://www.oregon.gov/oprd/HCD/ARCH/docs/draft_field_guidelines.pdf)).

The qualified archaeologist shall make a preliminary assessment of whether the cultural material or site is potentially significant and recommendations on additional steps to mitigate effects. The assessment must be reviewed by the Oregon SHPO for concurrence prior to beginning any ground disturbing activities. Depending on the project activities, nature of the discovery, and the statutory jurisdiction, the Oregon SHPO may require a treatment plan to be developed.

To make the preliminary assessment, the qualified archaeologist will need to conduct a field assessment of the site to determine its potential State Register eligibility and the project's potential effects to the discovery site. Additional information and archaeological work may be necessary to determine significance, site boundaries, and State Register eligibility. If the site meets State Register criteria, the discovery area will be avoided and protection in place. If site avoidance is not possible, archaeological data recovery of the site may need to be completed if other treatment options are not more appropriate. All treatment options should be discussed and documented with the appropriate interested parties. A data recovery plans will be developed in coordination with the Oregon SHPO and an archaeological permit applied for prior to any ground disturbing activities.

### Contacts

State Historic Preservation Office (SHPO):

- Dennis Griffin, State Archaeologist, Office (503) 986-0674, Cellular (503) 881-5038, Dennis.Griffin@state.or.us

Confederated Tribes of the Umatilla Indian Reservation:

- Carey Miller, Senior Archaeologist, Office (541) 429-7234, CareyMiller@ctuir.org

If any inadvertent discovery of archaeological resources is on federal or tribal lands, the National Historic Preservation Act and Archaeological Resources Protection Act will be followed.