



Confederated Tribes and Bands
of the Yakama Nation

Established by the
Treaty of June 9, 1855

February 21, 2019

Kimberly Bose
Federal Energy Regulatory Commission
888 First Street NE
Washington, DC 20426

Re: Notification of Intent and Pre-Application Document for the Goldendale Energy Storage Project,
FERC No. 14861

Ms. Bose,

The Confederated Tribes and Bands of the Yakama Nation (Yakama Nation) have reviewed a letter and Pre-Application Document sent to the Federal Energy Regulatory Commission from Rye Development under FERC No. 14861. The proposed project Area of Potential Effect (APE) is within the Ceded Area of the Yakama Nation pursuant to the Treaty of 1855 (12 stat., 951) and is the Supreme Law of the Land pursuant to Article 6 of the U.S. Constitution (i.e. Supremacy Clause). The FERC has a Federal Trust Responsibility to preserve and protect resources significant to the Yakama Nation. Only the Yakama Nation can determine what is significant to the Tribe. Based on review of the letter and pre-application, the Yakama Nation has several concerns with this project.

The Yakama Nation Cultural Resources Program filed a letter of opposition to this project on February 14, 2018. This letter of opposition was regarding the detrimental impact this project will have on a previously recorded Traditional Cultural Property (TCP). Based on review of the pre-application packet, there is mention of a cultural resources survey conducted by the Yakama Nation within the APE in 2013, however neither the results of this investigation nor the Traditional Cultural Property recorded were mentioned in the packet. Rye Development visited the Yakama Nation Tribal Council on September 4, 2018. Concerns were raised regarding the letter of opposition from the Yakama Nation Cultural Resources Program, however no resolution was provided aside from stating the desire to contract with the Program. Hiring a Yakama Nation program to provide technical expertise is not a resolution to the concerns brought forth by the Tribe to date. While it will provide the Program's expertise to further elaborate on the significance of the TCP, it has not resolved the issue that there will be detrimental impacts to this resource.

After reading the letter, it appears that Rye Development finds that pursuant to Section 5.3(c)(1)(i) and (ii) under item (B) it reads:

The Applicant believes that, while significant and obviously important, the resource issues of the Project are both simple and minimal compared to other projects of this scale. Concomitantly, the likelihood of significant dispute over studies is also minimal.



Confederated Tribes and Bands
of the Yakama Nation

Established by the
Treaty of June 9, 1855

The Yakama Nation strongly disagrees with that statement. The resource issues involving this project are not minimal and are not simple, they are all encompassing and unavoidable. Furthermore, the likelihood of a significant dispute over studies is expected due to the significance of the sacred site and associated resources.

The Yakama Nation does not believe that Rye Development conducted the pre-application in a good faith effort. This is the first time that the Yakama Nation has been afforded the opportunity to read any preliminary studies conducted by Rye Development. Nor were we aware that a draft Historic Properties Management Plan was being drafted as part of the document. Had the Yakama Nation been afforded the opportunity to review and comment on these documents, further information could have been brought forth to inform the application process. The Yakama Nation has informed the applicant and previous applicants under Docket P-1333, that this project is within a TCP that was recorded in 2013. Therefore, the Yakama Nations questions the accuracy of the letter and corresponding application document.

The method of how this application process continues to progress is going in a direction where the Yakama Nation will inevitably be required to mitigate a sacred site. At no time has FERC provided a stop-gap measure that would allow for consideration of its Federal Trust Responsibility to protect this TCP. Rye Development's execution of the National Environmental Policy Act and 18 CFR Subchapter B, Part B has not been a process in concert with our Nation's concerns and documented facts, but rather has been moving forward despite them.

For these reasons, the Yakama Nation is formally opposed to this project as it will damage a sacred TCP and will cause significant impacts to the Yakama way of life.

Sincerely,

JoDe Goudy

Yakama Nation Tribal Chairman

Cc: YN Cultural Committee

Jerry Meninick, YN Culture Division Deputy Director

Rob Whitlam, State Archaeologist, DAHP

Dennis Griffin, State Archaeologist, Oregon SHPO