



Allyson Brooks Ph.D., Director
State Historic Preservation Officer

January 5, 2022

Mr. Erik Steimle
Rye Development
220 NW 8th Ave.
Portland, OR 97209

Mr. Mike Tust
FERC
888 First Street
Washington, DC 20426

Re: Goldendale Energy Storage Project
Log No. : 2020-08-05202-FERC

Dear Mr. Steimle and Mr. Tust:

We are in receipt of the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) Traditional Use Study for the proposed Goldendale Energy Storage Project, Klickitat County, Washington.

As we stated in our letter to Mr. Steimle of December 15, 2021, the Section 106 process details a clear sequential step wise process stipulated in 36 CFR 800 that requires meaningful consultations between the parties and the federal agency, and the submission of supporting documents and determinations in a specific sequence.

This document, without benefit of a cover letter from the lead federal agency, and missing any official signature from either the federal agency or tribal government, continues an unacceptable and knowing pattern of ignoring federal law and regulations stipulated in 36CFR800.

The current document is incomplete and does not provide the federal agency determination of eligibility nor the tribes' concurrence and signature for documentation and release to our Department. We have worked collaboratively with concerned tribal governments to create a secure and digital Traditional Cultural Places template to assure all legal protocols are followed. The current document drop does not confirm to those requirements.

This current document drop continues a pattern of providing incomplete submissions without a cover letter and any official determination as required by federal law.

We have previously concurred with an Adverse Effect Determination and the next step should be a collaborative consultation effort to develop a Programmatic Agreement with specific stipulations tailored to the particular historic, cultural, and archaeological properties, and now CTUIR traditional cultural properties effected by this undertaking.

This current document clearly has significance information and implications for decision making and a Historic Properties Management Plan that is a product of that consultations and it is



developed from an outline that the consulting craft as part of the ongoing Section 106 process. That has not happened.

We believe it is important for the FERC to establish the consultative and collaborative forum so the legal required Agreement documents may be crafted in the proper sequence. This requires FERC to require and host a meeting for all the parties to participate in an informed consultation.

Also, considering the Executive Order on Sacred Sites recently issued by the current Administration, it is even more imperative that FERC hold government to government meetings with the consulting tribes.

The Federal government has a Trust responsibility to tribal nations and as a federal agency FERC has a paramount obligation to uphold the unique federal-tribal relationship that is distinct and separate from consultation with the general public

We would also request receiving any correspondence or comments from concerned tribes or other parties that you receive as you consult under the requirements of 36CFR800.4(a)(4). These comments are based on the information available at the time of this review and on behalf of the State Historic Preservation Officer in compliance with the Section 106 of the National Historic Preservation Act, as amended, and its implementing regulations 36CFR800.4. Should additional information become available, our assessment may be revised. Thank you for the opportunity to comment and we look forward to further consultation.

Sincerely,



Robert G. Whitlam, Ph.D.
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