



Confederated Tribes and Bands of the Yakama Nation  
Established by the Treaty of June 9, 1855

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Toppenish Washington 98948

Sonia Bumpus  
Energy Facility Site Evaluation Council  
PO BOX 43172  
Olympia WA, 98504-3172

RECEIVED

February 13, 2023

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ENERGY FACILITY SITE  
EVALUATION COUNCIL

RE: Hop Hill Solar Application

Dear Ms. Bumpus,

The Yakama Nation Cultural Resources Program (CRP) has reviewed the Hop Hill Solar Application currently available via the Energy Facility Site Evaluation Council (EFSEC) website. This proposed solar facility is located within Yakama Nation Ceded Lands, the legal rights to which were established by the Treaty of 1855 (12 stat. 951). The Treaty set forth that the Yakama Nation shall retain rights to resources upon these lands and, therefore, it is with the assistance of the United States Federal Government that Yakama Nation claims authority to protect traditional resources.

This proposed facility is located within an area of elevated concern for Yakama Nation Traditional Cultural Properties. Yakama Nation CRP finds the application incomplete. Our comments are as follows:

- Yakama Nation CRP received a notice of application via email on January 18, 2023. The EFSEC website indicates that the application was submitted December 22, 2022. Email correspondence with EFSEC staff indicates that the cultural resources report is not available, though survey was conducted in September of 2022. The report is not available via the Department of Archaeology and Historic Preservation's WISAARD database. The application should not have been filed without this critical information. Doing so signals that archaeological resources are being considered a secondary concern within this process.
- "F" (List of Stakeholders; page 11): The contact information for the Yakama Nation is incorrect. Please contact this office for correct information. Further, noting engagement with the Yakama Nation as "ongoing" is inaccurate.
- Table A.5 (Mitigation Measures Summary, starting on page 37); The applicant repeatedly identifies the Yakama Nation, Umatilla, Nez Perce and Warm Springs as consulting parties. This project, however, is located in the Treaty territories of the Yakama Nation, just miles from the Yakama Nation Reservation. EFSEC appears to be allowing applicants to identify interested tribes and, we feel strongly that more informed guidance is needed. The applicant has further retained GeoVisions (Warm Springs) to conduct cultural resources studies. This is highly unusual given the location of the project within the Yakama Nation's Treaty lands.
- Table A.5 (Mitigation Measures Summary, starting on page 37); Archaeological survey reports have not been made available. Yakama Nation review and technical consultation with DAHP/EFSEC has not occurred. Therefore mitigation suggested is premature and insufficient. Yakama Nation CRP will consider methods that preserve, protect and perpetuate cultural resources. Excavation and data recovery are not compatible with our priorities.
- Table 3.18; Numbers 4 and 5 are inaccurate. The report has not been made available and the mitigation is not adequate.

- Table 3.19; Numbers 4 and 5 are inaccurate. The report has not been made available and the mitigation is not adequate.
- Table 4.18.A; this table states cultural surveys have not yet been completed in contradiction to information provided earlier in the document (see above comments).
- Table 4.18.B and 4.18.C; the tables contain references to National Register of Historic Places and Washington Heritage Register eligible sites. As presented, this consideration is contrary to state law.
- Table 4.18.D; the table recommends a number of mitigation measures. See our previous comment regarding data recovery and excavation. In addition, EFSEC should be aware that we may not consider design whereby a site becomes an “island” within a large development true avoidance. When this is done, the site loses context vital to both science and culture. Measures such as “completing a survey”, having an IDP, or other items considered due diligence/informing SEPA are not mitigation.

In response, please contact Yakama Nation CRP Archaeologist Jessica Lally (jessica\_lally@yakama.com; x4766). Please provide the referenced cultural survey report as soon as possible.

Thank you,



Casey Barney  
Interim Program Manager, Yakama Nation Cultural Resources Program  
509-865-521 x4738

Cc:

Yakama Nation Cultural Committee  
Jerry Meninick, Yakama Nation Deputy Director of Cultural  
Jessica Lally, Yakama Nation Cultural Resources Program Archaeologist  
Shona Voelckers, Yakama Nation Office of Legal Counsel  
David Witt, Department of Archaeology and Historic Preservation